

# 5. RIGHTS IN EARLY CHILDHOOD

Chapter Grade

# D+



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Accessible and affordable childcare and after school care are essential supports for parents who work or take up training and education. We need investment in #earlyyears to make work pay and tackle child poverty.



3 Jan 2018

## **Duty on States to Support 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*



# IN THE NEWS

## CHILDCARE CENTRE WILL INTRODUCE RATHOE KIDS TO THE GREAT OUTDOORS

**Carlow Nationalist, 18 May 2017**

A childcare centre with a difference, in which youngsters are encouraged to play outside as much as they like, was officially opened last week in Rathoe.

Hail, rain or shine, the children in Rathoe Community Childcare Centre can decide themselves whether they want to splash around in muddy puddles, bask in the sunshine or relax inside with a good book.

"It's fantastic, we absolutely love it!" said Sinéad Donnelly, the driving force behind the project. (...)

"The environment and our curriculum are designed using research from countries such as Finland, Italy and New Zealand and the Irish Aistear and Siolta framework," explained Sinéad.

"The children learn about a variety of things such as growing plants and bio-diversity; they form friendships and develop resilience as well as perseverance and confidence," she added.

The centre was completed last year but it was only officially opened last week, when all residents of Rathoe village were invited along. Chairperson Angela O'Sullivan addressed the crowd, while Carol Duffy from Early Childhood Ireland and Áine Gahan from Carlow County Childcare Committee also attended.

One of the strengths of the centre is that it's particularly suited to children with special needs. "Our environment is especially helpful for children with special needs because the outdoors are full of natural materials, which help with their sensory needs," said Sinéad. (...)

## 5.1

# Quality in Early Childhood Education and Care

## 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) Programme (Free Pre-school Scheme).



### Progress: Some

- > Assess the quality of the first year of the Free Pre-school Scheme, withdrawing funding from providers that do not meet quality standards.



### Progress: Limited

**'Quality in Early Childhood Education and Care' receives a 'D' grade in Report Card 2018, down from a 'C-' in Report Card 2017.<sup>632</sup> The development of a quality audit tool for the assessment of quality in Early Childhood Education and Care (ECEC) services, has not yet commenced. It is, however, welcome that the scope of the quality audit in relation to education provision will extend beyond the Free Pre-school Scheme to include services, or rooms within services, for children under three years. The progress made in the review and reform of the inspection regime is positive. However, educational inspections should also apply to rooms/services for under threes.**

All children, including those in early childhood, are holders of rights enshrined in the UN Convention on the Rights of the Child.<sup>633</sup> The UN Committee on the Rights of the Child recognises the pivotal role played by

parents in the early education and care of their children, as well as the State's key role 'in providing a legislative framework for the provision of quality, adequately resourced services, and for ensuring that standards are tailored to the circumstances of particular groups and individuals and to the developmental priorities of particular age groups, from infancy through to transition into school'<sup>634</sup> The Committee points out that early childhood institutions, services and facilities must conform to quality standards.<sup>635</sup> For the Committee, 'quality standards' include the requirement that staff are suitable and sufficient in number, use child-centred practices and curricula, hold current understandings of child rights and development theory and practice, and are trained to work with young children.<sup>636</sup> Quality standards also mean that services are appropriate to the circumstances, age and individuality of young children; staff can access specialist resources and support, and a supervisory and monitoring system exists for public

632 The term Early Childhood Education and Care (ECEC) is used in Report Card 2018 to denote the care and education of children from birth to six years. ECEC is the term used by the OECD.

633 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 3.

634 *ibid* para 31.

635 *ibid* para 23.

636 *ibid* para 23.



## BENEFITED FROM IRELAND'S FIRST EVER UNIVERSAL CHILDCARE SUBSIDY

and private services.<sup>637</sup> Furthermore, the Committee states that work with young children 'should be socially valued and properly paid, in order to attract a highly qualified workforce'.<sup>638</sup>

Every child has the right to development, to care and assistance, to education, and to be protected from any form of harm, abuse or neglect.<sup>639</sup> Ensuring the protection of these rights applies with particular urgency in the case of young children, who are least able to defend themselves against any infringement of their rights, to comprehend what may be happening in

the case of abuse or neglect, or to seek the protection of others.<sup>640</sup> Where a child's right has been violated, there must be an effective accountability process, including the availability of remedies and sanctions.<sup>641</sup> Regardless of whether early childhood services are supplied by public authorities or by non-state providers, the State is obliged to regulate and monitor the quality of provision to ensure that children's rights are protected and their best interests served.<sup>642</sup> This is normally done through a registration and inspection regime.

*Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* lists children's early years as one of seven priorities and aims to raise the quality of early years care and education services.<sup>643</sup> *Better Outcomes, Brighter Futures* commits to state-funded programmes and services focusing on, and clearly demonstrating, improved child outcomes.<sup>644</sup> It also aims to monitor and fully implement national early years standards.<sup>645</sup> The Framework commits to delivering Ireland's first National Early Years Strategy as a roadmap for care and education services for all children up to the age of six years.<sup>646</sup> The Strategy is still in development.

**Review and Reform of the Inspection Regime:** To have a positive impact on child development, ECEC services must be of high-quality: long hours in low-quality services at a very young age can have a negative effect on a child's progress.<sup>647</sup> Regulatory frameworks play a central role in assuring appropriate conditions for children's early learning and care, and in informing how early years' practitioners work with children.<sup>648</sup> Essential to a regulatory framework are monitoring and inspection systems, which can enhance the level of quality in ECEC settings to improve child outcomes.<sup>649</sup>

637 *ibid* para 23. Ireland's ECEC sector is privately provided but receives public funding. In 2017, 4,448 providers had contracts with the Department of Children and Youth Affairs to offer services under the national funding programmes; 73 per cent were private and 27 per cent were community providers. Pobal, *Early Years Sector Profile 2016–2017* (Pobal 2017) 33.

638 *ibid* para 23.

639 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC).

640 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 3; para 36 (a).

641 UNICEF, *Rights in Principle and Accountable in Practice: Child rights and social accountability in the post-2015 world*, Background Paper (UNICEF UK 2014) 1.

642 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 32.

643 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment xi.

644 *ibid* Commitment G.25, 34.

645 *ibid* Commitment G.27, 34.

646 *ibid* Commitment 2.1, 69.

647 Start Strong, *Early Learning: Policies for children's first 3 years*, Policy Brief, May 2012 (Start Strong 2012) 2.

648 OECD, *Encouraging Quality in Early Childhood Education and Care (ECEC)*, *Research Brief: Minimum Standards Matter* <<http://bit.ly/2B4pUtY>> accessed 15 November 2017.

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

and ensure that the State is held accountable for the establishment and maintenance of proper standards.<sup>650</sup>

There are two key inspection regimes in relation to ECEC services in Ireland, one led by the Early Years Inspectorate of Tusla, the Child and Family Agency, and the other by the Inspectorate of the Department of Education and Skills.

*Tusla inspections:* The Government committed to reform the inspection regime following a 2013 documentary showing evidence of the mistreatment of children in ECEC services,<sup>651</sup> and announced the 'Quality Agenda'.<sup>652</sup> With the commencement, in January 2014, of the Child and Family Agency Act 2013, Tusla was able to introduce the first national approach to ECEC regulation. The Child Care Act 1991 (Early Years Services) Regulations 2016 brought into force significant changes, including the introduction of the first national ECEC registration structure for services and the requirement that ECEC staff have a minimum qualification.<sup>653</sup> The Regulations apply to ECEC services for children from birth to six years not attending primary school. Services have to register and comply with the 2016 Regulations as a prerequisite to operating; non-compliance is automatically an offence and Tusla has the power to de-register and close a service.<sup>654</sup>

With the coming into force of the 2016 Regulations, Tusla's Early Years Inspectorate has developed the first standardised national approach to monitoring and compliance. This is a welcome development; in recent years, concerns have been expressed about the inspection system, including the high levels of non-compliance and inconsistent inspections.<sup>655</sup> There are also concerns about whether public health nurses, traditionally the only profession employed by Tusla as Early Years Inspectors, have the necessary expertise in ECEC to adequately understand early learning and carry out the role.<sup>656</sup>

The purpose of Tusla inspections under the 2016 Early Years Services Regulations is to determine the extent to which the service being inspected is well governed; the health, welfare and development of each child is supported; children are safe in the service; and premises are safe, suitable and appropriate for the care and education of children.<sup>657</sup>

In 2017, Tusla's Early Years Inspectorate provided nationwide briefing sessions and an online information resource to support compliance with the 2016 Regulations.<sup>658</sup> Tusla inspection reports are available online.<sup>659</sup> Following a preliminary consultation, a Quality Regulatory Framework (QRF) to provide consistency of inspection, was reissued for consultation in November 2017 with a view to publication in early 2018.<sup>660</sup>

No additional Tusla Inspector positions were created in 2017; any vacant posts were filled from an existing panel.<sup>661</sup> The Department of Children and Youth Affairs considers that a person with a higher level ECEC qualification could be eligible to be a Tusla Early Years Inspector.<sup>662</sup> The issue of the eligibility criteria for this position was addressed by the Labour Court in late 2017, which recommended that the current vacant Inspector posts be filled from both the existing panel of PHNs and from a competition using the new extended multidisciplinary criteria, and that once the current panel is depleted it should be closed.<sup>663</sup> A recruitment plan is in place for 2018, to include a wider pool of professions, including higher level ECEC qualifications.<sup>664</sup> When implemented, this will be a milestone in Irish ECEC professionalisation.

The 2016 Regulations specify a minimum qualification requirement for ECEC staff – a National Framework of Qualifications (NFQ) Level 5 in ECEC, or equivalent.<sup>665</sup>

650 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/GC/7/Rev.1 para 23, 32.

651 'Criminal investigation into alleged crèche abuse'(RTE) <<http://bit.ly/2CK8yEl>> accessed 15 November 2017.

652 Nóirín Hayes, 'Early Childhood Education and Care: A Neglected Policy Arena?' in Mary Murphy and Fiona Dukelow (eds), *The Irish Welfare State in the Twenty-First Century: Challenges and Change* (Palgrave Macmillan 2016) 201.

653 Tusla, *Annual Report 2016 of Tusla – Child and Family Agency's Early Years Inspectorate* (Tusla 2017) 1.

654 *ibid.*

655 Mary Maloney, 'Childcare regulations: Regulatory enforcement in Ireland. What happens when the inspector calls?' *Journal of Early Childhood Research* (2016) 14(1) 84–97.

656 Start Strong, 'Early Years Education-Focused Inspections, Submission to the Department of Education and Skills' (2015) <<http://bit.ly/2jLhVxc>> accessed 6 February 2017, 2.

657 Tusla, *Annual Report 2016 of Tusla – Child and Family Agency's Early Years Inspectorate* (Tusla 2017) 5.

658 *ibid.* 12.

659 Tusla, 'Inspection Reports' <<http://bit.ly/2BCNoHs>> accessed 8 December 2017.

660 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 1 December 2017.

661 *ibid.*

662 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

663 *Tusla Child and Family Agency v Irish Nurses and Midwives Organisation, Workplace Relations Commission, Recommendation LRC21641*, December 2017.

664 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

665 NFQ Level 5 equates to the Leaving Certificate. Quality and Qualifications Ireland, 'Irish National Framework of Qualifications' <<http://www.nfq-qqi.com/>> accessed 7 November 2017.

Pobal data indicates that 306 staff members working directly with children did not have the minimum qualification requirement in 2017.<sup>666</sup> This must be addressed as minimum qualifications levels are a foundation for children being provided with a quality service.

*Department of Education inspections:* In 2015, the Inspectorate of the Department of Education and Skills commenced Early Years Education-focused Inspections to provide 'evaluative information, advice and support regarding the quality of education provision' in services participating in the Free Pre-school Scheme (FPSS).<sup>667</sup> Introduced in January 2010, the FPSS aims to provide early learning in a formal setting for children before they commence primary school.<sup>668</sup> Under the scheme, all children aged between three years and two months and four years and seven months are entitled to free access to Tusla-registered ECEC services for 15 hours per week, 38 weeks per year, September to June. By early 2017, the average length of time to which children were eligible for the service equated to 61 weeks (ranging from 51 to 88 weeks, depending on date of birth and age starting school).<sup>669</sup>

The Early Years Education-focused Inspections (EYEl) evaluate the nature, range and appropriateness of children's early educational experiences in the FPSS.<sup>670</sup> (Educational provision in other ECEC settings is not covered by this inspection process.) The Early Years Inspectorate is part of the Department's Inspectorate division. Early years inspections are carried out in

## Early Years Education-focused Inspections are carried out in accordance with the Education Act 1998 and are funded by the Department of Children and Youth Affairs.

accordance with the Education Act 1998 and are funded by the Department of Children and Youth Affairs.<sup>671</sup>

By the end of 2017, 700<sup>672</sup> of the 1,200 EYEl which had been committed to in the *Education Action Plan 2016–2019*<sup>673</sup> had been conducted, while a total of 716 inspection reports were available online,<sup>674</sup> falling short of the 1,000 promised in the Action Plan. However, not all of the reports on inspection are available online,<sup>675</sup> which can be due to the sometimes lengthy EYEl review process that includes factual verification and setting response that is completed before a report can go online. Findings of reports of inspection of ECEC services is being collated into a national overview report, to be published in early 2018. The Department's evaluation of the EYEl pilot found that<sup>676</sup> providers of the FPSS welcomed the inspections as a positive step in the evolution of professional practice; however, the evaluation concluded that there was wide variation in the capacity of services to engage with the inspection process.<sup>677</sup> The FPSS sector requires further capacity-building to engage with professionalisation processes.

666 Pobal, *Early Years Sector Profile 2016–2017* (Pobal 2017) 83. None of these staff were students or volunteers, had Grandparent Declarations, or were in the process of gaining a qualification of NFQ Level 5, as of May 2017.

667 Department of Education and Skills Inspectorate, *A Guide to Early-years Education-focused Inspection (EYEl) in Early-years Settings Participating in the Early Childhood Care and Education (ECCE) Programme* (Department of Education and Skills Inspectorate 2016) 2.

668 *ibid.*

669 Department of Children and Youth Affairs, 'Over 100,000 children now in free childcare; 95% of eligible children availing of scheme', Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone' (22 January 2017) <<http://bit.ly/2BFgSVo>> accessed 7 November 2017.

670 Department of Education and Skills Inspectorate, *A Guide to Early-years Education-focused Inspection (EYEl) in Early-years Settings Participating in the Early Childhood Care and Education (ECCE) Programme* (Department of Education and Skills Inspectorate 2016) 2.

671 *ibid.*

672 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 18 December 2017.

673 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 33.

674 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 18 December 2017.

675 Over 500 EYEl were conducted in 2016 and 215 reports were online. Children's Rights Alliance *Report Card 2017* (Children's Rights Alliance 2017) 35.

676 Department of Education and Skills, *Report on the National Consultation Process and the Trial of Early Years Education-focused Inspections* (Department of Education and Skills 2017) 16.

677 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

*Co-ordinating inspections:* There are concerns that having two separate Inspectorates intensifies the 'split' within the ECEC system where services for three to six year olds are considered 'early education' and are subject to both Tusla and Department of Education and Skills inspections, while services for children under three are considered 'childcare' and are subject only to inspection by Tusla.<sup>678</sup> Children under the age of three also benefit from learning and development; the split means that the incentivisation and evaluation of educational quality is weaker for children under three. A 2017 report commissioned by the Department of Education and Skills recommended consolidating the existing inspections to provide a unified monitoring and evaluation system that would apply to all services and all age groups.<sup>679</sup>

The Department of Children and Youth Affairs and the Department of Education and Skills are working to coordinate the development and delivery of ECEC inspection, audit and mentoring functions through a high-level Operations and Systems Alignment Group (OSAG).<sup>680</sup> This is a welcome development. The Group examined international evidence on what type of inspection model will best meet the needs of children in Ireland, deciding not to alter the regime, but the Group intends to examine the issue further.<sup>681</sup>

It has been noted that there is a need for a transparent, two-way referral procedure between the two Inspectorates to address situations where Inspectors from the Department of Education and Skills believe that a breach of regulations has occurred which falls

outside of their remit but where sanctions by Tusla might be warranted, or where the reverse situation occurs for a Tusla Inspector.<sup>682</sup> The Department of Children and Youth Affairs has stated that, in order to address this situation, a Memorandum of Understanding between Tusla and the Department of Education and Skills will be put in place.<sup>683</sup> Tusla has developed a protocol which advises the Department of Education and Skills, Better Start and Pobal that any concerns arising from unsolicited information should be referred to Tusla.<sup>684</sup>

**Quality Audit of Free Pre-school Scheme<sup>685</sup> and Funding Withdrawal:**

*A Programme for a Partnership Government* included a commitment to develop and implement an Irish ECEC service quality audit tool. The commitment is welcome as the audit tool, when developed, should provide a rigorous single integrated quality assurance framework through which to identify the quality of education and care which children are receiving in ECEC services. The findings of the periodic national application of the audit tool should provide information and analysis to Government to guide funding and policy decisions. Periodic quality audits of ECEC provision were first recommended in 2015<sup>686</sup> and funding was allocated in Budget 2016.<sup>687</sup>

The aim of the proposed audit is to develop and implement measurement instruments to assess the quality of a representative sample of Tusla-registered early childhood education and care services. This will provide a baseline for the subsequent assessment of

678 Nóirín Hayes, Bernie O'Donoghue Hynes and Toby Wolfe, 'Rapid Change without Transformation: the Dominance of a National Policy Paradigm over International Influences on ECEC Development in Ireland 1995–2012'; [2013] 45(2) *International Journal of Early Childhood* 19–205.

679 Mathias Urban, Sue Robson, Valeria Scacchi, *Review of Occupational Role Profiles in Ireland in Early Childhood Education and Care* (Department of Education and Skills 2017) 54.

680 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 Department of Children and Youth Affairs 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.

681 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

682 Start Strong, 'Early-years Education-focused Inspections, Submission to the Department of Education and Skills' (Start Strong) <<http://bit.ly/2jLhVxc>> accessed 18 December 2017.

683 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

684 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 1 December 2017.

685 The Programme for Partnership Government commits to 'review and assess the quality of the first free pre-school year'. Originally one year, the provision was expanded in 2016, and will be expanded again in September 2018 to entitle all children to two years or 76 weeks free ECEC services. Between September 2016 and May 2017, the peak number of FPSS enrolments was just over 120,000 children. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 6 December 2017.

686 Inter-Departmental Group on Future Investment in Childcare, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) 104 <<http://bit.ly/1GDVkBn>> accessed 6 February 2017.

687 Department of Children and Youth Affairs, 'Minister Reilly announces €85m childcare package in Budget 2016' (13 October 2015) <<http://www.dcy.gov.ie/viewdoc.asp?DocID=3624>> accessed 6 February 2017.

the impact of quality-raising measures.<sup>688</sup> The process of developing the audit instrument is expected to take approximately two years to complete.<sup>689</sup> It is significant that the Department has decided the audit of education provision will not be confined to that available under the Free Pre-school Scheme,<sup>690</sup> meaning that it will apply to services for children under the age of three years. It is welcome that the instrument will have to be child-centred and focused; evidence-based; apply to all registered early years settings ensuring that all children aged zero to six are included in quality measurement; be clearly linked to *Siolta, the National Quality Framework for Early Childhood Education* and *Aistear, The Early Childhood Curriculum Framework*, and aligned to existing standards and regulations of the current Inspectorates.<sup>691</sup> It is important that the quality audit tool should also provide for meaningful consultation with children and ensure that their experiences of using the service are captured in an age-appropriate way in line with Article 12 of the UN Convention on the Rights of the Child which provides that, where a child is capable of forming his or her own views, the child has the right to express those views freely in all matters affecting them. The audit has not yet commenced; a new procurement process is being initiated as tenders received in 2017 did not match the Government's requirements.<sup>692</sup>

The quality audit should provide the Government with a chance to consider the extent to which the systems, processes and programmes that support ECEC services are themselves of quality, or 'competent'.<sup>693</sup> The audit should also pay particular attention to staffing issues, including qualifications. A previous review indicated that roles within early childhood education and care

are poorly defined and undervalued.<sup>694</sup> As noted at the outset, the UN Committee on the Rights of the Child has made it clear that a good quality early childhood service requires competent, well-trained and properly paid staff.

The Government commitment to withdraw public monies from ECEC services that fail to meet quality standards<sup>695</sup> is welcome. The Department of Children and Youth Affairs anticipated in 2016 that the proposed quality audit tool would provide evidence against which decisions to withdraw funding will be made,<sup>696</sup> however, the Department now state that the purpose of the audit is to assist in the formulation of policy in relation to funding decisions.

It is important that the quality audit tool should also provide for meaningful consultation with children and ensure that their experiences of using the service are captured in an age-appropriate way in line with Article 12 of the UN Convention on the Rights of the Child.

688 MerrionStreet.ie, Irish Government News Service, 'Procurement for the provision of Services to Measure and Assess the Quality of Early Years Provision in Ireland' (5 April 2017) <<http://bit.ly/2B6D9dC>> accessed 6 November 2017.

689 *ibid*.

690 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

691 Department of Children and Youth Affairs 'Request for Tenders dated 7th April 2017 for the provision of Services to Measure and Assess the Quality of Early Years Provision in Ireland' (EU Supply 2017) 28 <<http://bit.ly/2AoFaAA>> accessed 3 January 2017.

692 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 6 December 2017.

693 International ECEC quality frameworks to understand and monitor ECEC quality focus not only on individual practitioner/ services quality but on the competence of the wider ECEC system in which services function. Working Group on Early Childhood Education and Care, *Proposal for Key principles of a Quality Framework for Early Childhood Education and Care Report* (European Commission 2014) <<http://bit.ly/2gyWtIX>> accessed 8 December 2017; University of East London and University Ghent, *Core Competence Requirements in Early Childhood Education and Care: A study for the European Commission Directorate-General for Education and Culture* (European Commission 2011) <<http://bit.ly/2kttDuA>> accessed 8 December 2017; OECD, *Starting Strong III – A Quality Toolbox for Early Childhood Education and Care* (OECD 2012) <<http://bit.ly/2BPjnGW>> accessed 8 December 2017.

694 Mathias Urban, Sue Robson, Valeria Scacchi, *Review of Occupational Role Profiles in Ireland in Early Childhood Education and Care* (Department of Education and Skills 2017) 54.

695 Department of the Taoiseach, *A Programme for A Partnership Government 2016* (Department of the Taoiseach, 2016) 76.

696 Children's Rights Alliance, *Report Card 2017* (Children's Rights Alliance 2017) 31; Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

# Quality in Early Childhood Education and Care

## Immediate Actions for 2018



### PROCURE AND COMMENCE THE QUALITY AUDIT OF EARLY CHILDHOOD EDUCATION AND CARE (ECEC) SERVICES.

The commitment to provide a quality audit is significant: it would be the first Irish integrated tool to evaluate quality standards in ECEC services. The audit should provide the first indication of the quality of services experienced by children day-to-day. The audit is an opportunity to advance more effectively designed and targeted national and local quality supports. In keeping with the requirements of Article 12 of the UN Convention, the experiences and views of young children should be included in the development and implementation of the tool.

### CONTINUE WITH THE REFORM OF THE INSPECTION SYSTEM, EXTEND THE EARLY YEARS EDUCATION-FOCUSED INSPECTIONS BEYOND THE FREE PRE-SCHOOL SCHEME, AND ENSURE THAT THE INSPECTION SYSTEMS OF BOTH TUSLA AND THE DEPARTMENT OF EDUCATION AND SKILLS PROVIDE TRANSPARENCY REGARDING THE QUALITY OF SERVICES AND ENSURE SERVICE ACCOUNTABILITY

Both Tusla and Department of Education and Skills inspection regimes require ongoing investment to increase the number of inspection staff and skills, and ensure that inspectors have the necessary ECEC skills and knowledge to assess quality in services and ensure compliance with regulations. Inspection reports by Tusla and the Department of Education and Skills should be made publicly available without undue delay in order to increase transparency and accountability in the sector.

### DELIVER THE NATIONAL EARLY YEARS STRATEGY IN 2018.

The Strategy should include a coherent long-term approach to ECEC policy, underpinned by a clear vision for the ECEC sector across all providers and for all children from birth to six years.

## 5.2

# Subsidised and School-Age Childcare

## 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: Some**

- > 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 'C' grade in *Report Card 2018*, down from last year's 'B' grade. The grade reflects the fact that although progress has been made towards introducing the Affordable Childcare Scheme this was not delivered in September 2017, as originally intended. While it is positive that a universal subsidy for children from six months to three years old was provided, not as many children as expected benefitted from the interim measures introduced. The proposed streamlining of existing subsidised childcare schemes into one targeted income-based scheme did not take place due to the absence of the planned IT system. The *Action Plan on School Age Childcare*, published in 2017, is welcome as it is inter-departmental, reflects the consultation held with children and young people for its development, and marks the first Irish policy for school-age childcare.**

The UN Convention on the Rights of the Child requires States to provide appropriate assistance to parents and guardians in relation to their child-rearing responsibilities.<sup>697</sup> Children of working parents have the right to benefit from childcare services and facilities for which they are eligible.<sup>698</sup> The UN Committee on the Rights of the Child calls on States to ensure that all young children are guaranteed access to appropriate and effective services, including 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.<sup>699</sup> In addition, the UN Committee notes that insufficient attention has been given by States to the implementation of Article 31 of the Convention, which guarantees the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child.<sup>700</sup>

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

698 *ibid* Art 18(3).

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

700 *ibid* para 21.

*Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* commits to removing barriers to employment through increasing the affordability of quality and accessible childcare and after-school services.<sup>701</sup> It commits to improving children’s learning and development outcomes through increasing access to high-quality, affordable early years education,<sup>702</sup> acknowledging the link between service affordability for parents and access for children. The value of breakfast clubs and after-school clubs, which are types of school-age childcare, is also recognised in supporting educational attainment.<sup>703</sup> *Better Outcomes, Brighter Futures* commits to lifting approximately 100,000 children out of consistent poverty by 2020. The European Commission Recommendation, *Investing in Children: Breaking the cycle of disadvantage*, draws attention to the importance of reducing inequality at a young age by investing in early childhood education and care and intensifying efforts to ensure that all families, including those in vulnerable situations and living in disadvantaged areas, have effective access to affordable, quality early childhood education and care.<sup>704</sup>

**New Childcare Subsidy Model:** In October 2016, the Minister for Children and Youth Affairs announced the

Affordable Childcare Scheme (ACS),<sup>705</sup> intended as a financial support to parents by making Early Childhood Education and Care (ECEC) and School-Age Childcare (SAC)<sup>706</sup> services more affordable.<sup>707</sup> The ACS will replace existing targeted childcare subsidy schemes with a streamlined single subsidy scheme (excluding the Free Pre-school Scheme) and it was due to operate from September 2017.<sup>708</sup>

The ACS aims to provide ‘a system of progressive financial support towards the cost of childcare’<sup>709</sup> for parents in Ireland, for whom such costs are among the highest in the European Union.<sup>710</sup> Ireland invests less in early childhood education as a proportion of Gross Domestic Product than most other OECD countries<sup>711</sup> and lacks a comprehensive subsidy system such as is available in some countries with similar levels of resources.<sup>712</sup>

The new scheme will provide Ireland’s first universal childcare subsidy to parents of children under three years and the first single income-based targeted childcare subsidies<sup>713</sup> for parents of children aged six months to 15 years.<sup>714</sup> The ACS will be the first Irish income-based subsidy for parents to support children’s participation in after-school services and out-of-school services during school holidays. ACS

701 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 4.6, 93.

702 *ibid* xiv.

703 *ibid* 68.

704 European Commission, Commission Recommendation of 20 February 2013, *Investing in Children: Breaking the cycle of disadvantage*, *Official Journal of the European Union*, (2.3.2013, L 59/5) 2.2; 2.1.

705 Department of Children and Youth Affairs, ‘Budget 2017: Department of Children and Youth Affairs Statement by Dr Katherine Zappone, Minister for Children and Youth Affairs’ (11 October 2016) <<http://bit.ly/2AuJbsl>> accessed 20 October 2017.

706 Defined as: ‘Childcare which encompasses a wide range of non-scholastic, safe, structured programme offerings for school-going children aged four to 12 years, whether provided by childminders or in formal settings. The service operates outside of normal school hours, i.e., before school, after school and during school holidays, excluding the weekends. The same children attend the service on a regular basis and access to the service is clearly defined by agreement with parents/guardians. The main purpose of the service is to promote children’s holistic development and to care for children where their parents are unavailable.’ Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA/DES 2016) 11.

707 Department of Children and Youth Affairs, ‘Budget 2017: Q&A on the Affordable Childcare Scheme’ <<http://bit.ly/2jOQINt>> accessed 23 October 2017. A different funding model – flat-rate public capitation per child for 15 hours per week, 38-weeks per year – is in operation to support access to the Free Preschool Year for children aged three-years and up to primary school entry.

708 Department of Children and Youth Affairs, ‘Budget 2017: Department of Children and Youth Affairs Statement by Dr Katherine Zappone, Minister for Children and Youth Affairs’ (11 October 2016) <<http://bit.ly/2AuJbsl>> accessed 20 October 2017.

709 Department of Children and Youth Affairs, ‘Policy Paper on the Development of a new Single Affordable Childcare Scheme’ (October 2016) <<http://bit.ly/2h4tNrx>> accessed 6 November 2017 14.

710 Council Recommendation 2016/328/ EC of 18 May 2016 ‘on the 2016 national reform programme of Ireland and delivering a Council opinion on the 2016 stability programme of Ireland’ COM(2016) 328 final 7.

711 OECD, ‘Ireland’ in *Education at a Glance 2016* (OECD 2017) 1.

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

713 Universal programmes are available to children regardless of parents’ income or employment status; eligibility for targeted programmes is determined by factors such as parental income or employment status, or membership of a social group.

714 A universal annual subsidy of up to €1,080 is available for all children between the ages of six months and three years/ commencement Free Pre-school Scheme. Parents of children aged six months to 15 years, with annual incomes of up to €47,500, may also qualify for a means-tested targeted subsidy. Department of Children and Youth Affairs, ‘Budget 2017: Q&A on the Affordable Childcare Scheme’ <<http://bit.ly/2jOQINt>> accessed 2

subsidies will be payable for up to 52 weeks per year.<sup>715</sup> A total of €105 million was allocated to the ACS for 2017 to fund the design and initial implementation of the scheme, comprising the €86.8 million already allocated to targeted childcare subsidy schemes plus an additional €19 million.<sup>716</sup> In October 2016, at the time of the announcement of Budget 2017, the Department of Children and Youth Affairs estimated that 79,000 children could benefit from the ACS when implemented in September 2017, rising to 90,000 in 2018.<sup>717</sup>

Under the new scheme, the State subsidy is paid directly to childcare providers rather than to parents, and childcare fees charged to parents are reduced by an amount corresponding to the subsidy. This direct payment to services is welcome: it provides the State with opportunities to incentivise and control quality in services by ensuring that only regulated services observing quality standards can receive public funding.<sup>718</sup> Subsidies to parents, such as tax credits, have limited impact on affordability because they can drive prices up and do not help the most disadvantaged families who fall outside the tax net.<sup>719</sup> There are 'serious concerns' about their potential introduction in Ireland due to their high cost, limited impact on quality, and questions as to whether a rate of subsidy could be offered that would be effective in supporting affordability and labour market activation.<sup>720</sup>

Neither the legislation to establish the scheme nor the proposed Information Technology (IT) system were finalised in time for the September 2017 commencement date. As an interim step, the Government introduced the 'September Measures', to provide 'a level of subsidy' to make childcare 'more affordable' for the parents of an estimated 70,000 children from September 2017.<sup>721</sup> Until the ACS becomes operational, both the universal subsidy and the targeted subsidies are being distributed through previously existing targeted funding schemes. By end of December 2017, 93 per cent of the expected beneficiaries had received a subsidy: approximately 30,000 children benefited from a universal subsidy, and approximately 34,000 children benefited from a targeted subsidy.<sup>722</sup> While €91.6 million was allocated by Government for the payment of childcare subsidies in 2017 (€42 million to the ACS) there was a €13.7 million underspend, and almost €9 million of the underspend was ACS monies.<sup>723</sup> There was also a significant underspend on childcare subsidies prior to the introduction of the September Measures, with €86.8 million<sup>725</sup> allocated and €56 million spent by the Department,<sup>726</sup> suggesting insufficient access for children and parents to available subsidies.

The ACS implementation is contingent on the procurement of a user-friendly IT system to provide parents with an application portal and an automatic

### Funding on Childcare Subsidies by Department of Children and Youth Affairs

	2016		2017		2018	
	Allocated	Spent	Allocated	Spent	Allocated	Spent
<b>Funding to childcare subsidies</b>	€86.8m	€56m	€91m	€77.9m	€90m	-
<b>Number of children</b>	31,000		65,000		65,000+ (planned)	

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715 The Department initially proposed a 48-week subsidy, but this was increased to 52-weeks following advocacy campaigns by providers and children's organisations.

716 Department of Children and Youth Affairs, 'Policy Paper on the Development of a new Single Affordable Childcare Scheme' (October 2016) <<http://bit.ly/2h4tNrx>> accessed 12 October 2017, 9, 88.

717 The 79,000 children would comprise 25,000 new universal subsidy beneficiaries, 22,500 beneficiaries already paying for childcare and 31,500 children who were already in receipt of a targeted childcare subsidy. Department of Children and Youth Affairs, 'Budget 2017: Q&A on the Affordable Childcare Scheme' <<http://bit.ly/2D6FN84>> accessed 23 October 2017.

718 OECD, *Starting Strong II: Early Childhood Education and Care*, (OECD 2006), 114-116.

719 Start Strong, *The double dividend: Childcare that's affordable and high quality, Policy Brief* (Start Strong 2014).

720 Inter-Departmental Group on Future Investment in Childcare, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) 81,119 <<http://bit.ly/1GDVkBn>> accessed 2 December 2017.

721 Department of Children and Youth Affairs, 'Government announces plans for the delivery of more affordable childcare this September, Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone and Minister for Social Protection, Leo Varadkar', 12 April 2017 <<https://www.dcy.gov.ie/viewdoc.asp?DocID=4180%20>> accessed 6 November 2017.

722 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

723 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 19 January 2018.

724 *ibid.*

725 Department of Children and Youth Affairs, 'Policy Paper on the Development of a new Single Affordable Childcare Scheme' (October 2016) <<http://bit.ly/2h4tNrx>> accessed 12 October 2017, 88.

726 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

decision on their eligibility based on PPS numbers and income data.<sup>727</sup> By November 2017, the implementation of the system was delayed for a number of reasons.<sup>728</sup> The Department of Children and Youth Affairs will confirm a timeline for the full introduction of the Scheme once an IT developer is appointed.<sup>729</sup>

The absence of the new IT system to implement the September Measures has meant that childcare providers undertake the administration associated with determining parents' eligibility for the subsidies. To compensate childcare providers for the 'administrative overload' involved in the September Measures paperwork,<sup>730</sup> an additional €3.5 million was granted to support services to administer public childcare subsidies.<sup>731</sup> It is welcome that Budget 2018 included a commitment that the total €18 million for administration, first allocated in 2017, will be available in future budgets to directly fund services' administration of national childcare funding programmes.<sup>732</sup>

Progress is being made towards putting in place the legislative underpinning of the Affordable Childcare Scheme. The Heads of Bill and General Scheme of the Affordable Childcare Scheme Bill was published in February 2017 and underwent pre-legislative scrutiny by the Joint Oireachtas Committee on Children and Youth Affairs.<sup>733</sup> Following this, the Childcare Support Bill 2017 was published in December 2017 by the Minister for Children and Youth Affairs.<sup>734</sup> The Bill enables the establishment of automated income

assessment and provides for the appointment of a scheme administrator.<sup>735</sup> Under the provisions of the proposed legislation, the Minister is empowered to make regulations to determine the amount of financial support for which a parent qualifies and to determine the conditions under which payment will be made to approved childcare service providers and parents.<sup>736</sup> In a welcome development, the legislation limits participation in the Scheme to childcare providers registered with Tusla, the Child and Family Agency.<sup>737</sup> This will address concerns that unregulated childcare services could participate in the ACS.<sup>738</sup> It ensures that services will be cyclically inspected under national regulations and that there is a legal basis for sanctions, or even closure, should a service not meet minimum regulatory standards. It also ensures that staff are Garda vetted and that the physical environment in which the service is provided is safe.

The extent to which children will benefit from the targeted subsidy will depend on their parents' engagement in training and work. Parents in work or training could qualify for up to a 40 hours targeted subsidy per week, compared with up to 15 hours per week for those who are not.<sup>739</sup> The linking of the targeted subsidy to hours of work/training engaged in by parents could potentially limit the benefits of early childhood care and education for children if they cannot access it. However, the Bill includes an alternative model of eligibility and access for children

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727 The verification process will link in with those of the Revenue Commissioners and the Department of Employment Affairs and Social Protection. Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017,

728 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

729 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 6 December 2017.

730 Amy McArdle, 'Admin Overload?' Scéalta: The Early Childhood Ireland Blog (Early Childhood Ireland 2017) <<https://www.earlychildhoodireland.ie/blog/admin-overload/>> accessed 6 November 2017.

731 Department of Children and Youth Affairs 'Extra €3.5m payment announced for childcare providers, Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone' <<https://www.dcy.gov.ie/viewdoc.asp?DocID=4237>> accessed 8 November 2017.

732 Department of Children and Youth Affairs, 'Budget 2018 – Minister Zappone announces a €73m package' <<http://bit.ly/2mvFLG2>> accessed 14 November 2017.

733 The Heads of Bill underwent pre-legislative scrutiny by the Joint Oireachtas Committee on Children and Youth Affairs in February 2017. Joint Oireachtas Committee on Children and Youth Affairs, 'Pre-legislative Scrutiny Report on the Heads of Bill of the Affordable Childcare Scheme Bill 2017, 7-10' <<http://bit.ly/2iGSVUe>> accessed 8 October 2017.

734 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017.

735 Pobal is the Administrator in the first instance. This can change if required. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

736 Government of Ireland, Childcare Support Bill, Explanatory Memorandum <<http://bit.ly/2qM155a>> accessed 8 January 2018.

737 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 1.

735 Pobal is the Administrator in the first instance. This can change if required. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

736 Government of Ireland, Childcare Support Bill, Explanatory Memorandum <<http://bit.ly/2qM155a>> accessed 8 January 2018.

737 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 1.

738 Children's Rights Alliance, 'Submission to the Joint Oireachtas Committee on Children and Youth Affairs on the Heads of Bill and General Scheme of the Affordable Childcare Scheme', February 2017 <<http://bit.ly/2hcFbQT>> accessed 7 November 2017 4-5.

739 Department of Children and Youth Affairs, 'Childcare Support Bill, Frequently Asked Questions, December 2017' <<http://bit.ly/2CVuijD>> accessed 8 January 2018.

and parents from specific groups,<sup>740</sup> including teen parents to continue their education, asylum seeking and programme refugee families, homeless families, and children and families referred by Tusla or the Health Service Executive. Children and families in these groups may be eligible for a greater level of childcare subsidy without having to fulfil the work/training eligibility criteria<sup>741</sup> where a named government department or agency decides it is necessary.<sup>742</sup> In these cases, the Bill provides that the Minister for Children and Youth Affairs will enter written agreements with the relevant department or agency to contribute to the costs, and determine the rate and terms of the ACS subsidy for these vulnerable children.<sup>743</sup>

The flexible access route to childcare subsidies for named groups of vulnerable children in the Bill is very welcome. Yet concerns remain that some groups may fall through the cracks where they are not already engaged with state services. The ACS gives insufficient attention to children and parents experiencing domestic violence, addiction, mental health difficulties, and disability.<sup>744</sup> It is of welcome that undocumented children can access a subsidy through referral by the HSE or Tusla.<sup>745</sup> An audit should be conducted to determine whether there are particular groups of children who should fall within the scope of the flexible

ACS measures to ensure that no child who requires the additional support is left out of the scheme.

The Government's policy is to improve quality in services to children.<sup>746</sup> At this point, ECEC providers are not required to implement *Aistear, the National Early Years Curriculum* or *Siolta, the National Early Years Quality Framework* with children subsidised through the September Measures. There continues to be a difference in approach towards the FPSS, the State's early educational programme, and the other funding schemes through which the September Measures are delivered as subsidised childcare programmes.<sup>747</sup>

Concerns have been raised about the funding model provided for the scheme as it is calculated on 'a per hour subsidy model' rather than a capitations grant as in the case of the FPSS.<sup>748</sup> Some providers point out that the subsidy rates do not cover the additional costs of providing targeted early interventions to young children and their families.<sup>749</sup> Service providers are also concerned that the subsidy levels are based on a flawed ECEC costs model that is contingent on low pay for practitioners and services operating on a break-even basis.<sup>750</sup> The Department of Children and Youth Affairs has indicated that an independent review of the cost of

740 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 14, schedule 2. See also Government of Ireland, Childcare Support Bill, Explanatory Memorandum <<http://bit.ly/2qM155a>> accessed 8 January 2018 4.

741 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 14.

742 The statutory bodies named in the Bill are: the Department of Education and Skills, the Department of Justice and Equality, Local Authorities, the HSE, and Tusla. Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 14, schedule 2.

743 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 14(1)(2). Government of Ireland, Childcare Support Bill, Explanatory Memorandum <<http://bit.ly/2qM155a>> accessed 8 January 2018, 3. Higher rates of subsidy (e.g. provision of childcare at no cost to parents), more hours of financial support each week, or wider child age-limits for participation in the Scheme may be set for these vulnerable groups.

744 Amy McArdle, Towards the Affordable Childcare Scheme: An opportunity to improve quality of provision for our youngest children, *Education Matters Yearbook 2017-2018* (Education Matters 2018) 91.

745 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

746 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) Commitment vi.

747 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

748 Children's Rights Alliance, 'Submission to the Department of Children and Youth Affairs on the Development of the Single Affordable Childcare Supplement, January 2017' <<http://childrensrights.ie/resources/submission-department-children-and-youth>> accessed 6 February 2017.

749 National Childhood Network et al, 'A Response to the Single Affordable Childcare Scheme: Feedback to Support Successful Implementation' <<http://bit.ly/2yfA5uc>> accessed 6 November 2017, 13; Children's Rights Alliance, 'Submission to the Department of Children and Youth Affairs on the Development of the Single Affordable Childcare Supplement', January 2017 <<http://bit.ly/2FiGAh>> accessed 7 November 2017, 13.

750 Amy McArdle, Towards the Affordable Childcare Scheme: An opportunity to improve quality of provision for our youngest children, *Education Matters Yearbook 2017 -2018* (Education Matters 2018) 91.

751 The review will analyse the current costs of providing childcare in Ireland and factors that impact on those costs; develop a model of the unit cost/costs of providing childcare that allows analysis of policy changes and variation in cost-drivers; and provide an objective, high level market analysis of the childcare sector in Ireland, including analysis of fee levels charged to parents. Department of Children and Youth Affairs, 'Independent Review of the Cost of Delivering Quality Childcare Starts, Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone' <<http://bit.ly/2r3aXb5>> accessed 8 January 2018.

delivery of quality childcare<sup>751</sup> will examine whether the subsidy rates are appropriate.<sup>752</sup>

It is not clear to what extent childcare costs for parents have actually been reduced by the September Measures. There is no definition or measure of 'childcare affordability' for parents in Ireland to evaluate the success of public childcare subsidies in improving affordability – for example, ratio of childcare costs to family income.<sup>753</sup> In 2017, the average cost of childcare services for parents rose for the first time in five years,<sup>754</sup> although it is not yet clear if the increase is related to the introduction of subsidies. Apart from services under the Free Preschool Scheme, providers are free to set their fees at whatever level they wish.<sup>755</sup> Budget 2018 increased the duration of entitlement to the FPSS, bringing the average entitlement up to 76 weeks, which the Department of Children and Youth Affairs estimates will save parents approximately €5,000 annually on childcare fees per child.<sup>756</sup> The Department has previously suggested that fee caps could be considered to improve affordability for parents.<sup>757</sup>

**School-Age Childcare:** Section 5 analyses the commitment to develop a school-age childcare system because four- and five-year-olds in primary school use these services. Ireland is the only country in the OECD with a significant proportion (36 per cent) of four-year-olds in primary school.<sup>758</sup> While school-age childcare (SAC) is included in this chapter on early childhood, it is a separate policy issue from Early Childhood Education

and Care. The main purpose of school-age services is to care for children outside normal school hours, whereas the purpose of ECEC is primarily educational and developmental.

In line with its commitment in *A Programme for a Partnership Government* to introduce a new system of quality after-school care for school-age children,<sup>759</sup> the Department of Children and Youth Affairs and the Department of Education and Skills jointly published the *Action Plan on School Age Childcare* in March 2017.<sup>760</sup> The *Action Plan* is Ireland's first policy on afterschool services during term-time and out-of-school services during school holiday periods. Access, affordability, and quality, with a child rights and child-centred approach, guide the model.<sup>761</sup>

A consultation with 177 children aged between five and 12 years, in line with Article 12 of the UN Convention,<sup>762</sup> and led by the Department of Children and Youth Affairs, informed the Action Plan.<sup>763</sup> All age groups consulted had a strong preference for SAC with a home-from-home environment and identified play as the most desired activity in an ideal SAC service; eating and cooking food were also identified as important activities for children in the after-school period of their day. Relaxation, reading, and a lack of rules were also features of an ideal service for younger children, while the importance of home and friends were frequently-mentioned by older children.<sup>764</sup>

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752 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

753 This contrasts with housing, also a publicly-subsidised good primarily provided by non-State actors in Ireland. See for example: Indecon, *A Study to Examine the Affordability of Irish Housing* (National Competitiveness Council 2016).

754 Pobal, *Early Years Sector Profile 2016/2017* (Pobal 2017) 63. The average cost nationwide had increased by just over €7 from €167.03 to €174.16 (4.3 per cent) for full-time services. The cost of a part-time place decreased slightly to €98.58, while the average weekly fee for a sessional place rose by just over €2 to €68.64.

755 Children's Rights Alliance, 'Submission to the Department of Children and Youth Affairs on the Development of the Single Affordable Childcare Supplement, January 2017' <<http://bit.ly/2FIGAAh>> accessed 6 February 2017.

756 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

757 Department of Children and Youth Affairs, 'Policy Paper on the Development of a new Single Affordable Childcare Scheme' (October 2016) 14 <<http://bit.ly/2h4tNrx>> accessed 6 November 2017.

758 OECD, "Ireland" in *Education at a Glance 2016* (OECD 2017) 4.

759 Department of the Taoiseach, *A Programme for a Partnership Government 2016* (Department of the Taoiseach, 2016) 78.

760 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA/DES 2016). School-age childcare is defined as: 'Childcare which encompasses a wide range of non-scholastic, safe, structured programme offerings for school-going children aged four to 12 years, whether provided by childminders or in formal settings. The service operates outside of normal school hours, i.e., before school, after school and during school holidays, excluding the weekends. The same children attend the service on a regular basis and access to the service is clearly defined by agreement with parents/guardians. The main purpose of the service is to promote children's holistic development and to care for children where their parents are unavailable.'

761 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA/DES 2017) 4.

762 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 12.

763 Department of Children and Youth Affairs, *Report of Consultations with Children on After-school Care* (Government Publications 2017).

764 *ibid.*

Key commitments in the *Action Plan* include the development of quality standards and a quality assurance system for SAC services and the development of a SAC qualification for practitioners.<sup>765</sup> The Plan considers the issue of capital grants to expand the supply of SAC places and the funding of transport from schools to SAC services. It recommends that the use of schools and other existing community facilities for the provision of SAC services should be maximised 'where demand exists and where it can be facilitated by the school patron/ trustees'.<sup>766</sup> To date, progress on implementation of the *Action Plan's* proposals has included the publication by the Department of Education and Skills of *Guidelines on the Use of School Buildings Outside of School Hours* in November 2017<sup>767</sup> and a review on support for an appropriate qualification for the SAC workforce to be completed by June 2018 by Quality and Qualifications Ireland (QQI).<sup>768</sup> The Expert Group on Future Skills Needs has commissioned an analysis of information on the future skills needs for the childcare workforce.<sup>769</sup> This work is currently underway and will provide detailed data to inform workforce planning in 2018.<sup>770</sup>

In early 2017, the Department of Children and Youth Affairs formed a Working Group on School-Age Childcare Quality Standards to review national and international best practice to support the development of the SAC Quality Standards for four to 15 year olds and to develop a set of principles to support the implementation of the Quality Standards.<sup>771</sup> Draft Quality Standards are due to be completed by the end of 2017, in advance of further consultation.<sup>772</sup> Following

the completion and agreement of the standards, priority actions will include addressing the question of qualifications for school-age childcare staff and a robust quality assurance system for SAC services.<sup>773</sup>

The overall number of children availing of SAC and the number of schools, community or youth services offering SAC is unknown.<sup>774</sup> In 2016/17, 20,338 children age six years and over availed of a Department-funded SAC place.<sup>775</sup> However, almost 1,400 children remain on a waiting list and there has been a decrease in the number of services offering after-school care.<sup>776</sup> The Action Plan commits to establishing a specialist unit within the Department of Children and Youth Affairs to identify demand and supply for SAC and ECEC services.<sup>777</sup> The Department has allocated resources to develop a mechanism to gauge supply and demand for childcare into the future, and it is working with other agencies to gather and analyse this data.<sup>778</sup>

The additional funding for the School Age Childcare Capital Scheme, announced by the Minister for Children and Youth Affairs in March 2017, is welcome.<sup>779</sup> The funding aims to increase capacity for the provision of school-age childcare, through the establishment of new services and the expansion or improvement of existing services. The SAC capital programme in 2017 allocated €4 million to create 5,000 places in 488 services;<sup>780</sup> the funding has yet to be drawn down by services. Intended improvements to SAC services funded through the 2017 Capital Programme include renovations of indoor and outdoor spaces and purchase of age appropriate equipment and furniture.<sup>781</sup>

765 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA/DES 2017) 6-9.

766 *ibid.* It is notable that the Department of Education and Skills' Action Plan for Education 2016–2019, proposes to link additional capitation to schools to the provision of buildings for afterschool care. Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 59.

767 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs and the Department of Education and Skills, 1 December 2017.

768 *ibid.*

769 The Expert group is a government advisory group reporting to the Minister for Business, Enterprise and Innovation and the Minister for Education and Skills.

770 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs and the Department of Education and Skills, 1 December 2017.

771 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

772 *ibid.*

773 *ibid.*

774 Inter-Departmental Group on Future Investment in Childcare, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) 56 <<http://bit.ly/1GDVkBn>> accessed 2 December 2017.

775 Pobal, *Early Years Sector Profile 2016/2017* (Pobal 2017) 51.

776 *ibid.* 12.

777 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA/DES 2017) 6.

778 *ibid.*

779 Pobal, *Early Years Sector Profile 2016/2017* (Pobal 2017) 12.

780 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

781 *ibid.*

## Subsidised and School-Age Childcare

# Immediate Actions for 2018



MAKE SIGNIFICANT PROGRESS IN 2018 ON THE ACTIONS REQUIRED TO INTRODUCE THE AFFORDABLE CHILDCARE SCHEME. IN THE INTERIM, ENSURE THAT AS MANY CHILDREN AS POSSIBLE BENEFIT FROM CHILDCARE SUBSIDIES.

The Childcare Support Bill 2017 should continue to be prioritised in the legislative process in 2018. Significant effort is required in 2018 to procure the development of a user-friendly IT system. An initial pilot may iron out any glitches before the IT system is fully rolled-out. The time required to develop the IT system should provide the Department of Children and Youth Affairs with the opportunity to plan the national and local supports that will be required for parents with literacy issues, or without access to broadband or digital devices.

CONTINUE THE CURRENT PACE OF IMPLEMENTATION OF THE *ACTION PLAN FOR SCHOOL-AGE CHILDCARE*.

The implementation of the Plan is encouraging. The Department of Children and Youth Affairs should ensure that SAC services are regulated and provide appropriate programmes and quality services to children and young people.

## 5.3

**Childminding****GOVERNMENT COMMITMENT**

*A Programme for a Partnership Government* commits to:

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



**Progress: Slow**

**'Childminding' receives a 'D' grade in *Report Card 2018*, down from last year's 'C' grade. The grade reflects inadequate progress in the development of a phased programme of reforms for the childminding sector. At least 35,000 children experience unregulated childminding settings but there is no available information on the quality of services provided or their suitability as early childhood care and education provision or as school-age childcare services. The establishment by the Government of a Working Group to make recommendations on reforming and supporting the sector is significant, and indicates a welcome intent to transform the sector.**

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.<sup>782</sup> Noting that young children form strong emotional attachments to their parents or other caregivers, from whom they seek and require nurturance, care, guidance and protection,<sup>783</sup> the UN Committee 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 primary obligation to ensure implementation of the Convention, their responsibility for service provision for early childhood development,<sup>784</sup> 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.<sup>785</sup>

**Reforming Childminding:** A childminder is a self-employed person who provides a childminding service.<sup>786</sup> The Child Care Act 1991 (Early Years Services) Regulations 2016 define a childminding service as a pre-school service offered by a person who single-handedly takes care of pre-school children,<sup>787</sup> among whom may be included the person's own children, in the person's home, for more than two hours per day, except where the exemptions provided in Section 58 of the Child Care Act 1991 apply.<sup>788</sup> Only childminding services catering for four or more pre-school children who are unrelated are required to register with Tusla, the Child and Family Agency.

In September 2016, the Department of Children and Youth Affairs established a Working Group on

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

783 *ibid* para 5.

784 *Ibid* para 32.

785 *ibid*.

786 Office of the Minister for Children, *National Guidelines for Childminders* (Stationery Office 2006) 29.

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

788 Child Care Act 1991 (Early Years Services) Regulations 2016, Statutory Instrument (SI No 221).

Reforms and Supports for the Childminding Sector, chaired by Childminding Ireland, a membership-based organisation representing childminders.<sup>789</sup> The Working Group was requested, through research, consultation and examination of international best practice, to produce proposals for the Minister for Children and Youth Affairs on necessary reforms and supports.<sup>790</sup> The Working Group was due to submit its proposals to the Minister for Children and Youth Affairs in May 2017 but the new timeframe for submission is mid-January 2018.<sup>791</sup> The Minister and her officials will consider the Group's recommendations with a view to developing an action plan for the reform and support of the childminding sector.<sup>792</sup>

The Government's *Action Plan on School Age Childcare*, published in March 2017, recognises childminders as school-age childcare providers and includes childminding services in the definition of school-age childcare.<sup>793</sup> The actions proposed under the Plan include the establishment of a dedicated Learner Fund to enable childminders to upskill, and the development of quality standards and a quality assurance system in order for childminding services to access public funding.<sup>794</sup> To ensure a consistency of approach regarding access to the Learner Fund, the Department is awaiting the Childminding Working Group report before advancing this action.<sup>795</sup>

Accurate data on the number of childminding services in Ireland and the number of children in their care is unavailable given the unregulated and not publicly visible nature of the sector. The Department of Children and Youth Affairs estimates that there are 21,000 childminding services caring for 37,000 children.<sup>796</sup> However, recent nationally representative data on the

childcare use and preferences of parents in Ireland<sup>797</sup> shows that 10 per cent of children aged 12 years and under were cared for by childminder, au pair or nanny services.<sup>798</sup> This equates to approximately 88,000 children.<sup>799</sup>

Only childminders registered with the Child and Family Agency, Tusla and caring for pre-school children are subject to the Child Care Act 1991 (Early Years Services) Regulations 2016 and so open to periodic inspection by Tusla's Early Years Inspectorate. However, by November 2017, just 122 childminders were registered with Tusla.<sup>800</sup> This reflects the limited requirement to register already noted: childminders are not required to register with Tusla if they care for three or fewer pre-school children unrelated to the childminder, or care for children from a single family, or if they care only for school-going children.<sup>801</sup> Given the absence of detailed data on the extent of provision, the Department cannot provide a reliable estimate of the number of childminding services required to register with Tusla under the law and who choose not to, and suggest that enforcement arrangements are insufficient to ensure that they do so.<sup>802</sup> There is no regulatory framework for school-age childcare providers, whether home- or centre-based.

Tusla's analysis of a sample of 288 inspection reports from 2,008 inspections in 2016 included seven childminding services.<sup>803</sup> The seven childminding services were found to be 86 per cent compliant with the 2016 Regulations.<sup>804</sup> This compares favourably with other service types, including full day care services, although caution is required as the number is very low.<sup>805</sup> Childminders are not named as mandated persons with a legal obligation to report child

789 The Working Group includes representatives of Tusla, Pobal, Department of Children and Youth Affairs, Childcare Committees Ireland, Children's Rights Alliance, the National Childcare Voluntary Collaborative, Better Start, Childminding Ireland.

790 Children's Rights Alliance, *Report Card 2017* (Children's Rights Alliance 2017) 43.

791 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

792 *ibid.*

793 Department of Children and Youth Affairs, *Action Plan on School Age Childcare* (DCYA 2017) 7, 11.

794 *ibid.* 69.

795 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

796 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA & DES 2017) 22.

797 Central Statistics Office, *Quarterly National Household Survey Module on Childcare, Quarter 3, 2016* (CSO 2017) 1.

798 Note that the CSO Quarterly National Household Survey Module on Childcare does not distinguish between a childminder, nanny or au pair. Childminding services operate in the childminder's home and childminders are self-employed, while nannies and au pairs operate in the child's home. Au pairs are legally designated as employees of parents, while nannies are also often employees.

799 There are 880,2098 children age zero to 12 years, inclusive, in Ireland (Central Statistics Office, Census 2016, Statbank, EY007: Population 2011 to 2016 by Age Last Birthday, At Each Year of Age, Sex and Census Year <<http://bit.ly/10R1hyp>> accessed 12 October 2017.)

800 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 6 December 2017.

801 Child Care Act 1991 (Early Years Services) Regulations 2016, Statutory Instrument (SI No 221), Regulation 12.

802 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 6 December 2017.

803 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 1 December 2017; Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 16 January 2018.

804 *ibid.*

805 *ibid.*



**ONLY  
122  
OUT OF 22,000  
CHILDMINDERS  
TUSLA REGISTERED**

protection concerns to Tusla under the Children First Act 2015 and while some childminders voluntarily undertake Children First child protection training there is no onus on them to do so.

A range of agencies engage with childminders agencies in relation to financial support. Childminders may apply for a Childminding Development Grant of up to €1,000 every two years. A prerequisite for applying for this grant is notification to a local City or County Childcare Committee (CCC) and submission of a self-evaluation form. The CCC does not assess the suitability of the childminder or their home or verify the information

given in the self-evaluation process. In November 2017, 1,193 childminders had voluntarily 'notified' a CCC<sup>806</sup> by submitting a self-evaluation form.<sup>807</sup> In 2016, 237 childminders received the Grant;<sup>808</sup> 194 applicants were recommended for it in 2017.<sup>809</sup> Childminders may also avail of an annual €15,000 Childminding Tax Relief, which is designed to incentivise supply. Applicants must submit to the Revenue Commissioners a letter from a CCC confirming their voluntary notification.<sup>810</sup> To this end, CCCs issued 93 letters in 2016 and 109 in 2017.<sup>811</sup> Qualification criteria for tax relief include a requirement that the childminder does not care for more than three children at any one time.<sup>812</sup> This results in an anomaly whereby a service registered with Tusla (because it is caring for more than three children) is unable to avail of the tax relief while services that are exempt from regulation may qualify for the relief.

The main national quality improvement support for childminders is a 10 hour non-accredited Quality Awareness Programme (QAP). Five CCCs offer the QAP;<sup>813</sup> 68 childminders completed the Programme in 2016 and 49 in 2017.<sup>814</sup> The QAP provides basic information on child development, hygiene, health and safety, child well-being, and the importance of play.<sup>815</sup> The Department of Children and Youth Affairs provides annual funding to Childminding Ireland to provide supports towards improving quality standards among its 712 members.<sup>816</sup>

While *Siolta*, the National Quality Framework for Early Childhood Education and Care, and *Aistear*, the Early Childhood Curriculum Framework, are both applicable to childminding services, there is no requirement on the services to implement these frameworks. Only Tusla-registered childminders delivering the Free Preschool Scheme (FPSS) are contractually required by the Department to 'provide an appropriate

806 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017. City and County Childcare Committees (CCCs) support ECEC service providers and promote the adoption and application of national frameworks that improve the quality of services. Unregistered childminding services or those exempt from Tusla-registration can voluntarily 'notify' their service to their City or County Childcare Committee.

807 Wicklow County Childcare Committee, 'Notification as a Childminder' <<http://bit.ly/2D2DnDG>> accessed 6 February 2017.

808 Designated to purchase toys, educational materials and equipment or make some minor household adaptations to assist in developing a quality childminding service.

809 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

810 *ibid.*

811 *ibid.*

812 Revenue Commissioners, 'Childcare services' <<http://bit.ly/2kk8MK7>> accessed 19 December 2017.

813 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

814 *ibid.*

815 Wicklow County Childcare Committee, 'Notification as a Childminder' <<http://bit.ly/2D2DnDG>> accessed 6 February 2017.

816 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

educational programme for children in their preschool room which adheres to the principles of Siolta and Aistear.<sup>817</sup> While Early Childhood Education and Care (ECEC) services are required to have a minimum of eight children enrolled in order to operate the FPSS programme, exceptions can be made for childminders in communities where there are no ECEC centres.<sup>818</sup> In November 2017, 24 ECEC services offering the FPSS had self-identified to Pobal as a childminder.<sup>819</sup>

As only Tusla-registered services may be used by parents wishing to avail of the childcare subsidies provided under the 'September Measures', implemented since September 2017 while awaiting the implementation of the Affordable Childcare Scheme, childminders generally are not among the childcare services in respect of which the subsidy will be paid. However, 10 Tusla-registered ECEC services that self-declared to Pobal as childminders came within the scope of the September Measures in November 2017.<sup>820</sup>

The Affordable Childcare Scheme may offer a significant opportunity to encourage childminders to register and become regulated, thus effecting improvements in the safety and quality of childcare available in Ireland. The Childcare Support Bill 2017 provides for the establishment of a funding scheme for childcare services. The Bill 2017 limits participation in the Scheme to childcare services providers - both pre-school and school-age - that are registered with the Child and Family Agency under the Child Care Act 1991.<sup>821</sup> The Department also anticipates that ACS providers will be contractually obliged to comply with quality standards via a quality assurance process,<sup>822</sup> although the standards and assurance process are not yet developed. Public monies should not be used to fund childcare that is of unknown quality and is not subject to regulation and inspection.

Childminders can provide valuable home-based care and education services for children. They offer parental choice and are a flexible support to working parents, often close to children's homes and within

their communities. However, the sector requires radical reform and State recognition to ensure that it is properly regulated and supported. The action plan to be developed by the Department of Children and Youth Affairs, following receipt of the Report of the Working Group on Reforms and Supports for the Childminding Sector, should recognise, support and promote the important contributions that childminders can make to children's learning and development outcomes. The more commonly considered care aspects of childminding should not be the sole focus of the plan.

The Affordable Childcare Scheme may offer a significant opportunity to encourage childminders to register and become regulated, thus effecting improvements in the safety and quality of childcare available in Ireland.

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817 Department of Children and Youth Affairs, 'Early Childhood Care and Education Programme General Conditions of Grant Funding Agreement' <<http://bit.ly/2yWavK0>> accessed 19 December 2017.

818 Department of Children and Youth Affairs, 'ECCE Minimum Enrolment Exemptions' <<http://bit.ly/2kirhii>> accessed 6 February 2017.

819 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017. However, this figure may not reflect the situation in reality: childminders may self-declare as such on the Pobal online system but it is not mandatory that they do so and Pobal is not in a position to do any verification checks on this at present.

820 *ibid.*

821 Childcare Support Bill 2017, Dáil Bill, No. 153 of 2017, s 1.

822 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School Age Childcare* (DCYA & DES 2017) 22.

# Childminding

## Immediate Actions for 2018



### DEVELOP AN ACTION PLAN IN 2018 FOR THE GRADUAL REFORM AND SUPPORT OF THE CHILDMINDING SECTOR.

Government should publish an action plan on childminding to reform and support the sector. The plan must address issues of quality, regulation and inspection. The plan should also address the issue of supporting childminders to improve their facilities and practices to meet appropriate minimum regulatory standards and quality standards.

### ENSURE THAT ONLY REGULATED CHILDMINDING SERVICES WHICH ARE SUBJECT TO INSPECTION WILL BE CONSIDERED AS APPROVED PROVIDERS UNDER NATIONAL CHILDCARE FUNDING PROGRAMMES, INCLUDING THE AFFORDABLE CHILDCARE SCHEME.

Childcare subsidies for parents should be paid only in respect of services where minimum standards are appropriately regulated, childminders receive Children First training, and the childminder and other adults in the home are Garda vetted. The State must ensure that children's rights are protected and respected in all childcare settings and must provide an adequate redress mechanism should a childminder violate a child's rights to health, safety, protection and to quality services. The development of the required infrastructure to regulate the sector should be prioritised.