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**Rights
in Early
Childhood**



The UN Committee on the Rights of the Child encourages States to develop a positive agenda for rights in early childhood. The Convention calls for an understanding that early childhood is not merely preparation for adulthood and requires that children, including the very youngest children, be respected as persons in their own right.

Summary from General Comment 7 of the UN Convention on the Rights of the Child

Chapter Grade:

C+

5.1 Quality in Early Childhood Education and Care

Section Grade:

C-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Review and reform the inspection regime in respect of the Early Childhood Care and Education (ECCE) Scheme.

▶ **Progress: Steady**

Assess the quality of the first pre-school scheme, withdrawing funding from providers who do not meet quality standards.

▶ **Progress: Limited**

'Quality in Early Childhood Education and Care' receives a 'C-' grade, the same as last year's grade. This reflects the fact that while the process of reviewing and reforming the inspection regime for early childhood care and education (ECCE) has been steady, poor quality and non-compliance with regulations continues in some instances. There has been limited progress in the development of a quality assurance instrument that can provide a comprehensive picture and assure the quality of ECCE services. However, the Programme for Government commitment has been superseded by a new approach to measuring quality through self-assessment. Work began on this new system in 2019. An ongoing challenge to the quality in this area is the fact that while the qualifications profile of the workforce continues to increase, working conditions and low rates of pay is contributing to high staff turnover.

The UN Committee on the Rights of the Child recognises that young children, from birth, throughout infancy and during the pre-school years, are holders of all rights enshrined in the Convention on the Rights of the Child.⁶⁴³ Early childhood is a time of rapid growth and development when children form important emotional attachments and relationships with family, peers, caregivers and early childhood professionals.⁶⁴⁴ The Committee urges State Parties to develop comprehensive frameworks for early childhood services based on systematic approaches

643 UNCRRC, General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 1.

644 ibid para 6.

to law and policy development and supported by information and monitoring systems that are planned and developed in consultation with parents.⁶⁴⁵ Early childhood services and facilities must conform to quality standards; this includes access to appropriate child-centred care practices, curricula and pedagogies, provided by early childhood professionals who are socially valued and adequately paid.⁶⁴⁶

In November 2018, the Government launched Ireland's first ever cross-departmental strategy to support babies, young children and their families; *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*.⁶⁴⁷ The strategy sets out an ambitious ten year plan that prioritises affordable and accessible childcare and aims to 'drive quality throughout the sector by investing in the professionalisation of the workforce'.⁶⁴⁸ The *First 5 Implementation Plan 2019–2021* builds upon significant developments which have taken place in the area of early childhood care and education (ECCE) and aligns with existing commitments under the Programme for Government.⁶⁴⁹ The plan outlines five 'Building Blocks' that will improve affordability, accessibility and quality of services to develop an effective early childhood system.⁶⁵⁰

► Review and reform of Inspection Regimes:

High-quality ECCE services are supported and developed by meaningful systems of evaluation, inspection and monitoring. Such systems should be based on regulatory aspects that assure children's safety and wellbeing, as well as a shared understanding of 'quality' among stakeholders, professionals and parents. Effective inspection and monitoring can also hold the State accountable for the establishment and maintenance of proper standards and inform the development of policy and resource allocation.⁶⁵¹

The *Programme for a Partnership Government* commits to reviewing and informing the inspection

645 *ibid* para 21.

646 UNCRC, 'General Comment No.7: Implementing Child Rights in Early Childhood' (2006) para 23.

647 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018).

648 *ibid*.

649 Government of Ireland, *A Programme for a Partnership Government* (Government of Ireland 2016) 76.

650 Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019).

651 OECD, *Starting Strong IV: Monitoring Quality in Early Childhood Education and Care* (OECD 2015) 76.

➔ **First 5: What does it do for quality?**

First 5 includes the following Strategic Actions to enable access to early learning and care supports and services:

- Improve initial training and CPD for all early childhood staff.
- Professionalise ELC; support employers to attract and retain a high-quality workforce.
- Develop, enhance and implement national standards for early childhood supports and services.
- Develop mechanisms to raise the professional status of the ELC (and school-age childcare) workforce and support employers to offer more favourable working conditions to attract and retain staff.

regime in respect of ECCE services. Such services in Ireland are subject to multi-agency compliance and inspection regimes that regulate, monitor and evaluate 'various categories of risk'.⁶⁵² This includes inspection of financial compliance, regulatory aspects and evaluation of the quality of educational provision from three separate agencies and government departments. The Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and it functions under Tusla's Children's Service Regulation, located within the Quality Directorate. The role of the Inspectorate is to promote compliance within the sector by inspecting and monitoring the safety, quality of care and support provided to children.⁶⁵³ The Early Years Inspectorate

652 Office of the Comptroller and Auditor General, *Report on the Accounts of the Public Services 2018*, Chapter 16: Delivery of Early Learning and Childcare Programmes' (2019) para 29.

653 Helen Rouine, Tusla: Early Years Inspectorate-the

has been significantly reformed and developed since the commencement of the Child and Family Agency Act 2013 and the Child Care Act 1991 (Early Years Services) Regulations 2016. The Regulations build on Part 12 of the 2013 Act and provide for the inclusion of school age services within the definition of 'early years', as well as enhancing the enforcement powers of the Inspectorate.

Since 30 June 2016, it is a legal requirement for all early years' services to register with Tusla.⁶⁵⁴ The Early Years Inspectorate has responsibility for the statutory registration of early years' services and has the authority to prosecute services that operate without registration and may put in place conditions, or may refuse to register, or may remove from the register, a service that is not compliant with the Regulations.⁶⁵⁵ Since the commencement of the 2016 Regulations, a total of 12 services have been removed from the register, a number of them in 2019.⁶⁵⁶

On 24 July 2019, the RTÉ Primetime Investigates programme *Behind Closed Doors* drew public attention to the current system of inspection and registration, in particular, Tusla's powers to de-register and close services where there are severe breaches of the Regulations. In response to the investigation, the Minister for Children and Youth Affairs made a commitment to work with Tusla to explore additional powers, by way of Ministerial Order or legislative reform, to ensure the safety and welfare of children attending early childhood settings. These include:

- Power to close a service immediately where it has failed to register and powers to immediately close a registered service where Tusla has evidence of a serious breach of the Regulations.
- When a service is to be removed from the register, provision for the continuation of the service under interim management where appropriate.
- Powers to inform parents as early as possible regarding ongoing investigation and proceedings.⁶⁵⁷

Statutory Regulator (Child links, Barnardos 2019).

654 Child and Family Agency Act 2013 2015 s 58 (12).

655 Joint Oireachtas Committee on Children and Youth Affairs, 'Tusla, Child and Family Agency: Opening Statement to Members of the Joint Committee of the Oireachtas on Children and Youth Affairs. Wednesday 31st July 2019.' (2019)

656 Sean McCárthaigh, 'Two Dublin crèches ordered to close over serious safety failures', *The Irish Times*, 10 December 2019. .

657 Minister for Children and Youth Affairs, Written Answers, Early Years Sector, 19 November 2019 [47855/19]

The Tusla Early Years Inspectorate evaluates whether a service is well-governed, safe, suitable and promotes the health, welfare and development of each child attending. A risk profile informs the schedule of inspections of the service using a 'traffic light' system of red, amber and green to denote a critical to a low-risk service. In July 2019, it was stated that 37 childcare settings were deemed to be at 'critical' status owing to repeated non-compliance with the Regulations.⁶⁵⁸ A total of 2,513 inspections were conducted in 2018, an increase of 90 per cent since 2014 (1,326), with 1,323 inspections completed in the first six months of 2019.⁶⁵⁹ A comprehensive analysis of inspection report outcomes and non-compliances was provided in 2017.⁶⁶⁰ The Early Years Inspectorate indicates that comprehensive reports on compliance levels in 2018 and 2019 will be provided in 2020.⁶⁶¹

Tusla Early Years Inspection Reports are published on the Tusla website, with 6,452 reports available as of December 2019.⁶⁶² In October 2019, the Inspectorate was subject to criticism for the time taken to make Inspection Reports publicly available, with concern raised about the fact that in one instance there had been an interval of 14 months between an inspection taking place and the report being published.⁶⁶³ However, it is acknowledged that within this period there can be ongoing engagement between the Inspectorate and the registered provider to address non-compliances, as well as time-frames to allow for due process and fair procedures including a registered provider's right to challenge and appeal Inspection Report findings before final publication.⁶⁶⁴

► The Quality and Regulatory Framework:

The Quality and Regulatory Framework (QRF) details the requirements for compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016 under the headings of governance, health, welfare and development of the child, safety, premises

658 Joint Oireachtas Committee on Children and Youth Affairs, Early Years, 31 July 2019.

659 Joint Oireachtas Committee on Children and Youth Affairs, Tusla, Child and Family Agency: Opening Statement to Members of the Joint Committee of the Oireachtas on Children and Youth Affairs, 31 July 2019.

660 Tusla, *Annual Report 2017 of Tusla Child and Family Agency's Early Years Inspectorate* (Tusla 2018).

661 'Communication Received by the Children's Rights Alliance from Tusla, Early Years Inspectorate on 28 January 2020.'

662 *ibid.*

663 Aoife Hegarty, 'Tusla Criticised for Not Alerting Parents to "shocking" Crèche Findings' (www.rte.ie, 18 October 2019).

664 Communication Received by the Children's Rights Alliance from Tusla, Early Years Inspectorate on 28 January 2020.

and facilities. The Framework was developed in consultation with registered providers, parents, sectoral stakeholder organisations, international peers and regulatory organisations. The QRF aims to support registered providers in meeting their regulatory obligations as well as providing clarity about the standards applied during inspections. The QRF sets out the Inspectorate's interpretation of the Regulations and defines the parameters against which services are inspected. In January 2019, the Early Years Inspectorate commenced a pilot implementation of inspections using the Framework, with findings from the pilot used to finalise the inspection tool and adjust the inspection reporting template to make it more accessible to parents and stakeholders.

In 2018 and 2019, the Inspectorate delivered information sessions to over 1,000 registered providers nationally and ECCE trainers (Level 4 to Level 10 in the NFQ (National Framework of Qualification)). In 2019, Tusla commissioned the development of content and support materials to guide service providers in application and implementation of the QRF and the online learning resource will be launched in the first quarter of 2020.

► Department of Education and Skills (DES), Early Years Inspectorate:

In 2016, the Inspectorate of the Department of Education and Skills introduced Early Years Education Inspections (EYEIs) to provide 'evaluative information, advice and support regarding the quality of education provision' with the early-years education-focused Inspection (EYEI).⁶⁶⁵ Early years education inspections are based on a quality assessment framework informed by the principles of *Aistear: the Early Childhood Curriculum Framework*, and *Siolta: the National Quality Framework for Early Childhood Education*.⁶⁶⁶ The inspection framework considers four broad areas of quality: context to support learning and development; processes to support children's learning and development; children's learning experiences and achievements; and management and leadership for learning.⁶⁶⁷ The inspections are based on observation and co-professional dialogue, focusing on the quality of the educational experiences for children participating in the ECCE Scheme.

665 European Commission, 'Ireland: Assessment in Early Childhood Education and Care' (European Commission 2018) EACEA National Policies Platform.

666 *ibid.*

667 Department of Education and Skills, *Guide to Early Years Education Inspection (EYEI)* (DES 2018) 16.

At present, the Early Years Education Inspectorate evaluates provision for children participating in the ECCE Scheme, and educational provision in other rooms not operating the ECCE Scheme is not subject to inspection. *First 5* commits to extending EYEIs to younger children to promote and assure quality educational experiences and align with the work of the Tusla Early Years Inspectorate.⁶⁶⁸ The DES is currently reviewing the EYEI model to facilitate its extension to all ECCE provision to children from birth to six years/primary school entry.⁶⁶⁹ In May 2019, the DES opened a dialogue and consultation phase to take account of the expert advice and guidance available across the early childhood sector in Ireland and to begin work alongside partners and stakeholders to develop an extended Early Years Education Inspection from birth to six years.⁶⁷⁰ The initial phase of research and consultation was completed in 2019, and it is hoped that a draft framework will be made available for more extensive consultation in 2020, with the commencement of field trials of the new model in early 2020.⁶⁷¹

The *Education Action Plan 2016-2019* committed to complete 1,200 Early Years Inspections. As of November 2019, 2,407 inspections have been completed; this includes 121 'Follow Through Inspections' to evaluate how settings have implemented the actions advised in previous inspection reports.⁶⁷²

A review of inspections from the first year of implementation was published in 2018.⁶⁷³ The report indicated that settings provide a rich range of learning experiences and enjoyable, play-based opportunities. However, it recognised challenges such as the need for providers to work closely with parents as well as further support for the implementation of the national curriculum and quality frameworks, *Aistear* and *Siolta*.⁶⁷⁴ A composite report of inspection activity from September 2017

668 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018.

669 'Communication received by the Children's Rights Alliance from the Department of Education and Skills, 3 December 2019.'

670 Department of Education and Skills, 'Chief Inspector Invites Views to Inform Development of New Early Years Education Inspection – with a Particular Focus on 0-3' (2019).

671 'Communication received by the Children's Rights Alliance from the Department of Education and Skills, 3 December 2019.' (n 62).

672 'Communication Received by the Children's Rights Alliance from the Department of Education and Skills, 3 December 2019.'

673 Department of Education and Skills Inspectorate, *A Review of the Early-Years Education-Focused Inspection April 2016-June 2017, Insights and Future Developments*, (DES 2018).

674 *ibid* 14.

to September 2019 is currently being finalised.⁶⁷⁵

There remains a need to align and coordinate the policy, practice and implementation of inspection systems for early childhood settings. The current fragmentation of monitoring and evaluation results in multiple 'inspection' visits which can result in duplication and inefficiencies as well as systems that are confusing for providers, parents and stakeholders.⁶⁷⁶ Concerns have also been raised about disparities in the appraisal of quality and regulatory compliance of settings, in particular those that were de-registered by Tusla in 2019.⁶⁷⁷ *First 5* aims to 'integrate and coordinate inspection and quality supports, building on the existing practice between the Inspectorates and Better Start's National Quality Development Service'.⁶⁷⁸ This includes the establishment of formal mechanisms to align and coordinate the policy, practice and implementation work of the Departments of Children and Youth Affairs, and Education and Skills, through a high-level Operations and Systems Alignment Group (OSAG)⁶⁷⁹ and memoranda of understanding (MOU).⁶⁸⁰

In 2018, a joint memorandum of understanding between Tusla and Better Start was developed to allow for the Early Years Inspectorate to make referrals to the Better Start National Quality Development Service where registered providers agreed to seek mentoring supports to improve the quality of their service.⁶⁸¹ In 2019, a joint MOU between the DES

Inspectorate and the Tusla Early Years Inspectorate was developed and included protocols to be followed where possible breaches of the Child Care Act 1991 (Early Years Services) Regulations 2016 are observed during education Inspections or reported to the DES Inspectorate. Any such concerns are to be forwarded immediately to Tusla using its unsolicited communications protocols.⁶⁸² The DES Early Years Education Inspectorate has indicated that it is working with Tusla's Early Years Inspectorate to develop and establish self-evaluation systems that will support the early childhood sector to engage with external evaluation and monitoring at all stages of the quality continuum. A consultation document, detailing suggested materials and processes, will be published in 2020.⁶⁸³

It is recommended that consideration be given to coordination of the separate inspection regimes for ECCE delivered by Tusla and the Department of Education and Skills. This could include a Single Quality Framework⁶⁸⁴ that values the experience and expertise of both inspectorates in a joint inspection system.

► Quality Audit of the ECCE Scheme:

A Programme for a Partnership Government commits to develop and implement an integrated quality assurance measurement instrument to evaluate the quality of early childhood services participating in the ECCE Scheme⁶⁸⁵ and provide a baseline for the subsequent assessment of the impact of quality-raising measures and policy decisions.⁶⁸⁶ A procurement process in 2018 did not result in the award of a tender as no bid met the specified requirements.⁶⁸⁷ In a change of direction, the First 5 Implementation Plan includes a commitment to develop a revised 'self-evaluation framework' for early learning care⁶⁸⁸ that will support providers in self-evaluating their quality performance and provide a basis for the development of an external monitoring

675 'Communication Received by the Children's Rights Alliance from the DES, 3 December 2019.' (n 53).

676 Early Childhood Ireland, 'Rising to the Challenge: Budget 2020 Submission' (Early Childhood Ireland 2019).

677 Inspections reports in relation to Hyde and Seek, the subject of the Primetime Investigates programme, varied significantly between the Tusla Early Years' Inspectorate and the DES Inspectorate.

678 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018) 108.

679 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017. The OSAG is led by the DCYA and comprises representatives from the Department of Education and Skills Inspectorate, Tusla's Early Years Inspectorate, Pobal, and the Better Start National Quality Development Service, managed by Pobal on behalf of the Department of Children and Youth Affairs.

680 Memoranda of Understanding (MoU) were signed in 2018 to support coordination between the DES Inspectorate and Tusla's Early Years Inspectorate, as well as between Tusla's Inspectorate and Better Start Quality Development Service. Communication received by the Children's Rights Alliance from the DCYA, 21 December 2018.

681 Communication received by the Children's Rights Alliance from Tusla, Early Years Inspectorate, 28 January 2020.

682 Communication received by the Children's Rights Alliance from the DES, 3 December 2019. (n 62).

683 *ibid.*

684 Llywodraeth Cymru. The Welsh Government. *Independent Review of Childcare and Early Education Registration, Regulation and Inspection* (Welsh Government 2014).

685 *A Programme for a Partnership Government* commits to 'review and assess the quality of the first pre-school year'.

686 *ibid.*

687 Information received by the Children's Rights Alliance from the DCYA in 2018.

688 Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019) 116.



There remains a need to align and coordinate the policy, practice and implementation of inspection systems for early childhood settings.

tool to evaluate policies aimed at raising quality standards.⁶⁸⁹ Work on the development of a self-evaluation framework commenced in 2019, with a national baseline study of the quality of practice to be commissioned and carried out by the end of 2021.⁶⁹⁰

The development of a quality audit tool is welcomed, the ECCE sector requires a robust system of ongoing evaluation that can provide indicators of the quality of children's experiences. Any such 'external' monitoring tool must allow for multi-dimensional and continuous assessment of the early childhood system as experienced by children, families, the workforce, communities and society as well as other relevant stakeholders. The planning and development of both the self-evaluation framework and the 'external' monitoring tool will require considerable training for staff on how to monitor quality. It must also include meaningful opportunities for consultation with children and their families in keeping with Article 12 of the UN Convention on the Rights of the Child, which states that, where children are capable of forming views, they have the right to express those freely in all matters affecting them.

► Withdrawal of Funding:

A Programme for a Partnership Government commitment to improve the regulatory regime in regard to early years care extended to the withdrawal of funding from providers that do not meet quality standards. In 2019, a total of seven services were removed from the Early Years Register by Tusla as a result of severe and prolonged non-compliance with the Regulations, public funding was withdrawn from these services. The removal of funding from settings that do not comply with regulations or meet contractual requirements⁶⁹¹ is welcomed as no child should experience low-quality early care and education, and such services should not receive public funding.

Notwithstanding developments in inspections and evaluation, a big challenge for quality in early years care and education is the professionalisation and recognition of the staff working in centres and home-based care. Well-educated, well-trained professionals are the critical factor in providing high-quality ECCE

that promotes favourable cognitive and social outcomes for children.⁶⁹² The professionalisation of the early childhood sector includes enhancement of the qualifications profile, as well as the development of professional identities and competencies.⁶⁹³ While work has begun on a Workforce Development Plan and groups have joined forces to establish a professionalisation body,⁶⁹⁴ the sector continues to experience difficulties with recruitment and retention of staff that can be attributed to low pay and poor working conditions.⁶⁹⁵ Despite increased public investment in capitation grants,⁶⁹⁶ the average hourly wage of staff working in the early childhood sector is €12.55 and the hourly rate for ECCE assistants, who constitute 49 per cent of all staff working with children, is €11.46, significantly below the Living Wage of €12.30 per hour in 2019.⁶⁹⁷ Future efforts to drive quality need to speed up the professionalisation of the sector and resolve the problem of poor pay and conditions in the sector.

689 *ibid*

690 Communication Received by the Children's Rights Alliance from the DCYA, 15 November 2019.

691 *ibid*; *Government of Ireland, First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018) 107.

692 OECD, 'Encouraging Quality in Early Childhood Education and Care (ECCE): Research Brief: Qualifications, Education and Professional Development Matter.' <<https://bit.ly/37zAlzB>> accessed 17 February 2020.

693 Mathias Urban et al, 'Towards Competent Systems in Early Childhood Education and Care: Implications for Policy and Practice', *European Journal of Education* (47 (4) 2012) 508.

694 'ACP, SIPTU and PLE move to establish professional body for Early Childhood Education and Care', Press Release 26 August 2019, <<https://bit.ly/2uVoHXZ>> accessed on 10 February 2020.

695 Early Childhood Ireland, 'Staffing crisis in female-led childcare sector threatens future of services', Press Release, 8 March 2019.

696 DCYA, 'Over 800,000 Children Avail of First Decade of Free Pre-School | Annual Budget Jumps 172% since First Roll out | Steep Rise in the School-Starting Age. Press Release 7 May 2019.'

697 Pobal, *Annual Early Years Sector Profile Report 2018/2019* (Pobal 2019) 135..

Quality in Early Childhood Education and Care

Immediate Actions for 2020



Ensure early childhood educators are supported to professionalise and become a recognised profession.

As part of the Workforce Development Plan for the Early Learning and Care (ELC) and School-Age Childcare (SAC) sectors, consideration could be given to measures by which the Government ensures that early childhood educators are socially valued, fairly remunerated and supported in their professional development. This could include funding the establishment of a professional representative group and providing additional funds for an SEO fund.



Improve the integration and coordination of inspection processes to ensure quality and consistency across the sector.

It is recommended that consideration be given to coordination of the two separate inspection regimes for early childhood care and education operated by Tusla and the Department of Education and Skills. Prioritise *First 5* actions that improve the integration and coordination of inspection regimes with the review, collation and analysis of the results of all inspection types.

5.2 Subsidised and School-Age Childcare

Section Grade:

B

➔ Government Commitment

A Programme for a Partnership Government commits to:

Introduce subsidised high-quality childcare for children aged nine to 36 months, continue to support subsidised childcare places, and streamline existing schemes to make them more accessible.

▶ **Progress: Steady**

Introduce a new system to support and expand quality after-school care for school-age children.

▶ **Progress: Steady**

'Subsidised and School-Age Childcare' receives a 'B' grade in *Report Card 2020*, up from last year's 'C+'. This grade acknowledges the progress that has been made in implementing the National Childcare Scheme which went live in 2019 and the additional funding that has been allocated for the scheme in Budget 2020. It will take time to understand how the introduction of the scheme will improve affordability of childcare for different income groups, particularly given the variance in costs across the country. The Government is urged to publish the findings of the independent review of the cost of quality childcare and provide evidence of the appropriateness of the National Childcare Scheme (NCS) subsidy rates. It is also urged to make childcare free for families on low incomes. Steady progress has been made on the development of school-aged childcare with the implementation of systems of registration for school-aged services. Further support is required for the implementation of quality standards and systems of inspection. It is recommended that a comprehensive mapping of all school-aged services be completed to identify areas of demand and over-supply.

The UN Convention on the Rights of the Child requires States to provide appropriate assistance to parents and guardians concerning their child-rearing responsibilities.⁶⁹⁸ Children of working parents have the right to benefit from childcare services and facilities for which they are eligible.⁶⁹⁹ The UN

698 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 18(2) and (3).

699 *ibid* Art 18(3).

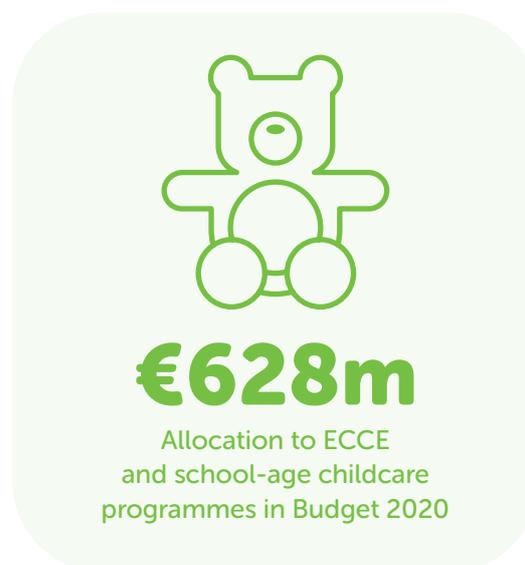
Committee on the Rights of the Child calls on States to ensure that all young children are guaranteed access to appropriate and effective services. This includes programmes of health, care and education specifically designed to promote their well-being, paying particular attention to the most vulnerable groups of young children, including those experiencing poverty and those at risk of discrimination.⁷⁰⁰

A Programme for a Partnership Government commits to 'a robust model for high-quality subsidised childcare for children aged 9-36 months for children and families'. It acknowledges the OECD recommendation that affordability and quality can be achieved through subsidised childcare places and pledges the development of supports to reduce childcare costs, broaden parental choice and increase supports for stay-at-home parents.⁷⁰¹

► National Childcare Scheme (NCS):

First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families states that high-quality, affordable and accessible early childhood and school-age care is central to the strategy, in particular supports for children from vulnerable backgrounds.⁷⁰² Data provided by Pobal indicates that, during the 2019 calendar year, 191,025 children had approved registrations on one or both of the universal schemes (Early Childhood Care and Education (ECCE) and Universal Childcare Subsidy); there were 57,597 children with an approved registrations on a targeted childcare scheme.⁷⁰³ A further 1,454 children availed of school-aged childcare support with approved registrations as part of the Training and Employment Childcare (TEC) Scheme.⁷⁰⁴

Launched in November 2019, the National Childcare Scheme will largely replace targeted childcare subsidies and the universal childcare subsidy by 2021.⁷⁰⁵ The NCS aims to provide a streamlined, user-friendly single subsidy scheme (excluding the ECCE Scheme) and 'a system of progressive



financial support towards the cost of childcare aligned with the Government's efforts to support access to education and employment and to reduce poverty'.⁷⁰⁶ The Scheme assists families to access services registered with Tusla⁷⁰⁷ using an income assessment process to determine eligibility, including support for families seeking to enter the labour market or with a low or moderate level of income.⁷⁰⁸

Budget 2020 allocated an additional €54.5 million to ECCE and school-age childcare programmes, a 9.3 per cent increase on the 2019 allocation, which will bring expenditure in this area to €628 million in 2020.⁷⁰⁹ The qualifying income thresholds for the NCS were raised in Budget 2019,⁷¹⁰ with the maximum net income threshold increased enabling some families with a gross income of €100,000 per annum to qualify for income-related subsidies. There was an increase in the lower income threshold, meaning that maximum subsidy rates will be paid to all families with a net annual income of up to €26,000 (up from €22,700). This means that families on lower incomes or below the relative income poverty line will benefit from the very highest subsidy rates under the new

700 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 24.

701 Government of Ireland, *A Programme for a Partnership Government*, 77.

702 Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019) 87.

703 Communication Received by the Children's Rights Alliance from Pobal on 21 November 2019.

704 *ibid.*

705 Department of Children and Youth Affairs, *Policy Paper on the Development of a new Single Affordable Childcare Scheme* (DCYA 2016).

706 Communication Received by the Children's Rights from the DCYA, 15 November 2019.

707 Childcare Support Act 2018, s 1.

708 Government of Ireland, *A Programme for a Partnership Government Annual Report 2019* (2019) 58.

709 DCYA, 'Minister Zappone announces €94 million budget package', Press Release, 9 October 2019 <<https://bit.ly/3bN0qUo>> accessed 17 February 2020.

710 Communication Received by the Children's Rights Alliance from DCYA, on 28 January 2020.



Scheme.⁷¹¹ Budget 2020 also increased the weekly hours of subsidised care available for families from 40 to 45 hours for full-time care and from 17.5 hours to 23 hours for children in afterschool care. For parents not working or studying, the number of hours of subsidised care per week was increased from 15 to 20 (this applies only in the case of young children).

The extent to which children will benefit from the targeted subsidy under the NCS will depend on their parents' engagement in training and work. Early childhood organisations and advocacy groups are concerned that children will be negatively impacted by the transition from targeted schemes such as the Childcare Employment and Training Support (CETS) and Community Childcare Subvention Scheme (CCS) to the National Childcare Scheme. Where a parent is not working or participating in training, children are likely to face a reduction in subsidised hours, and for some, the level of subsidy provided by NCS could be considerably less than that available under the previous scheme, for example, CETS.⁷¹² Single Parents Acting for Rights of Kids (SPARK) provided an example of a lone parent who would face increased costs of up to €350 per month to avail of full-time provision (40

hours per week) under the NCS.⁷¹³ In response, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, announced that she had secured additional funding had been secured to allow these parents to remain on their current schemes until September 2021.⁷¹⁴ In January 2020, the Minister also directed her officials in to undertake research and analysis to examine any adjustments to the NCS might be required to address unusual cases, to protect and benefit lower-income parents.⁷¹⁵ Such research and analysis is welcomed, with a particular focus on the impact of NCS on children from low income families at risk of poverty, including lone-parent families and families experiencing unemployment or disability.

The Child Support 2018 Act enables special provision for vulnerable children by permitting the Minister for Children and Youth Affairs to enter agreements with five named statutory agencies to refer and sponsor children to receive subsidised services, for example, on child welfare or family support grounds, or to support homeless or asylum-seeking families to

711 Communication Received by the Children's Rights from the DCYA, 15 November 2019.

712 Communication Received by the Children's Rights Alliance from One Family on 8 November 2019.

713 Minister for Children and Youth Affairs, Katherine Zappone TD, Oral Answers, Childcare Services, 10 July 2019 [30421/19].

714 Kitty Holland 'Childcare workers and some lone parents dismayed at €94 million package', *Irish Times*, <<https://bit.ly/2uJGm4W>> accessed on 10 February 2020.

715 Communication Received by the Children's Rights Alliance from DCYA on 28 January 2020.

access education and integration supports.⁷¹⁶ The NCS makes special arrangements for some children to be referred for childcare support by a specified 'Sponsor Body', which will make a recommendation for hours of care. In such cases, the family will not be required to satisfy the scheme's eligibility, income or enhanced hours requirements and the Scheme will cover the cost of childcare, with no requirement for any parental co-payment.⁷¹⁷ It is important that these agreements are flexible and child and family-centred, and that the DCYA and the agencies provide the necessary funding to deliver on the NCS's objectives to reduce child poverty and improve child outcomes.⁷¹⁸

As part of the proposed reform of the funding model under *First 5*, the Government committed to developing an appropriate mechanism to control fees charged to parents.⁷¹⁹ The Eurydice 2019 report on Early Childhood Education and Care in Europe revealed that childcare fees are highest in Ireland, the Netherlands, the United Kingdom and Switzerland⁷²⁰ and that across all four jurisdictions there is no regulation of fees and providers have autonomy in setting the price.⁷²¹ The extent to which the NCS can reduce childcare costs for parents depends on a variety of factors such as the rising costs in childcare, service type, level of deprivation and location (county and rural/urban). In 2019, the average weekly fee for a full-day place was €184.36,⁷²² a 3.6 per cent increase on 2018 and the third consecutive year of noticeable fee increases after several years of fee stagnation. Pobal reports that on average, fees charged by services in 'affluent' locations are 39 per cent higher than those situated in disadvantaged areas, and costs are also higher in urban areas than in rural areas (€184.70 and €161.40 respectively for full day-care per week).⁷²³

In September 2019, the Minister for Children and Youth Affairs announced the initiation of a project to develop a new Funding Model for Early

Learning and Care and School Age Childcare and the establishment of an Expert Group to lead this work.⁷²⁴ The purpose of the group is to ensure that the fees charged to parents reflect actual costs and a reasonable profit only, with income used reasonably to provide appropriate terms and conditions for staff in the sector. In addition to the establishment of the Working Group, the publication of an independent review of the cost of delivery of quality childcare in 2020 will provide evidence on the appropriateness of the DCYA's subsidy rates.⁷²⁵ The report will detail the results of a 10-month study into the cost of affordable childcare in Ireland, meeting a commitment within the Programme for Government. The results from a review exploring financial sustainability issues and the potential impact of the regulations in regard to parents' participation in employment or study for children at risk of poverty and social isolation will be finalised in 2020. It is hoped that both studies will provide further understanding and analysis of the cost base of childcare services and play a critical role in helping the Government to address these issues from both policy and budgetary perspectives.

The development of a new funding model, together with the focus on affordability, is welcome. However, consideration needs to be given to making childcare free for low income families living in poverty. In a Resolution of 24 November 2015, the European Parliament called for a 'European Child Guarantee'; this call was re-affirmed in a Resolution of 4 April 2019 on the European Social Fund Plus (ESF+). The Guarantee centres on free access for every child in poverty to quality early childhood care and education, education, health, decent housing and adequate nutrition. The European Commission is currently in the final stages of establishing the Child Guarantee. Recognising the benefits of early years education for children in poverty and the fact that supporting parents to enter training/employment often results in a substantial reduction in family poverty,⁷²⁶ implementing the Child Guarantee in Ireland should involve free childcare for families living in poverty.

716 Childcare Support Act 2018, s 14 and Schedule 2.

717 Government of Ireland, Press Release 'National Childcare Scheme Sponsor Referral' (10 January 2020) <<https://bit.ly/2SW8ycC>> accessed 17 February 2020.

718 Children's Rights Alliance, Report Card 2019 (2019) 104.

719 Government of Ireland, *First 5, A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Government of Ireland 2018) 143.

720 European Commission, European Commission/EACEA/Eurydice, *Key Data on Early Childhood Education and Care in Europe*, 2019 Edition (Publications Office of the European Union 2019) 11.

721 *ibid* 57.

722 Communication Received by the Children's Rights Alliance from Pobal on 21 November 2019.

723 Pobal, *Annual Early Years Sector Profile Report 2018/2019* (Pobal 2019) Chapter 6.

724 DCYA, 'Minister Zappone announces Expert Group to develop a new funding model for early learning and care and school age childcare', Press Release, 18 September 2019 <<https://bit.ly/2UU06e>> accessed 17 February 2020.

725 Communication received by the Children's Rights Alliance from the DCYA, 20 December 2018.

726 Mary Daly, 'Fighting Child Poverty The Child Guarantee: Briefing Requested by the EMPL committee' (European Parliament 2019) <<https://bit.ly/322LNb7>> accessed 17 February 2020.

► Supporting Quality School-Age Childcare:

A *Programme for a Partnership Government* commits to developing a system to support and expand quality care for school-age children. This includes the use of primary school buildings for school-age care provision and where demand exists, additional capitation to the provision of premises for school-age care, and exploring the potential for community groups and private providers to tender to use school facilities (outside school hours).⁷²⁷ This *Report Card* series has analysed the Government commitment to develop a school-age childcare system because these services are availed of by four and five-year-olds in primary school and Ireland has the highest proportion of four-year-olds in primary school (31%) in the OECD.⁷²⁸ The total number of children availing of school-age childcare (SAC) and the extent of school, community and youth service provision of such services across Ireland is unknown⁷²⁹ with figures from the Pobal Service Profile 2018/19 suggests that a total of 40,588 children are availing of school-age childcare in registered childcare services.⁷³⁰ Pobal also indicates that in 2018, 1,138 children benefitted from subsidised school-aged care, with 1,138 approved registrations on Training and Employment Childcare programmes which are exclusive to school-age children.⁷³¹ Children may also avail of school-age provision under CCS and CCSP; however, the breakdown of these numbers for school-aged childcare is not available in the Pobal dataset.

First 5 builds upon the *Action Plan on School-Age Childcare* Ireland's first policy on school-age services during term-time and out-of-school services during school holiday periods.⁷³² It commits to improved access and affordability for families,⁷³³ the development of quality standards, systems of registration and regulation⁷³⁴ as well as a SAC

qualification for practitioners.⁷³⁵ The Implementation Plan for *First 5* also includes provision for capital investment, including the use of schools and existing community facilities that have suitable environments for high-quality, child-centred school-age childcare.⁷³⁶

There has been significant progress made in the development of school-aged childcare. In February 2019, the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 came into effect. Providers of school-age childcare must now register with Tusla.⁷³⁷ Once registered, school-age childcare services can participate in the NCS.

In May 2019, the draft National Quality Standards developed by the National Working Group on School Age Childcare were published as part of public and stakeholder consultation on future regulations and a quality improvement framework for school-age childcare.⁷³⁸ The standards are, at present, non-regulatory quality standards, informed by an international evidence-base and national expertise. It is anticipated that the standards will form the foundation for a quality assurance system for school-age childcare services in Ireland and include criteria on leadership, governance, service management and a programme of activities for SAC settings.⁷³⁹ A detailed consultation on the development of regulations and a quality framework for school-age childcare took place during 2019, and the final report on the consultation will be published in early 2020.⁷⁴⁰

During the 2019 calendar year, 238 applications for capital funding were approved to a total value of €6,255,964 under DCYA Capital Programmes. This included €2.2 million for the development of school-age childcare services, with an additional €4 million allocated to ECCE settings.⁷⁴¹ This level of investment provides the Government with an opportunity to assess and forecast the demand for

727 Government of Ireland, *A Programme for a Partnership Government Annual Report 2019* (2019) 78.

728 Department of Education and Skills, 'Education at a Glance OECD Indicators, A Country Profile for Ireland, September 2018' <<https://bit.ly/2FZ9tEnf>> accessed 24 January 2019, 7.

729 *Inter-Departmental Group, Report on Future Investment in Childcare in Ireland* (DCYA 2015) 56 <<http://bit.ly/1GDVkBn>> accessed 6 February 2017, 56.

730 Pobal, *Annual Early Years Sector Profile Report 2018/2019* (Pobal 2019).

731 *ibid* 34.

732 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School-Age Childcare* (Government publications 2017) 4.

733 Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019) 138.

734 *ibid* 113.

735 *ibid* 109.

736 Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019) 139.

737 Tusla, 'School Aged Services' <<https://bit.ly/2vHCHV4>> accessed 17 February 2020.

738 DCYA, 'Have your say on school age childcare: public consultation launched ahead of national childcare scheme', Press Release, 21 May 2019 <<https://bit.ly/38Dp487>> accessed 17 February 2020.

739 Dublin City University, 'Publication of school age childcare quality standards from National Working Group', Press Release, 21 May 2019 <<https://bit.ly/37wGzFL>> accessed 17 February 2020.

740 Communication Received by the Children's Rights Alliance from DCYA on 28 January 2020.

741 *ibid*.



**The European Child
Guarantee centres on
free access for every
child in poverty to
quality early childhood
care and education,
education, health,
decent housing and
adequate nutrition.**

quality SAC and ECCE services and the capacity in these sectors to meet demand. It also serves to address under- and over-supply in communities around the country through existing public and private facilities and new builds. The *First 5 Implementation Plan* commits to developing the use of schools and existing facilities that have suitable environments for high-quality, child-centred school-age childcare. Pending actions include a survey of a representative sample of schools on the use of school buildings to facilitate after-school care/ clubs, the results of which will inform a review of the Guidelines on the use of School Buildings outside of School Hours.⁷⁴²

⁷⁴² Government of Ireland, *First 5: Implementation Plan 2019–2021* (Government of Ireland, 2019) 84.

Subsidised and School-Age Childcare Immediate Actions for 2020



Continue to increase investment in high-quality ECCE and SAC services through the National Childcare Scheme.



Recognising the benefits of early years education for children in poverty, implementing the European Child Guarantee in Ireland should involve free childcare for families living in poverty.



Adopting a prevention and early intervention approach, ensure that vulnerable children do not lose out on full-time care and after-school care in the negotiation of new agreements with sponsor bodies.



Publish the independent review of the cost of delivery of quality childcare in Ireland.



Complete the survey on the use of school buildings to facilitate after-school care and review the Guidelines on the use of School Buildings outside of School Hours. Make available supports to encourage and assist school-age providers in meeting the draft National Quality Standards.

5.3 Childminding

Section Grade:

C+

➔ Government Commitment

A Programme for a Partnership Government commits to:

Support the development of a phased programme of reforms for childminding.

▶ **Progress: Good**

'Childminding' receives a 'C+' grade in *Report Card 2020*, an improvement on last year's 'C' grade. This reflects the launch of the Draft Childminding Action Plan and the process of public consultation. It is welcomed that only childminders that are registered with Tusla can participate in the National Childcare Scheme as government money should not be used for services that cannot assure the safety and welfare of children. It is important to prioritise the final publication of the Childminding Action Plan in 2020 and support the newly appointed Childminding Coordinator and Development Officers to develop systems of registration and quality assurance. Current figures suggest that less than one per cent of all childminders are registered. Careful attention must be given to the preferences of parents as well as to the development of systems of registration, inspection and quality assurance that are proportionate and appropriate to the home setting.

Young children receiving care and education services in the homes of childminders have the same rights under the UN Convention on the Rights of the Child as children receiving centre-based services, including the right to services that conform to quality standards.⁷⁴³ Young children form secure emotional attachments to their parents or other caregivers from whom they seek and

⁷⁴³ UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 23.

require nurturing, care, guidance and protection.⁷⁴⁴ The UN Committee on the Rights of the Child calls on all non-state providers of services (whether for-profit or non-profit) to respect the principles and provisions of the UN Convention. The Committee reminds States of their responsibility for service provision for early childhood development,⁷⁴⁵ and their obligation to monitor and regulate the quality of non-state provision to ensure that children's rights are protected, and their best interests served.⁷⁴⁶

A Programme for a Partnership Government recognises the value of informal childcare for families and supports the development of a phased programme of reforms for childminders. Ireland is the only EU Member State with a large unregulated childminding sector.⁷⁴⁷ Figures from the Growing Up in Ireland Study in 2011, suggest that 24 per cent of three-year-old children were looked after by childminders, either in the childminder's home or the child's home⁷⁴⁸ and 2017 figures from the CSO indicate that 29 per cent of children from birth to 12 years were cared for by an unpaid relative or family friend, childminder, nanny or au pair.⁷⁴⁹ The Draft Childminding Action Plan, published by the Department of Children and Youth Affairs in 2019, suggests that there may be up to 19,400 childminders caring for an estimated 84,000 children.⁷⁵⁰

The Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 define a childminding service as a pre-school or school-age service offered by a person who single-handedly takes care of pre-school or school-age children⁷⁵¹ in the childminder's home, for more than two hours per

day, except where exemptions apply.⁷⁵² Those caring for four or more unrelated pre-school children or seven or more children of any age (including school-age children) in the childminder's home are required to register with the Tusla Early Years Inspectorate. The Draft Childminding Action Plan notes that in August 2019 there were 81 childminders registered with Tusla⁷⁵³ and Tusla is of the view that a significant number of paid childminders who are not exempt from regulation remain unregistered.⁷⁵⁴

Parents using a childminding service will qualify for a subsidy under the National Childcare Scheme (NCS) only if that service is registered with Tusla (the 2018 Act provides for access to the NCS only where the service used is Tusla-registered). By registering with Tusla, childminders are open to periodic inspection by Tusla's Early Years Inspectorate. In 2017, the Tusla inspectorate carried out 1,563 inspections, among which were 40 relating to registered childminding services.⁷⁵⁵ Of these, 83 per cent were found to comply with the regulations assessed; however, the report acknowledged the low level of data relating to childminding services.⁷⁵⁶ Childminders are not named as mandated persons with a legal obligation to report child protection concerns to Tusla under the Children First Act 2015. However, registered childminders are required to have a Child

744 *ibid* para 5.

745 *ibid* para 32.

746 *ibid*.

747 European Commission, *Key Data on Early Childhood Education and Care in Europe – 2019 Edition*, Eurydice Report (EU Publications Office 2019) 34.

748 Helen Russell, Frances McGinnity, Éamonn Fahey and Oona Kenny, *Maternal Employment and the Cost of Childcare in Ireland* (ESRI 2018).

749 Central Statistics Office, 'Statistical Release: Module on Childcare', Quarterly National Household Survey (QNHS) (CSO 6 July 2017):

750 Department of Children and Youth Affairs, *Draft Childminding Action Plan* (DCYA August 2019) 21.

751 A pre-school child is defined in the Child Care Act 1991 (Early Years Services) Regulations 2016 (SI No. 221/2016) as a child who is under six years of age and who is not attending primary school.

752 Section 58 of the Child Care Act 1991 specifies a number of instances where a childminder is exempt from registering with Tusla. These include: where a childminder is taking care of a child or children of pre-school age who is (are) related to the minder or to the spouse of the minder; where the children being cared for are all members of the same family (that is, other than the minder's own children); where a childminder is taking care of not more than three pre-school children who are from different families (that is, other than the minder's own children). The Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 exempts childminders caring for not more than six children (other than childminder's own children) at the same time and not more than three of these children are of pre-school age. For example, a childminder can care for three pre-school and three school-age children at the same time, or five school-age and one pre-school child at the same time, without having to register with Tusla. Department of Children and Youth Affairs, 'Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Frequently Asked Questions' <<https://bit.ly/2UWQq50>> accessed 17 February 2020.

753 Department of Children and Youth Affairs, *Draft Childminding Action Plan* (DCYA August 2019)19 <<https://bit.ly/39B9Z74>> accessed 17 February 2020, 19.

754 The Working Group on Reforms and Supports for the Childminding Sector, *Pathway to a Quality Support and Assurance System for Childminding*, Volume 1: Summary Report (2018) 21 <<https://bit.ly/2sHd56f>> accessed 17 February 2020, 21.

755 Tusla, *Early Years Inspectorate Annual Report 2017* <<https://bit.ly/2T6zbud>> accessed 17 February 2020, 20.

756 *ibid* 23.



Safeguarding Statement.⁷⁵⁷ While some unregistered childminders undertake Children First Child Protection Training, there is no requirement for them to do so.

First 5 acknowledges that childminders play an essential role for many parents and the extension of regulations and support to all paid childminders⁷⁵⁸ is central to the reform of the early childhood care and education (ECCE) system under the Strategy. Much progress has been made since the establishment of the Working Group on Reforms and Supports for the Childminding Sector in 2016. The Working Group's report in 2018 made 20 key recommendations to reform the childminding sector in Ireland including:

- Legislative amendments to provide a more comprehensive legal definition of a childminding service, so that childminders caring for one or more children of pre-school and school-age in their own home are required to be Tusla-registered and regulated;
- The development of minimum regulatory standards for childminding services for children from birth to 15 years;
- The development of appropriate quality standards for childminding in line with national quality and curriculum frameworks;
- The establishment of a National Childminding Office to promote implementation of the promised Childminding Action Plan, including the creation of a system of staffed childminding networks to support childminders.⁷⁵⁹

In August 2019, the Minister for Children and Youth Affairs launched the Draft Childminding Action Plan for public consultation. The Action Plan sets out proposals for improving access to high quality and affordable ECCE and school-age childcare through childminding. As part of public consultation, the Minister invited childminders, parents and other stakeholders to share their views through submissions, focus groups with

757 Department of Children and Youth Affairs, 'Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Frequently Asked Questions' <<https://bit.ly/2UWQq50>> accessed 7 January 2019.

758 Government of Ireland, *First 5, A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Government of Ireland 2018) 9.

759 The Working Group on Reforms and Supports for the Childminding Sector, *Pathway to a Quality Support and Assurance System for Childminding*, Volume 1: Summary Report (2018) <<https://bit.ly/2sHd56f>> accessed 17 February 2020, 13, 24, 27, 35.



**... the extension
of regulations and
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ECCE system ...**

childminders and completion of an online survey.⁷⁶⁰

The Draft Action Plan acknowledges the differences between childminding and centre-based provision and proposes the development of childminder-specific Regulations that are proportionate and appropriate to the home setting. In September 2018, Tusla's Early Years Inspectorate published a document outlining its interpretation of the requirements for childminders' compliance with the 2016 Early Years Services Regulations for pre-school children as part of the new Quality and Regulatory Framework (QRF)⁷⁶¹ with input from Childminding Ireland.⁷⁶² The interpretation of the 2016 Regulations specifically for childminding services, coupled with the dedicated funding to support the registration of childminders with Tusla, are two positive steps to encourage childminding services to register with Tusla. Furthermore, the commitment in *First 5* to conduct a review of the 2016 Regulations and the accompanying QRF considering different settings, including home-based settings, to ensure proportionate regulation.⁷⁶³

In early 2019, a National Childminding Coordinator was recruited who, along with six regional Childminding Development Officers will lead the implementation of the first phase of the forthcoming Childminding Action Plan.⁷⁶⁴ The Action Plan will outline steps to move incrementally towards more comprehensive regulation, support and professional development of childminders, along with a timescale to bring this service into mainstream provision. It is hoped that a formal system of registration and regulation for childminders will add to the range of options open to parents, particularly those who prefer home-based ECCE. A system of registration will support the development of quality measures including a Childminding Development Initiative that provides grants to assist childminders in enhancing the safety and quality of their service through small capital developments, minor adaptations or equipment.

The intention to regulate childminding provision will not only support the health, safety and welfare of children, but also allow parents who use childminders to access subsidies under the NCS where the childminder is a Tusla-registered service provider. This policy is welcome from a children's rights perspective. Public monies should not be used to fund childcare that is of unknown quality and is not subject to regulation and inspection. The NCS offers a significant incentive to encourage childminders to register and the opportunity to receive support to improve the quality of their services.

760 DCYA, 'Minister Zappone launches draft Childminding Action Plan', Press Release, 29 August 2019 <<https://bit.ly/2VOAJKm>> accessed 17 February 2020.

761 Tusla Early Years Inspectorate, *Quality and Regulatory Framework: Childminding* (Tusla 2018).

762 Tusla Early Years Inspectorate, *Report of consultations on the development of the Quality and Regulatory Framework Summary* (Tusla 2018) 5.

763 Government of Ireland, *First 5: A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Government of Ireland 2018) 158.

764 Minister for Children and Youth Affairs, Dr. Katherine Zappone, TD, Written answers, Childcare Services Regulations, 26 March 2019 [13812/19].

Childminding

Immediate Actions for 2020



Publish the finalised action plan on childminding to ensure the gradual reform and support of the childminding sector.

The Government should publish the proposed Action Plan on childminding to reform and support the sector in 2020. The plan must address issues of investment, quality, regulation and inspection as well as outline initiatives to support childminders in improving their facilities and practices to meet appropriate minimum regulatory standards and quality standards.



Prioritise the regulation and registration of childminding services aligned with National Childcare Scheme subsidies.

It is recommended that registration of childminders is prioritised and parents are made aware and supported to avail of registered services in order to access NCS subsidies as outlined in the Childcare Support Act 2018.



Provide adequate resources to Tusla's Early Years Inspectorate to support the registration and regulatory inspection of childminders.

It is essential that Tusla is adequately supported and resourced to manage new childminding registrations. The Early Years Inspectorate will also require adequate resources to develop systems of inspection and quality assurance that are proportionate and appropriate to the home setting.