

Predetermined Responses to the Problem of Childcare Flexibility: Critiquing the Role of the Public Inquiry

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Abstract

In this paper, we examine how a 2015 Australian Productivity Commission Inquiry into Child Care and Early Childhood Learning (APCICCECL) approached the issue of childcare flexibility and how this framing changed, or remained unchanged, over the course of the inquiry. In doing so, we provide an empirical account of the role of a public inquiry in policy development, and positioning the APCICCECL as a largely “ceremonial event”. Our analysis gives credence to Humphries, Webster and Pocock’s (2014) assessment of the role of public inquiries as ‘soothing’ or ‘assuaging’ public concern, rather than providing outcomes that address the cause of the issue. In the case of the APCICCECL, we find that while the inquiry had the potential to soothe the concerns of middle class professionals regarding childcare accessibility, the recommended policy solutions were particularly narrowly targeted, rendering them largely inaccessible for the majority of parents, particularly those on low incomes. The solution to subsidise nannies cast the issue of childcare inflexibility as a private concern for high income professionals, largely excluding the experiences of casual and shift-working parents from the policy imaginary.

In this paper we add to the growing critique of rationalist approaches to public inquiries, arguing that the contested nature and uptake of evidence are as much about ‘truth producing’ as they are about ‘truth finding’. We present an overview of childcare policy in Australia and previous responses to the issue of childcare inflexibility before turning to describe recent critiques of public inquiries as sites for the operation of privilege and power that render these as subjective, ‘truth producing’ activities rather than objective, ‘truth revealing’ accounts.

Despite Australian Productivity Commission inquiries purporting to “give the opportunity for all points of view in the community to be heard and considered” (Productivity Commission 2016), our research shows that the Commission remained closely tied to the inquiry Terms of Reference. In doing so, it excluded ways of understanding or conceptualising the issue of childcare flexibility that lay beyond its original framing; a framing that excluded the experiences of vulnerable and disadvantaged families and prioritized the needs of dual earner professional couples and shift working emergency service personnel. This individualized framing was problematic insofar as few of these solutions could address the kinds of childcare flexibility concerns experienced by the majority of families, particularly those who were disadvantaged and vulnerable, such as parents working casually, often for low wages. Following Bacchi (2009) we argue that the representation of the ‘problem’, in this instance families’ need for flexible childcare, was as important as the final policy ‘solutions’, as the discursive shaping of the issue held with it the possible array of responses. The inquiry process buttressed the existing social order, whereby the interests of high income professionals were prioritised over the concerns of lower middle class workers whose needs were less able to be met through the proposed policy solution: government subsidies for nannies.

Introduction

In this paper, we examine how an Australian Productivity Commission (PC) Inquiry into Child Care and Early Childhood Learning (APCICCECL) approached the issue of childcare flexibility and how this framing changed or rather, remained unchanged, over the course of the inquiry. In doing so, we provide an empirical critique of the public inquiry in policy development and position the APCICCECL as a largely ‘ceremonial event’ (Ainsworth and Hardy, 2012: 1693) used to furnish an existing policy direction with ‘independent’ legitimacy.

Our analysis gives credence to Humphreys, Webster and Pocock’s (2014) assessment of the role of public inquiries as ‘soothing’ or ‘assuaging’ public concern, and adds a more critical edge by suggesting this role helped to disguise the degree to which the inquiry failed to deliver outcomes that address the cause of the issue. In the case of the APCICCECL, we find that while the inquiry had the potential to address the concerns of the majority of parents, the recommended policy solutions were targeted at the concerns of middle class professionals regarding childcare accessibility; rendering them inappropriate for families in the ‘accommodation and food service’ sector, which has the second highest rate of shift work. The policy solution, to subsidise nannies, cast the issue of childcare inflexibility as a private concern for professionals with above-average incomes and emergency services personnel; buttressing the existing policy position of the Prime Minister and excluding from the policy imaginary the experiences of lower income casual and shift-working parents.

We begin this analysis by presenting a brief overview of the role of public inquiries in shaping policy outcomes before describing our approach, data and methods, and results. Drawing on Bacchi’s (2009) problem framing approach and official documents from the APCICCECL, we find that a range of factors, including the short time-frame of the inquiry

and the abundance of stakeholder data received, resulted in the problem framing remaining largely unchanged throughout the inquiry. The original framing of this problem, as experienced by professionals and emergency services personnel, not only remained intact; it became more solidified as the concerns of families outside of these occupational categories were largely silenced. This narrow framing of the problem of childcare flexibility limited the usefulness of the resultant recommendations for the many lower income families who work non-standard and/or unpredictable hours. Taken together, our findings add to the weight of studies that call into question the usefulness of public inquiries in informing the development of inclusive policy initiatives.

The role of public inquiries in shaping policy problems

Pitched as a formal and independent vehicle, public inquiries promise change in ways that are difficult to realise (Burgess, 2011). While some, such as the Chairman of the Australian PC, argue that public inquiries have resulted in better policy outcomes through the development of a more rigorous evidence base (Banks, 2007); more recent research takes a more critical view of their role. Researchers have coined the phrase ‘the age of the inquiry’, in response to the proliferation of public inquiries over recent decades (Stanley and Manthorpe, 2004). Further, researchers have argued that the social function of inquiries has shifted considerably in recent decades (Humphreys et al., 2014; Burgess, 2011). While pre-1980s inquiries were typically restricted to internal matters of the state, inquiries in more recent times have achieved a greater public profile as a governmental vehicle for soothing public concern at social problems or injustices (Humphreys et al., 2014; Burgess, 2011). Recent scholarship has critiqued the rationalist positioning of inquiries as independent processes that shape good governance, pointing out that they are increasingly becoming ‘ceremonial events’, where governments assemble knowledgeable actors to make sense of a social problem and present actionable solutions (Ainsworth and Hardy, 2012: 1693).

Recent research has examined the role of inquiries in producing truth. Des Rosiers' research on the Canadian Murdered and Missing Indigenous Women and Girls Inquiry (2016: 377) addresses common criticisms of public inquiries, including that they rarely deliver as much as expected, and their recommendations are commonly ignored by decision makers. She argues that for a public inquiry to function with integrity, it must be simultaneously 'truth finding' as well as 'truth producing' – that is, it must also establish a transformative agenda for meaningful social change (Des Rosiers, 2016: 380). Other researchers have adopted a more critical approach to the production of 'truth', through interrogations of what counts as evidence. For instance, the research of Humphreys et al. (2014) on the processes used in two public inquiries in Australia argues that evidence was not used in a predictable way, but rather was 'cherry picked' to fit predetermined political agendas; a finding that is consistent with similar Australian research on the partiality of inquiry processes (Cook, Corr and Breitzkreuz 2016; Cook and Natalier 2013, 2014).

Other critical research on public inquiries has focused on how the particular 'problems' that inquiries respond to are produced. Corr and Carey (2016) examined two Australian PC inquiries into childcare, along with the resultant recommendations. Drawing on Bacchi's (2009) 'What is the problem represented to be' approach to policy analysis they interrogate the role of the public inquiry as a process that produces (rather than solves) 'problems' that are laden with specific meanings, which in turn shapes recommendations. They argued the PC's recommendations were economically rationalist and simplistic, positioning the childcare 'problem' as an economic burden on government.

The current paper continues in this critical tradition. In the following analysis, we add to the growing critique of rationalist approaches to public inquiries (Ainsworth and Hardy, 2012; Cook, Corr and Breitzkreuz 2016; Cook and Natalier, 2014; Des Rosiers, 2016; Humphreys et

al., 2014; McAlinden and Naylor, 2016), arguing that the contested nature and uptake of evidence is as much about the production of truth as it is about the finding of truth.

As we will elaborate in the following section, the Australian PC is an internationally unique organisation in that it operates at arm's length from other government agencies and its "processes and outputs are ... driven by concern for the wellbeing of the community as a whole" (Corr and Carey, 2016; PC, 2015a: ii). Established in 1988 as an Industry Commission within the Bureau of Industry Economics, it later became an Economy Planning Advisory Committee (Banks, 2003). Given the economic origins of the PC, it has been described as operating within a broadly economically rationalist tradition (Banks, 2003), which some have argued colours the PC's worldview and subsequent recommendations (Corr and Carey, 2016). Each inquiry process involves the following stages:

1. The Australian Government decides to initiate an inquiry.
2. The Treasurer or Assistant Treasurer sends a reference to the Commission.
3. The Commission advertises the inquiry and calls for parties to register their interest.
4. The Commission visits interested parties, distributes an issues paper to focus attention on matters it considers relevant, and invites written submissions.
5. Depending on the reference, hearings or other consultative forums are held.
6. The Commission publishes a draft report or position paper and invites further submissions.
7. Hearings are usually held on this preliminary report.
8. A final report is sent to the Government. Briefings consultations are held and the report is considered by relevant Ministers.
9. The Treasurer tables the report in Parliament. The Government may announce its decisions on the report at that time or at a later date (PC, 2017).

Following this standard chronology we present our results by first examining: the initial announcement of the Inquiry (#1); the Terms of Reference (ToR) the Treasurer sent to the Commission (#2); the Issues Paper calling for submissions to the Inquiry (#4); the PC's draft report, the interim report, and subsequent call for comments (#6); and the PC's final report (#8).

Despite the PC purporting to “give the opportunity for all points of view in the community to be heard and considered” (PC, 2016), our research shows that the PC remained closely tied to the inquiry ToR. In doing so, it excluded ways of understanding or conceptualising the issue of childcare flexibility that lay beyond its original framing; a framing that excluded the experiences of vulnerable and disadvantaged families and prioritised the needs of dual earner professional couples and shift working emergency service personnel. This individualised framing was problematic insofar as few of these solutions could address the kinds of inflexibility experienced by the majority of families, particularly parents working casually, often for low wages. Following Bacchi (2009) we argue that the representation of the ‘problem’, which in this instance was the representation of childcare flexibility, strongly limited the array of possible responses. As such, we find that the inquiry process buttressed the existing social order, whereby the interests of high income professionals were prioritised over the concerns of lower middle class workers whose needs were less able to be met through the proposed policy solution of government subsidies for nannies. We now present an overview of childcare policy in Australia and previous responses to the issue of childcare inflexibility before presenting our findings.

Australian Context and Policy Background

In Australia, as in many other countries, families are increasingly working non-standard hours in response to our 24-hour service economy (Skinner and Pocock, 2014; *The Work + Family Roundtable*, 2016). Australians report some of the longest working hours in the world, with recent research finding that over 40 per cent of full time employees work more than 50 hours per week (Pocock et al., 2012). According to the Australian Bureau of Statistics (ABS, 2009), in half of dual earner couple families, one or both parents were 'on call' or worked variable hours. More than half (60 per cent) had one or both parents working outside of standard business hours (outside 7am to 7pm). Furthermore, 15 per cent of dual earner couples had both parents working shifts on weekends as well as weekdays, and one third of employed single parents had this working arrangement. The rise of non-standard work, which Ammons and Kelly (2015) refer to as the 'new economy', has sharp class dimensions. As they point out:

In this era, some workers have more stability than others and some workers put in long hours at work but have some control over when, where and how they work. But many workers are poorly compensated and struggle with underemployment; have little say over their schedules; lack adequate benefits; and must cobble together several jobs and/or rely heavily on kinship networks to make ends meet (Ammons and Kelly, 2015: xii).

In Australia many families also often had little control over start and finish times with over half (55 per cent) of employed lone parents and a little under a third (28 per cent) of couple families reporting they did not have a say on these matters (ABS, 2009: 3). Despite this strong shift towards non-standard work hours, Australian childcare services, as in many other countries, continue to assume that parents have regular shifts during standard business hours.

This mismatch is one important source of inflexibility, but there are others. What we refer to as the age segmentation of formal childcare provision is another source. This issue commonly forces families with multiple children to use multiple care services, most commonly they struggle with drop offs and pickups because long day care centres and family day care for young children are not co-located with preschools (that deliver early education to children in the year prior to compulsory schooling) or near Outside School Hours Care services (which deliver school to school age children). Furthermore, the operating hours of preschools (for children aged 3 to 4 years) is typically limited to 15 hours per week, spread over 2-3 days, which is inconsistent with work hours or other childcare services. Lack of supply also contributes to the inflexibility experienced by families. Demand for childcare places (particularly for infants and toddlers) commonly exceeds supply. Families must place their child on the waiting list before they are born, may have to wait several years before finding care and if they move house or city they may struggle to find a new childcare place quickly.

Policy responses to childcare inflexibility

Families' problems around inflexibility have resulted in persistent demands that the government reform the system so as to increase access to more flexible forms of care. In response, two consecutive Australian governments have trialled new flexible models of care, but these efforts have had very limited success. These policy failures are due, we suggest, to poor policy insight into the dimensions and scale of the childcare flexibility problem, including a very narrow understanding of the challenges faced by families and service providers' needs and desires. Within this paper we focus on how the PC Inquiry into Child Care and Early Childhood Learning approached the issue of childcare flexibility and the degree to which the initial framing changed over the course of the review. However, to

understand the degree to which the review bracketed out alternative policy responses it is necessary to understand a little of the background to the debate around childcare flexibility.

As part of its Stronger Families and Communities Strategy the Howard Coalition (1996-2007) introduced in 2001 the In Home Care (IHC) Program, which is a flexible form of childcare designed to provide childcare to children who, due to their own or family characteristics, face barriers to accessing mainstream childcare services. However, places in this program are capped which means that not all eligible families are able to access the hours of care they need (McIntosh and Phillips, 2002). With the growth in non-standard hours of employment and the increasing tendency for women to return to paid work soon after the birth of a child the subsequent Labor government (2007-2013) faced pressure to do more to assist families working non-standard hours. Beginning in 2012, the then opposition leader Tony Abbott argued that “addressing the ‘inflexible’ childcare market was the best way a government could support parents juggling work and family responsibilities” (Peatling, 2012). Abbott promised that if elected one of his first acts “would be to ask the Productivity Commission to examine how much it would cost to extend the childcare rebate for in-home care, such as nannies, in recognition that existing arrangements do not meet the needs of many families” (Peatling, 2012). Labor rejected this idea but decided against expanding the IHC Program. Instead, in April 2013 they launched the Flexibility Trials, which involved childcare providers applying for government funds to trial flexible care solutions including after-hours, overnight, and weekend care.

At the time of the trial launch, there was no Australian research that provided a clear evidence base on which options should be trialled and service providers were left to develop whatever options they felt were most appropriate. Furthermore, with the Liberal National

Party (LNP) winning the Federal election in September 2013 (to present) and Abbott becoming Prime Minister, the Flexibility Trials no longer had strong political support. As Abbott had promised in 2012, his government quickly moved to ask the PC to undertake an Inquiry into Child Care and Early Childhood Learning that had flexibility as a core focus (Hockey, 2013; PC, 2014a). The Treasurer Joe Hockey's announcement on 17 November 2013 of the 2013-14 APCICCECL into the childcare sector and the December release of its issues paper generated considerable anticipation amongst parents and anxiety amongst the childcare sector.

Meanwhile the Flexibility Trials continued and as they neared a close in June 2014, the Minister responsible (Sussan Ley) announced that one third of the trails had ceased after failing to attract sufficient participants, and uptake by parents was less than half of what the government anticipated (Ley, 2014; PC, 2014a). This announcement largely reflected the findings of the subsequent official evaluation, which found that although a small number of the innovations were successful; overall, the trial struggled to provide solutions that were simultaneously appropriate for families and financially sustainable for childcare providers (Baxter and Hand, 2016; PC 2014a).

As the trials drew to a close, the PC released its draft report on 22 July 2014 (PC, 2014b), followed by its final report on 20 February, 2015 (PC, 2015b). Researchers (Corr and Carey, 2016) have assessed the PC's free-market-oriented recommendations as providing an unsatisfactory response to parents' need for flexible, quality care options. The recommendations sent shockwaves through the service sector by prioritising private, unregulated forms of care (such as nannies and *au pairs*). Such solutions were widely assessed as being inappropriate for lower wage workers, and were viewed by researchers and

unions as prioritising childcare flexibility at the expense of service quality (Corr and Carey, 2016; The Work + Family Policy Roundtable, 2016; United Voice, 2014). Similar concerns surrounded the May 2015 budget announcement of the Nanny Pilot, which would extend subsidies for up to 4,000 nannies who would care for up to 10,000 children (Munro, 2015).

This brief overview illustrates significant disagreement amongst parents, service providers and policymakers regarding the nature of the problem and appropriate policy solutions. The aim of this paper is not to identify which perspective is more legitimate, but to contribute to the existing literature on public inquiries by critically examining the way in which the problem of childcare flexibility was understood by the PC; a forum that has a mandate to collect, collate and disseminate the views of diverse stakeholders and represent them to government for policy action (PC, 2015b).

Methodological approach

Following techniques used in similar analyses of the construction of policy truths in public inquiries (see for example: Cook, Corr and Breitzkreuz 2016; Cook and Natalier 2013, 2014; Corr and Carey, 2016; Jenson, 2008), we examine the extent to which the PC's original framing, as outlined in their Issues Paper, altered over the course of the inquiry or whether *a priori* understandings of the problems to be solved endured. Our primary focus is on the interdiscursive politics of policy formation (Gale, 1999), and the extent to which the APCICCECL can be conceived as a truth-producing or truth-finding instrument. Our analysis thus moves beyond traditional accounts of policy production – and the role of public inquiry processes therein – as a series of decisions taken to address identified problems (Gale, 1999). Following Gale (1999), we locate policy texts as embedded within, and recursively informing, policy discourse. Here, policy discourse can be seen to be positioned between

policy ideology and policy texts (Gale, 1999); where discourse provides a recursive mechanism through which ideology is both invoked and refined over time, and a means through which policy texts can be both conceived and interpreted and policy truths can be both found and constructed. How power shapes the trajectory of policy texts over the course of an inquiry is what we seek to empirically examine.

While researchers are not often privy to the “micropolitics of interest group articulation” (Ball, 1993: 11) that inform the production of policy texts, discursive changes over time provide opportunities to identify how problems are being presented and represented (Bacchi, 2009), and the interests and power relations that shape these. While we are not, and cannot be, privy to the full range of texts and interactions that inform policy responses, such as inquiry reports; official accounts of policy problems are telling, as they are an expression of power and influence that limit the nature and scope of resultant solutions (Bacchi, 2009). Our focus is therefore on the extent to which it was possible for ‘lay’ or ‘stakeholder’ understandings of childcare problems to inform, influence or disrupt ‘elite’ representations; asking, whose experiences were privileged and whose were silenced? Here, we seek to illustrate the production of truths and knowledge about childcare flexibility, and the extent to which the PC’s texts were discursively fixed or open to adjustment as a result of discursive struggles that occur during public inquiry processes. In doing so, we offer a critique of the role of public inquiries in shaping good governance.

Data and methods

Following the analytical techniques of policy trajectory analysis employed by Ball (1993), Gale (1999, 2001, 2003), and others (Cook, Corr and Breitzkreuz 2016; Cook and Natalier 2013, 2014), our approach to understanding the role of this public inquiry in shaping policy

outcomes is to analyse the discursive circulation and articulation of power in policy processes. More concretely, we focus on policy texts including government documents, departmental records, inquiry transcripts and reports. Specifically, we concentrate on the following texts:

- The ToR for the PC Inquiry into Child Care and Early Childhood Learning that were announced in November;
- The 42-page Issues Paper the PC released on 5 December 2013, to assist people to prepare a submission;
- The 918-page Draft Report released on 22 July 2014 (just two weeks after the close of public submissions);
- The 788-page Final Report released on February 20, 2015 (PC, 2015b).

There is not space here to systematically analyse the public submissions but we note that the Inquiry followed the PC's usual process for garnering input and feedback. This meant that the commencement of the Inquiry and release of the Issues Paper was followed by a call for public submissions. This resulted in 468 submissions being received over the period 20 November 2013 to 8 July 2014. Submissions were received from a variety of government departments, service providers, researchers, social service agencies, and private individuals. Furthermore, following the release of the draft report, responses were accepted over a 3-month period, until 14 October 2014. During this time, a further 455 written submissions were received, again, spanning the spectrum of stakeholders. In addition to receiving written responses to the Draft Report, eight public hearings were held during the consultation phase, over a period of three weeks from 7 August to 26 August 2014. Seven hearings were held in public cities across Australia, with one further hearing held in Port Macquarie (located

approximately 4 hours' drive north of Sydney). Finally, Brief Comments (entered into an online form on the PC website) were received from: 679 users of education and care services; 231 people who worked in education and care services; and 117 people who both used and worked in education and care services. Brief Comments could be submitted until September 5, 2014 and thus spanned both the Draft and Final reports. Thus, while we attend to whose voices were included or silenced in 'official' accounts, we acknowledge that what is excluded from our analysis is a comprehensive examination of how parents and service providers constructed the problem and its possible solutions.

Findings

We argue the truth-producing nature of the APCICCECL inquiry became fixed well before the establishment of the inquiry. Here, the incoming government set the scope of the resultant inquiry, fixing the nature of the problem to be solved in ways that were not amenable to policy truths that lay outside of this framing. In the following sections, we reveal how the framing of the childcare flexibility problem became increasingly fixed and narrow over the course of the Inquiry, in ways that wrote out original concerns expressed in the announcement of the Inquiry and the release of the Issues Paper regarding the needs of vulnerable and at-risk children and those with diverse circumstances. As such, we reveal how the ceremonial nature of the public inquiry process was exploited, and evidence was assembled in ways that delivered the kinds of policy truths that most suited the government's existing agenda, thus rendering the ACPCICCECL a largely unnecessary event.

Garnering public support: Establishing the inquiry

The ToR that the Treasurer of the newly elected LNP sent to the PC requested that they report on and make recommendations regarding the following issues:

1. the contribution of childcare to workforce participation and child development
2. current and future need for childcare in Australia, particularly given changes in work patterns, early learning needs, childcare affordability and government assistance
3. the capacity of the childcare system to ensure a satisfactory transition to schools, in particular for vulnerable or at-risk children
4. alternative models of care, including those overseas, which could be considered for trial in Australia
5. options - within existing funding parameters - for improving the accessibility, flexibility and affordability of childcare for families with diverse circumstances
6. the impacts of regulatory changes, including the implementation of the National Quality Framework, on the childcare sector over the past decade (PC, 2015b).

Of these ToR, the second, fourth and fifth points relate most closely to the issue of childcare flexibility, with the fourth item believed to refer to Prime Minister Abbott's widely publicised support for extending childcare subsidies to nannies (Garvis and Pendergast, 2013; Steel, 2014). In the ToR, changing work patterns are foregrounded as one of the 'problems' contributing to childcare inflexibility, with possible solutions to be derived from "alternative models of care" that exist either in Australia, or overseas. How the framing of these problems endured over the course of the inquiry is what we examine here.

In announcing the Inquiry, Federal Treasurer Joe Hockey (2013: 1) proclaimed that, “the Inquiry will identify how the current system can be improved to make it more responsive to the needs of parents ... [as] our child care system should be responsive to the needs of today’s families and today’s economy, not the five-day 9am-5pm working week of last century”. As such, the original calls for the Inquiry referenced the increasingly ‘irregular’ hours required in the ‘new economy’, such as those worked in the evenings, at night and on weekends. But references to the new economy also entailed claims about increasing casualisation, the precarity and short-term nature of work and the piecing together of multiple jobs. Further detail on this item was provided in the then-Treasurer Joe Hockey’s letter of request for the PC to initiate the Inquiry, where he asked that “mechanisms to be considered include subsidies, rebates and tax deductions, to improve the accessibility, flexibility and affordability of child care for families facing diverse individual circumstances” (Hockey, 2013: v). Here, pre-draft report rhetoric foregrounded the needs of “families with diverse circumstances” (Hockey, 2013: v), such as those with “non-standard work hours, disadvantaged children, and regional families” (PC, 2013: iv). What the PC inquiry recommendations would mean for such diverse families, however, remained to be seen.

Framing public submissions: The Issues Paper

The policy problems and thus their possible solutions (Bacchi, 2009) became increasingly fixed with the release of the Issues Paper (PC, 2013). Again, the problem was defined as an issue for those who have “non-standard work hours, disadvantaged children, and regional families”, for whom early childhood education and care (ECEC) “generally relates to:

- the degree to which care is available across non-standard hours,
 - for example to cater for parents that work late, shift workers or
 - those studying in the evenings

- the ease with which additional services can be obtained should the needs of parents or children change” (PC, 2013: 17).

Here, more specificity was given to those who have flexibility issues. These began to crystallise into recognisable groups of workers, for example, those who work late and shift workers. Yet the specific characteristics applied to these types of workers were yet to be determined. For example, “parents that work late” could equally apply to high-income professionals who remain at the office until the job is done; or low-income casuals, such as taxi drivers and convenience store workers who are compelled to stay at work until their shift finishes. Similarly, the imagined shift worker could take the form of a socially valued nurse or police officer; or a less valued worker, such as a factory worker or security guard.

We argue that the original ‘truth producing’ framing of the imagined parent was important, as these images held with them the palatability of policy responses that sought to extend funding to small groups of families. Over the course of texts produced by the PC, these imagined workers became more defined; shaping the nature of the recommendations and opening up or closing off issues relevant to some ‘imagined’ groups, but not others. On this point, the third exemplar parent group presented in the Issues Paper, parents who study in the evening, is an interesting addition. The issues such parents face are often short-term in nature as classes change from semester to semester and occur with little advance notice – certainly not years, as is a common waiting period for a place in a long day care facility. These issues apply equally to the challenges of combining casual work with childcare. While the second bullet point included in the above excerpt speaks directly to such issues, how and indeed whether these concerns were taken up by the PC is revealing. Over the course of the analysis, we will return to examine how imagined types of workers and their job requirements are presented by the PC, and the dominant framing and omissions that occurred as a result.

The Issues Paper directed would-be contributors to comment on those matters raised in the document, as the Issues Paper was released “to assist individuals and organisations to prepare submissions to the inquiry. [And] contains and outlines ... the scope of the inquiry [and ...] matters about which the Commission is seeking comment and information” (PC, 2013: ii). Given that childcare inflexibility was framed in terms of opening hours and varying work or child schedules, this may have limited the scope of submissions made by parents, possibly omitting some of the important flexibility issues we raised above. These include challenges related to the sharp age-segmentation of care, and the logistical challenges of having multiple children at multiple care providers.

The Issues Paper also provided directions regarding how people could contribute to the Inquiry, and what was to be regarded as ‘legitimate’ knowledge:

We are interested in your views about what aspects of ECEC are working well and what aspects are problematic. In order for the Commission to recommend changes, we need to understand why any problems or concerns have arisen — as such, we need evidence as well as views (PC, 2013).

Here, ‘views’ were marked out as insufficient evidence on which the PC could recommend changes, as they were framed as not enabling the PC to understand why such issues had arisen. ‘Evidence’, on the other hand, provided such insight, but what such evidence entailed was not described, other than being marked out from personal ‘views’. However, as the following analysis will show, regardless of the input of parents and service sector stakeholders, as ‘views’ or ‘evidence’, the framing of the problem of childcare flexibility as an issue of opening hours and shift-worker roster variability remained remarkably durable over the course of the Inquiry. As such, we argue, that the ‘evidence’ on which policy

recommendations were based was already assembled from the outset. The purpose of the inquiry was to discursively assemble policy truths rather than reveal them.

Dominant Framings: The Draft Report

Seven months after the release of the Issues Paper, but only two weeks after the close of written submissions and with Brief Comments still being accepted, the PC published a 918 page Draft Report (PC, 2014b). This timeline, which would have prevented any systematic review and incorporation of the evidence from the submissions (particularly from parents), adds further weight to the argument that the APCICCECL served as a ceremonial event that was devoid of radical findings or purpose.

This draft report foregrounded flexibility concerns, as had the ToR and issues paper. The introductory material in the report notes:

In around half of all couple families where both parents work, one or both work variable hours or are on call, and putting in extra hours at work to get a job done or meet deadlines is a usual practice (PC, 2014b: 6).

This description conjures up a wide range of imagined parents including shift workers, casuals and professionals, and reflects the diversity of experiences in couple families with children. However, when the commission turned to policy solutions their conceptualisation of the families who were affected was significantly narrower. Although this was only the draft report, policy solutions were already fully formed and the imagined target families for these new initiatives were shift workers and those whose work entailed considerable travel. The report states:

The recommended extension of child-based government assistance to enable greater access to home-based care services (such as approved nannies), where these services satisfy appropriate NQF [National Quality Framework] requirements, should also improve the accessibility of ECEC particularly for those families with parents needing to work irregular or non-standard hours (such as shift work or work that involves considerable travel) (PC, 2014b:28).

The reference to travel likely pertains to the significant number of ‘fly-in-fly-out’ workers involved in the burgeoning mining sector, and other high income professionals with extensive travel requirements. Such occupations were noted in the Draft Report’s material (Box 6.2, PC, 2014b: 221) on shift work in Australia. Here, mining was listed as the industry with the highest rate of shift work. What the report failed to consider was how nannies’ care could address the needs of low-paid workers in the ‘accommodation and food service’ sector, which has the second highest rate of shift work (PC, 2014b:233). A later exemplar presented in Box 6.6 (PC, 2014b:233) outlined the ECEC issues faced by specific industries, specifically, mining, banking, nursing, retail and policing. The issues presented focused on flexibility concerns, such as shift work and non-standard hours. Only the retail workers noted concerns that resulted from increased casualisation and low wages; a group for which the proposed ‘Nanny solution’ was least appropriate.

Following the introductory sections, flexibility was framed as an issue of ECEC opening hours, scope to vary days of ECEC used, the capping of occasional care places, parents’ use of informal care (primarily nannies and au pairs), and the results of the Childcare Flexibility Trials. In terms of ECEC opening times, the focus was particularly on parents who worked non-standard hours:

While most families find the operating hours of ECEC services sufficiently flexible to meet their needs, parents who have irregular or unpredictable work patterns may not be well serviced by the current system (PC, 2014b: 325).

The Commission noted current restrictions on varying days of care, stating that:

there is limited scope for parents to vary the days they use some types of care. Many parents, especially shift workers, commented that this lack of flexibility meant that the system was not meeting their needs (PC, 2014b: 367).

The cited exemplar families included a fire fighter, and three others with unidentified occupations who had rotating shifts typical of medical or emergency service personnel. The experiences of low income shift workers and casual employees were not specifically noted in the Draft Report. Rather, these experiences were specifically excluded. For example, in a following paragraph, the Draft notes that a form of care known as ...

Occasional care can be entirely variable, but typically not booked by parents more than a week or two before it is required. It is therefore not a reliable source of care for use by working parents (PC, 2014b:368).

However, for casual workers, shifts are typically only allocated a week or two in advance, therefore the expansion of Occasional Care places would provide an ideal solution. As such, 'working parents' in the above excerpt marks out those parents who know their variable shifts well in advance, such as the firefighter from the previous excerpt, from those who are assigned work on a week-by-week basis. In doing so, flexibility concerns were cast as a problem faced by workers in specific occupations, rather than large populations of casuals

and contract workers who face uncertainty caused by the changing structure and nature of work.

Business as Usual: The Final Report

By the release of the Final Report, the framing of the policy problems, their solutions and even the structure of the report were well established and impervious to evidence that lay outside the framing that existed at the outset of the inquiry, such as the then-Prime Minister Abbot's preference for subsidised nannies.

In the Final Report, flexibility issues were contained primarily within Chapter 10, which, like the Draft Report was entitled, "Accessibility and flexibility" (pp. 401 – 448). The Final Report drew on the same arguments made in the Draft Report, often repeating the exact phrasing, headings and 'boxed' examples and excerpts. A notable exception to this is that the occupation 'Law' was added to the exemplar occupations facing ECEC issues (Box 6.2 in the Draft Report; Box 6.6 in the Final Report), highlighting the focus on high income professionals and the long work-hours they face that are "dependent on court sitting times, time sensitivities and the pressures of litigation" (p. 212). This focus came at the expense of a focus on the issues faced by low-income workers.

Again, akin to the Draft Report, the foregrounding of the problems to be solved made reference to the "variety of parents' work arrangements" (p. 3), mirroring the Treasurer's original framing of the problem months earlier. However, like the Draft Report, the specific details of the families who faced flexibility issues became tightly focused on shift-working emergency service personnel and high income professionals. As such, the nature of the problems to be solved and their solutions changed little over the course of the Inquiry.

Discussion and Conclusions

The discourse of evidenced based policy reform is now dominant in Australia and elsewhere. From this perspective, public inquiries contribute to a more rigorous policy development process. Our results contribute to a growing body of research that challenges this perspective. Specifically, our findings reveal that despite gathering an extensive volume of evidence from various stakeholders, the framing of the problem of flexibility remained tightly bound to the original framing outlined in the Treasurer's ToR. The imagined family in the original ToR comprised an emergency service worker or a high income professional hampered by an overly rigid system and this framing of 'inflexibility' carried through to the Draft Report and ultimately the Final Report. This was despite both reports presenting evidence that those working in the 'accommodation and food service' sector also experienced significant problems. Less socially valued shift workers, such as taxi drivers, convenience store workers, security guards and factory workers, were also invisible in both the submissions and the PC documentation. The recommendation that subsidies be extended to nannies ignored that unless the government funded a very large subsidy this form of care was not likely to be affordable for most families, and that such a high subsidy was unlikely to provide a sustainable and systemic solution to the childcare issues posed by a 24/7, casualised economy.

Consistent with the findings of Ainsworth and Hardy (2012) we demonstrate that power/knowledge relations permeate inquiries, such that some subject groups can be discursively marginalised. We conclude that while the APCICCECL Inquiry was positioned as a public, 'ceremonial event'—which suggests possibilities for comprehensive, systematic knowledge accumulation and informed changed (Ainsworth and Hardy, 2012)—this positioning was ultimately hollow, as the original problem representation and proffered

solutions largely remained unchanged in the face of public submissions. Furthermore, the lack of transparency regarding the use of evidence, and the apparent lack of alignment with a hierarchy of evidence, leads us to concur with Corr and Carey's (2016) argument that ideology, rather than evidence, played a greater role in the PC's construction of recommendations aimed at increasing childcare flexibility. Our findings also lend support to the broader finding of Humphreys et al. (2014) and others (Cook, Corr and Breitzkreuz 2016; Cook and Natalier, 2013, 2014; Corr and Carey, 2016) that evidence in Australian public inquiry processes is often used in predetermined political ways, which undermines their utility and the possibility for meaningful change.

This paper offers a critical reading of the 'ceremonial' nature of the Childcare Inquiry. It reveals that a key strategy involved switching between the presentation of a broad range of descriptive evidence and the selective presentation of such evidence when describing possible solutions. Evidence collated during the APCICCECL was not systematically examined to determine 'in need' groups or identify the most urgent problems. Instead, evidence was used to selectively give colour to specific policy solutions. Thus the details became tightly focused on shift working emergency service personnel and high income professionals when discussing potential solutions. These responses were in the form of: subsidised nannies, the cost of which would preclude all but relatively high income earners (unless heavily subsidised); and removing the caps on Occasional Care places, which does little to address the structural issues of demand outstripping supply, and low profit margins. Here, the most vulnerable and disadvantaged were invisible, and will be disadvantaged by the recommended reforms that eroded funding from what the PC recognised as the most flexible form of subsidised care, family day care, on which many low-income families rely.

In summary, the remarkable continuity in the framing of the problem from the ToR to the Final Report and given the time and expense devoted to such inquiries and the considerable public interest that they generate, the resources required to run an inquiry may be better spent elsewhere.

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