

2. RIGHTS IN EARLY CHILDHOOD

Chapter Grade

C+



Early ChildhoodIre
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'Paid parental leave, high-quality care and education and affordability for families'
@ChildrightsIRL #Budget2017



12.45 PM - 24 Sep 2016

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



IN THE NEWS

TWIN TOWNS CHILDCARE AWARDED 'BEST CRÈCHE' IN DONEGAL

Donegal News, 28 October 2016

Twin Towns from Stranolar beat off stiff competition to be crowned Donegal – Crèche of the Year in the 2016 Families First Awards. The awards are designed to thank and acknowledge those people and products local families couldn't be without on a daily basis.

The creche was nominated for the award by many, including Gavin Herron who said it was a great setting: 'Inside and out looks great amazing staff and happy children'.

Emma Watson said she was delighted with the nomination.

The Families First Awards, which took place in Jacksons Hotel, Ballybofey earlier this month, celebrate the wonderful people, products and

services that come together to make our family lives that little bit easier or more enjoyable. [...]

Ann King, Event Organiser was delighted with the turn out and support.

'The Families First Awards event is now into its third year, but this is its first in Donegal. We've been overwhelmed by support and enthusiasm for both the people section and the products and services section of the awards – with literally hundreds of nominations and thousands of votes cast over the past few months it's obvious to us that there are a lot of very happy families who are exceptionally grateful for the people they have in their lives and the products or services that get them through each day. [...]

2.1

Quality in Early Childhood Education and Care

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

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



Progress: Unsatisfactory

- > Review and reform the inspection regime.



Progress: Some

'Quality in Early Childhood Education and Care' receives a 'C-' grade in Report Card 2017.¹¹⁵ This grade reflects the ongoing delay in the audit of quality of the first free pre-school year (FPSY).¹¹⁶ The review and reform of the inspection regime is welcome, particularly the enactment and commencement of Child Care Act 1991 (Early Years Services) Regulations 2016, as are efforts to harmonise the inspection regime. The rolling-out of Early Years Education-Focused Inspections by the Department of Education and Skills in 2016 is welcome, although it should be extended to Early Childhood Education and Care (ECEC) services for children under three years who also have a right to verified quality.

Every child has a right to education including in their early years.¹¹⁷ The UN Committee on the Rights of the Child interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development.¹¹⁸ Early childhood institutions, services and facilities must conform to quality standards.¹¹⁹ For the UN Committee quality standards include that:

- > Staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained;
- > Services are appropriate to the circumstances, age and individuality of young children and all staff must be trained to work with this age group;
- > Work with young children is socially valued and properly paid to attract a highly-qualified workforce

115 The term Early Childhood Education and Care (ECEC) is used in Report Card 2017 to denote the care and education of children aged zero to six years. ECEC is the term used by the Organisation for Economic Co-operation and Development.

116 The Early Childhood Care and Education (ECCE) Scheme is referred to as the Free Preschool Year (FYSY) in Report Card 2017 as this is how it is colloquially known, and the term 'Early Childhood Care and Education' is also used in Ireland and other countries to refer to care and education for all young children, not just over the age of three.

117 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 28.

118 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/GC/7/Rev.1 para 28.

119 *ibid.*

and staff should have up-to-date theoretical and practical understanding about children's rights and development; and

- > Staff use child-centred care practices, curricula and pedagogies, and have access to specialist professional resources and support, including a supervisory and monitoring system for public and private services.¹²⁰

Internationally agreed facets of early childhood education and care (ECEC) service quality required for positive child outcomes - child-to-staff ratios, physical environments, practitioners' educational levels and employment conditions, curriculum, practitioner-child interactions, and pedagogical practices - broadly reflect the UN quality standards.¹²¹

The Government committed in *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* to introduce a second free pre-school year once quality standards are achieved. It also committed to support the monitoring and full implementation of national standards in early years settings, support early years practitioners through continuous professional development, and introduce and implement a national Early Years Strategy.¹²²

Quality Audit of First Free Preschool Year and Funding Withdrawal: Introduced in 2010, the FPSY entitles all children aged between three years and two months and four years and seven months to free access to ECEC for 15 hours per week, 38 weeks per year. Between 1 September 2015 and 31 August 2016, 73,964

children benefitted from the programme.¹²³ Budget 2016 extended the FPSY to children for a second year, and 85,000 children were registered in September 2016.¹²⁴ Approximately 95 per cent of eligible children participate in the FPSY and have done so from the outset.¹²⁵

Good quality ECEC is important as it will impact positively on children's cognitive, physical and socio-emotional development and outcomes in adulthood such as educational attainment, particularly for children whose home learning environments may not support their development.

Good quality ECEC is important as it will impact positively on children's cognitive, physical and socio-emotional development¹²⁶ and outcomes in adulthood such as educational attainment, particularly for children whose home learning environments may not support their development.¹²⁷ Poor quality services and practices can be harmful to child development.¹²⁸ Monitoring aims to enhance the level of quality in ECEC settings and thus improve child outcomes¹²⁹ and ensure States' accountability to children.¹³⁰ The quality of supportive interactions between children and staff, a stimulating curriculum, and effective pedagogical practices are the

120 ibid para 23.

121 Barnara Janta, Janna van Belle, Katherine Stewart, *Quality and Impact of Centre-based Early Childhood Education and Care* (RAND Europe 2016); Working Group on Early Childhood Education and Care, *Proposal for Key Principles of a Quality Framework for Early Childhood Education and Care: Report of the Working Group on Early Childhood Education and Care* (European Commission October 2014).

122 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) 127.

123 Pobal, *Early Years Sector Profile 2015-2016* (Pobal 2016) 12, 13.

124 Department of Children and Youth Affairs, 'Thousands of extra children joining free pre-school' (13 October 2015) <www.dcy.gov.ie/viewdoc.asp?Docid=3953&CatID=11&mn=&StartDate=01+January+2016> accessed 6 February 2017.

125 Pobal, *Early Years Sector Profile 2015-2016* (Pobal 2016) 13.

126 Working Group on Early Childhood Education and Care, *Proposal for Key Principles of a Quality Framework for Early Childhood Education and Care: Report of the Working Group on Early Childhood Education and Care* (European Commission 2014) 13, 14.

127 Barnara Janta, Janna van Belle, Katherine Stewart, *Quality and Impact of Centre-Based Early Childhood Education and Care* (RAND Europe 2016) 4.

128 Start Strong, *Children 2020* (Start Strong 2010) 11; Mary Moloney, 'Locating Quality in Early Childhood Education and Care Discourse in Ireland: Pre-school and Infant Classrooms as a Crucible for Learning and Development' (PhD thesis, University of Limerick 2011) <<http://bit.ly/2jx62H2>> accessed 8 December 2016, 10.

129 Organisation for Economic Cooperation and Development, *Starting Strong IV: Monitoring Quality in Early Childhood Education and Care* (OECD 2015).

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

most predictive inputs to child development outcomes and to the quality of children's experiences in services.¹³¹



PARTICIPATE IN THE FREE PRE-SCHOOL YEAR

A *Programme for a Partnership Government* committed to audit the quality of the first FPSY. The proposed audit is necessary to address the lack of official data on the quality of Irish ECEC services.¹³² Periodic quality audits of ECEC provision were first recommended in the 2015 *Report of the Inter-Departmental Working Group: Future Investment in Childcare*¹³³ and funding was allocated in Budget 2016 to develop an audit.¹³⁴ In 2016, the Department of Children and Youth Affairs established a Working Group to develop the terms of reference to publically procure services to measure and assess the quality of the FPSY in Ireland.¹³⁵ The Department anticipates that issues related to the audit will be clarified and finalised within the first quarter of 2017.¹³⁶

The development and implementation of an Irish ECEC quality audit tool by an independent agency is welcome; there is no one comprehensive quality assurance framework, assessment process or quality benchmark through which the State assesses and rates the quality of ECEC provision. The State's regulatory and inspection frameworks and tools provide a solid basis for the development of the quality audit, specifically the Department of Education and Science's Early Years Education-Focused Inspections, which is informed by *Siolta: The National Quality Framework for Early Education*,¹³⁷ *Aistear: The Early Childhood Curriculum Framework*¹³⁸ and international research,¹³⁹ and the forthcoming national *Quality and Regulatory Framework* developed by Tusla's Early Years Inspectorate.¹⁴⁰ The proposed quality audit should capture tangible quality elements, such as the quality of children's indoor and outdoor environments, and process quality elements, such as child-practitioner interactions and the efficacy of pedagogical practice. The extent and effectiveness of the support infrastructure that drives ECEC quality should be included specifically Better Start,¹⁴¹ practitioners' education levels and employment conditions. The assessment should audit quality for children as both a group and as individuals.

The Government also commits to withdraw public monies from early years services subject to inspection that fail to meet quality standards.¹⁴² The Department of Children and Youth Affairs anticipates that the proposed quality audit tool will provide evidence against which decisions to withdraw funding will be made.¹⁴³ To date there is little evidence of the withdrawal of public funds for breach of the statutory 2016 Regulations, or

131 Working Group on Early Childhood Education and Care, *Proposal for Key Principles of a Quality Framework for Early Childhood Education and Care: Report of the Working Group on Early Childhood Education and Care* (European Commission October 2014) 6, 17, 28, 36, 40, 43.

132 Start Strong, 'Budget 2016 Analysis' (Start Strong 2015) <<http://bit.ly/2jOX4Jg>> accessed 3 February 2017, 3.

133 Inter-Departmental Working Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <www.dcy.gov.ie/documents/earlyyears/20150722IDGReportonEarlyYrsInvestmentReport.pdf> accessed 23 July 2016, 104.

134 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.

135 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

136 *ibid.*

137 Department of Education and Skills, 'Siolta - The National Quality Framework for Early Education', <<http://siolta.ie/about.php>> accessed 6 February 2017.

138 National Council for Curriculum and Assessment, *Aistear: The Early Childhood Curriculum Framework* (NCCA 2011).

139 Department of Education and Skills, 'A guide to Early-years Education-focused Inspection (EYEI) in Early-years Settings Participating in the Early childhood education and care (ECEC) Programme' (DES 2016) <<http://bit.ly/2jNxnzC>> accessed 6 February 2017.

140 The Early Years Inspectorate in Tusla, the Child and Family Agency, is the independent statutory regulator of early years services in Ireland and is responsible for inspecting pre-schools, play groups, day nursery, crèches and similar services which cater for children aged 0-6 years.

141 Better Start Quality Development Service is an initiative of the Department of Children and Youth Affairs providing an integrated national approach to developing quality in ECEC through mentoring.

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

143 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

its predecessors. Of 2,302 services inspected in 2015, two services were prosecuted in the courts for breach of the 2006 Regulations that preceded the 2016 Regulations.¹⁴⁴ The services remained open despite conviction as the court did not mandate closure.¹⁴⁵ Tusla informed the Department of Children and Youth Affairs about both cases.¹⁴⁶

There is one known instance where capital funding was withdrawn from a service approved under the Early Years Capital Programme¹⁴⁷ after Tusla notified Pobal of a prosecution.¹⁴⁸ It is not within the remit of Early Years Education-Focused Inspections to withdraw public funding from providers that do not meet quality standards.¹⁴⁹

There is a weak connection between receipt of public monies received by Early Childhood Education and Care services and quality demanded by the State, particularly so for children under the age of three years.

Review and Reform of the Inspection Regime:

Every child has the right to protection from abuse and neglect.¹⁵⁰ Young children are frequent victims of neglect, maltreatment and abuse, including physical and mental violence.¹⁵¹ The UN Committee interprets the right as entitling young children to special protection measures.¹⁵² Young children are least able to

avoid or resist abuse, least able to comprehend what is happening and least able to seek the protection of others.¹⁵³ States must have a supervisory and monitoring system for public and private programmes, institutions and services.¹⁵⁴ Inspection regimes support States' accountability to children if there is a violation of their right to safety and protection and they have access to a remedy or sanction.¹⁵⁵ Where non-State services play a major role in early childhood services, the UN Committee reminds the State that it has an obligation to monitor and regulate the quality of provision to ensure that children's rights are protected and their best interests served.¹⁵⁶ A quality framework prepared for the European Commission extends the assessment of ECEC quality beyond individual practitioner and service quality to include the level of competence of the entire ECEC system, including the extent of integration between policies and between ECEC support systems.¹⁵⁷

A Programme for a Partnership Government commits to review and reform the inspection regime. The Department of Children and Youth Affairs funds the three elements of the inspection regime that are central to children's experiences of services: the Tusla Early Years Inspectorate, the Department of Education and Skills' Early Years Education-Focused Inspectorate, and Pobal's compliance regime.¹⁵⁸ A series of gaps have been identified in these elements that impact the extent to which the inspection regime keep children safe and assure the delivery of quality services.

The ECEC governance and inspection system is fragmented.¹⁵⁹ There are two Inspectorates - the

144 Tusla, *Annual Report 2015 of Tusla - Child and Family Agency's Early Years Inspectorate* (Tusla 2016) 2; Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

145 Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

146 Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

147 Early Years Capital Funding is allocated through the DCYA and administered by Pobal. It supports the costs of physical alterations and of additional play equipment to facilitate an increase in childcare places.

148 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

149 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 27 January 2017.

150 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19.

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

152 *ibid* para 3.

153 *ibid* para 36(a).

154 *ibid* para 23.

155 UNICEF, 'Rights in Principle and Accountable in Practice: Child Rights and Social Accountability in the Post-2015 World, Background Paper' (2014) <https://www.unicef.org/policyanalysis/rights/files/Accountabilities_Meeting_Background_Paper_final.pdf> accessed 6 February 2017, 1.

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

157 Mathias Urban and Michel Vandebroek, *Competence Requirements for Early Childhood Education and Care: A Study for the European Commission Directorate-General for Education and Culture* (European Commission Directorate-General for Education and Culture 2011).

158 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

159 Geraldine Neylon, 'An analysis of Irish pre-school practice and pedagogy using the early childhood environmental four curricular subscales' (2014) 33 *Irish Educational Studies* 99.

Department of Education and Skills' and Tusla's.¹⁶⁰ This has resulted in an overlap on some of the quality standards monitored and a lack of clarity on procedures for sanctions and for referral mechanisms between the two inspectorates.¹⁶¹ Prior to June 2016, ECEC services could open their doors and receive children without any inspection by Tusla or before 2014, the Health Service Executive. There was no legal requirement for ECEC providers to register with Tusla and no national register of ECEC services. There was no legal minimum training standard resulting in untrained early years practitioners working in the sector. Traditionally, Public Health Nurses have been the only profession employed by Tusla to inspect ECEC services, which has been questioned as they may not be qualified in early care and education.¹⁶²

There is a weak connection between receipt of public monies received by Early Childhood Education and Care services and quality demanded by the State, particularly so for children under the age of three years.¹⁶³ Pobal's¹⁶⁴ contract¹⁶⁵ with FPSY providers on behalf of the Department of Children and Youth Affairs demands that providers use *Siolta*¹⁶⁶ and *Aistear*¹⁶⁷ to frame their curricula and practice.¹⁶⁸ Adherence with these quality and curriculum frameworks is not contractually required from the over 920 non-profit providers receiving targeted ECEC funding for 31,000 children in low-income families.¹⁶⁹ Also, contractually,

practitioners in FPSY rooms must have a National Framework of Qualifications (NFQ) Level 6 qualification, and higher capitation is available when the FPSY Room Leader has a Level 7 qualification, while staff in services and rooms for children under three years are only required to have the legal minimum Level 5 and no additional capitation is offered for higher education levels. This may mean that the least qualified practitioners are working with the youngest and most disadvantaged children.¹⁷⁰ The Department of Education and Science's Early Years Education-Focused Inspection only apply to FPSY rooms, are not regulatory, and the EYEI ratings system does not indicate whether or not practice meets required standards.¹⁷¹

ECEC providers' consider the inspection regime to be resource-intensive and uncoordinated. Tusla-registered ECEC providers undergo rolling inspections by nine State agencies.¹⁷² Providers report inconsistency and inequity within the inspections system, with providers in some locations more likely to receive inspections than in others, and Tusla Early Years Inspectors may not adopt a standardised approach to inspection.¹⁷³

The relevant Government agencies and departments report progress on the inspections commitment in 2016, which is welcome. The establishment of Tusla's Early Years Inspectorate in 2014 was a major

160 The Child Care Act 1991 (Early Years Services) Regulations 2016, inspected and enforced by Tusla's Early Years Inspectorate regulates staff qualifications, child-to-staff ratios, minimum space requirements and facilities for play and rest, alongside child safety and the health, welfare and development of the child, amongst other areas. The role of Tusla's Early Years Inspectorate's is to promote the quality, safety and appropriate care of children through inspection and regulation.

161 There is overlap between the two inspections processes, with Tusla continuing to inspect in relation to Regulation 5 (Health, Welfare and Development of the Child) and Regulation 9 (Behaviour Management), both of which are concerned with the educational aspect of early years provision. Start Strong, 'Submission on Early Years Education-Focused Inspections' (2015) <<http://bit.ly/2jLhVxc>> accessed 6 February 2017, 2.

162 Start Strong, 'Submission on Early Years Education-Focused Inspections' (2015) <<http://bit.ly/2jLhVxc>> accessed 6 February 2017, 2.

163 Start Strong, *Start Strong: The impact of a small children's rights advocacy organisation on early years policy in Ireland* (Start Strong 2016) 29.

164 Pobal manages ECEC programmes on behalf of the Irish Government, including assessing funding applications, checking financial returns, processing payments, and auditing to ensure funds are used for the intended purposes.

165 Department of Children and Youth Affairs, 'Early childhood education and care, Programme General Conditions of Grant Funding Agreement' (2016) <<http://www.dcy.gov.ie/documents/ecce-scheme/20160729ECCEGrantFundingAgreement2016.pdf>> accessed 6 February 2017.

166 Centre for Early Childhood Development Education, 'Siolta; The National Quality Framework for Early Childhood Education: Handbook' (2006) <http://siolta.ie/access_manuals.php> accessed 5 February 2017.

167 National Council for Curriculum Assessment, 'Aistear the Early Childhood Curriculum Framework' (Department of Education and Skills 2009) <<http://www.ncca.biz/Aistear/>> accessed 5 February 2017.

168 Although monitoring adherence is based on self-report by the services, not an objective measure.

169 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 February 2017, 90.

170 Pobal, *Early Years Sector Profile 2015-2016* (Pobal 2016) 34.

171 Start Strong, 'Submission on Early Years Education-Focused Inspections' (2015) <<http://bit.ly/2jLhVxc>> accessed 6 February 2017, 2.

172 Including Tusla's Early Years Inspectorate under statutory regulations, Early Years Education-focused Inspections by Department of Education and Skills Inspectors (FPSY only), Pobal's Compliance, Audit and Risk Directorate, Health and Safety Authority on practitioners' workplace; the Workplace Relations Commission; the Food Safety Authority, Fire Safety Inspectors under fire regulations.

173 Communication received by the Children's Rights Alliance from Early Childhood Ireland, 8 December 2016.

reform, providing a national approach to inspection and regulation. A national registration system was established under the Child Care Act 1991 (Early Years Services) Regulations 2016, which came into effect on 30 June 2016. The regulations require that all staff working in an ECEC service must have a minimum relevant NFQ level 5 qualification.

A national approach to the collation and publication of inspection reports will be pursued in 2017, and will include details on children's experiences and achievements in ECEC services.

Tusla's statutory inspection system and the Department of Education And Skills' non-statutory inspection system are being harmonised through the Operations and Systems Alignment Group (OSAG) chaired by the Department of Children and Youth Affairs.¹⁷⁴ Tusla's Early Years Inspectorate commenced using a new inspection tool in 2016 to reflect regulatory changes, although it was critiqued for not providing services with clear guidance to interpret the new Regulations.¹⁷⁵ The forthcoming *Quality and Regulatory Framework* contains the parameters under which the Inspectorate will assess services for compliance with the 2016 Regulations, providing for consistency of inspection and a shared understanding of the Regulations for providers and Inspectors.¹⁷⁶ The number of Tusla Early Years Inspectors nationwide increased and Regional Managers were appointed.¹⁷⁷ Tusla's Inspectorate opened up Inspector appointments to a wider group

of disciplines, including ECEC practitioners, alongside Public Health Nurses.¹⁷⁸

The Tusla Inspectorate provides the statutory independent complaints mechanism for parents. In 2015, 258 complaints were received by the Early Years Inspectorate – half of the complaints were upheld. Tusla has not carried out an analysis of 2015 complaints.¹⁷⁹ Services found in non-compliance with the Regulations are expected to address identified shortcomings in full.¹⁸⁰ Tusla inspection reports on individual services are now available for parents to view online, but there is no national approach to the collation and publication of complaints.¹⁸¹ Tusla's enforcement powers no longer require recourse to the courts since June 2016. Non-compliance with regulation is an automatic offence and conditions can be altered or attached to the registration or the service can be removed from the register which essentially deems it closed.¹⁸² Protocols for sharing information were developed which allow Pobal to inform Tusla of breaches of child/staff ratios.¹⁸³ Should Inspectors identify a possible breach of Tusla Regulations there is a procedure in place for the Department of Education and Skills to notify Tusla, although there have been no such notifications to date.¹⁸⁴ Tusla and the Department are currently finalising a Memorandum of Understanding which will include protocols for referral in both directions.¹⁸⁵ Tusla and Pobal are also developing a Memorandum of Understanding in respect of information sharing.¹⁸⁶ These are welcome and necessary developments.

The roll-out of Education-Focused Inspections by the Department of Education and Science since April 2016 is welcome. The inspection process has the potential, alongside Better Start to whom the Inspectors may

174 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

175 Early Childhood Ireland, 'Tusla Inspection Tool' (12 July 2016) <www.earlychildhoodireland.ie/tusla-inspection-tool/>accessed 22 December 2016.

176 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

177 Tusla, *Annual Report 2015 of Tusla - Child and Family Agency's Early Years Inspectorate* (Tusla 2016) 12.

178 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

179 Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

180 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <<http://bit.ly/1GDVkBn>> accessed 6 February 2017.

181 Start Strong, *Start Strong: The impact of a small children's rights advocacy organisation on early years policy in Ireland* (Start Strong 2016) 29.

182 Tusla, *Annual Report 2015 of Tusla - Child and Family Agency's Early Years Inspectorate* (Tusla 2016) 12.

183 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

184 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 27 January 2017.

185 *ibid.*

186 Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

refer ECEC services for quality support, to develop quality practice and pedagogy.¹⁸⁷ Over 500 inspections were conducted by Early Years Education-Focused Inspectors and 215 inspection reports are available online.¹⁸⁸ A national approach to the collation and publication of inspection reports will be pursued in 2017, and will include details on children's experiences and achievements in ECEC services.¹⁸⁹ The *Education Action Plan 2016-2019* commits to conducting 1,200 inspections by the end of 2017, with the number of published inspection reports to increase to 1,000 in the same time period,¹⁹⁰ indicating enhanced and increased inspections for providers.

187 Department of Education and Skills, 'Early Years Education Focused Inspections' <www.education.ie/en/Publications/Inspection-Reports-Publications/Early-Years-Education-Reports/> accessed 6 February 2017.

188 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 27 January 2017.

189 *ibid.*

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

Quality in Early Childhood Education and Care

Immediate Actions for 2017



PROCURE AND COMMENCE THE QUALITY AUDIT OF THE FIRST FREE PRE-SCHOOL YEAR IN THE FIRST HALF OF 2017.

Children and parents should participate in the assessment of quality. Children have participatory rights under the UN Convention and a right to express their views and feelings in the monitoring of early years settings.

CONTINUE WITH THE PLANNED REFORM OF THE INSPECTION SYSTEM AND INCREASE THE NUMBER OF INSPECTIONS CARRIED OUT THROUGH THE ENHANCED INSPECTION COORDINATION. IN PARTICULAR, EXTEND THE EDUCATION-FOCUSED INSPECTIONS BEYOND THE FREE PRE-SCHOOL YEAR TO ECEC FOR ALL CHILDREN UNDER THREE YEARS.

The inspection regime should strengthen rather than weaken young children's rights to be safe and protected in early years settings and assert their right to the best quality practice and provision.

INCLUDE SUBSTANTIAL INVESTMENT IN EARLY YEARS PRACTITIONERS IN THE FORTHCOMING NATIONAL EARLY YEARS STRATEGY TO IMPROVE QUALITY FOR CHILDREN.

The quality of practitioners' interactions with children and the efficacy of their pedagogical practices are the most predictive inputs to child development outcomes and to the quality of children's experiences in services.

2.2

Subsidised and School-Age Childcare

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

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

Progress: Steady

- > Introduce a new system of quality afterschool care for school-age children.

Progress: Limited

'Subsidised and School-Age Childcare' receives a 'B' grade in *Report Card 2017*. The grade recognises the steady progress made since the announcement of the Affordable Childcare Scheme (ACS) in October 2016 in terms of a public consultation and the publication of Heads of Bill and General Scheme for the ACS in January 2017. The grade would have been higher had the funding basis for the scheme been a capitation grant rather than an hourly subsidy rate, and if it were proposed that receipt of public funding would link with quality standards. The forthcoming Action Plan on School-Age Childcare due in early 2017 is a welcome development.

Children of working parents have the right to benefit from childcare services and facilities for which they are eligible.¹⁹¹ The UN Committee on the Rights of the Child identifies that many parents are economically

active, often in poorly paid occupations, which they combine with their parental responsibilities.¹⁹² The UN Convention on the Rights of the Child requires States to provide appropriate assistance to parents and guardians in child-rearing responsibilities.¹⁹³ In addition, the UN Committee notes that insufficient attention has been given by States to the implementation of Article 31 of the UN 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.¹⁹⁴

Children of working parents have the right to benefit from childcare services and facilities for which they are eligible.

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

192 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 20.

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

194 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 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 afterschool services.¹⁹⁵ The value of support services, such as breakfast and afterschool clubs, in supporting educational attainment is also recognised.¹⁹⁶

New Childcare Subsidy Model: Budget 2017 announced the delivery of an Affordable Childcare Scheme (ACS) from September 2017. The ACS is a scheme of financial support for parents, which aims to make ECEC and School-Age Childcare (SAC) services more affordable for parents.¹⁹⁷ In October 2016, the Department of Children and Youth Affairs published a policy paper for public consultation setting out the Government's proposals for the Scheme.¹⁹⁸ The ACS will be introduced on a statutory basis and will include both universal and targeted subsidies. The Department views ACS as a flexible platform for future investment in ECEC and SAC in Ireland, allowing for subsidies to be expanded to more children and families over time.¹⁹⁹ The Heads of Bill to establish the ACS were published on 30 January 2017.²⁰⁰

The ACS includes an hourly universal subsidy payable for all children between the ages of six- and 36 months attending childcare services regardless of parental income. The maximum level of subsidy per child is €80 per month based on a 40-hour week. Eligibility for targeted subsidies for children from six-months to 15 years-old is based primarily on net parental income.²⁰¹

The number of subsidised targeted hours that a child can receive is greater when their parent(s) are in employment or training. Budget 2017 allocated €19 million to fund the design and initial implementation of ACS, in addition to the existing €86.8 million already allocated in 2017 for existing targeted subsidies.²⁰²

The proposed ACS addresses a long-standing affordability gap for parents in ECEC and School-Age Childcare costs. Costs in Ireland are among the highest in the EU,²⁰³ and the European Commission in its *2016 Country Specific Report* recommended that the Irish Government act to improve affordability. Childcare in Ireland is unaffordable partly due to the lack of a comprehensive childcare subsidy system that is available in some other countries.²⁰⁴ The excessive cost of childcare has been found to compromise the ability of some low-paid families to meet their basic living costs,²⁰⁵ potentially compromising a child's enjoyment of their right to an adequate standard of living under the UN Convention.²⁰⁶

The ACS aims to fulfil the Government's commitment to streamline existing subsidisation schemes by replacing four targeted employment activation-related childcare subsidies. An estimated 79,000 children are to benefit from the ACS in 2017, including 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 subsidy.²⁰⁷

It is welcome that Government proposes to pay the ACS subsidy directly to ECEC providers rather than to parents, supporting the State's control and oversight

195 *ibid* 68.

196 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) 68.

197 Department of Children and Youth Affairs, 'Budget 2017: Q&A on the Affordable Childcare Scheme' <<http://www.dcy.gov.ie/documents/earlyyears/20161018Budget2017FAQDoc.pdf>> accessed 6 February 2017.

198 *ibid* 10.

199 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 February 2017, 10.

200 Department of Children and Youth Affairs, 'Affordable Childcare Scheme, Heads of Bills and General Scheme' <<http://www.dcy.gov.ie/documents/legislation/20170126ACSHeadsOfBillandGenScheme.pdf>> accessed 6 February 2016.

201 Income after tax and other deductions.

202 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 February 2017, 9, 88.

203 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.

204 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <<http://bit.ly/1GDVkBn>> accessed 6 February 2017, 56.

205 Vincentian Partnership for Social Justice *Minimum Income Standard and the Cost of Childcare* (VPSJ 2015); Vincentian Partnership for Social Justice, *When the Living Wage is Not Enough* (VPSJ 2016).

206 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 27.

207 Department of Children and Youth Affairs, 'Budget 2017: Q&A on the Affordable Childcare Scheme' <<http://www.dcy.gov.ie/documents/earlyyears/20161018Budget2017FAQDoc.pdf>> accessed 6 February 2017.

of quality in services.²⁰⁸ That a subsidy was chosen over tax relief for parents is also welcome as tax relief would not be equitable, efficient or effective.²⁰⁹ That the ACS is to be delivered as a hourly subsidy many not contribute to quality enhancement goals in early years services because services require consistent adequate funding to deliver quality; a capitation grant would encourage stability.²¹⁰ The Government proposes that ACS subsidies will only be received by Tusla-registered services²¹¹ to ensure that service providers are monitored and accountable under the 2016 Regulations. This will be a challenge for childminders as by mid-2016 only 138 childminders²¹² out of an estimated 19,000²¹³ were registered with Tusla. Additionally many school-age providers are not eligible to register with Tusla.

It is unclear if the ACS will guarantee affordability for some parents as there may be a gap between the level of ACS subsidy for which parents are eligible and actual fees paid to ECEC providers.²¹⁴ ECEC providers are free to determine the additional fees payable by parents. It is also unclear if the proposed subsidies will be sufficient to support quality and sustainability in ECEC services given the potential gaps between the calculated cost of centre-based ECEC to providers²¹⁵ and the proposed levels of the ACS subsidy.²¹⁶ *A Programme for a Partnership Government* commits to conduct and publish an independent review of the cost of providing quality ECEC, consistent with the principle of ongoing professionalisation of the sector.²¹⁷ The ACS should be reviewed in light of the findings.

While the ACS is proposed as a single national scheme for subsidising the cost of childcare²¹⁸ the Free Pre-school Year (FPSY) remains a stand-alone capitation-funded scheme.²¹⁹ Operating two separate funding schemes, particularly when it is proposed that ACS-funded services will have fewer quality demands and supports from Government than those operating the FPSY, could deepen the current split in the Irish ECEC system where under-threes are cared for and quality and educational standards apply only for pre-school children.



CHILD CARE COSTS FOR COUPLES IN EU

School-Age Childcare: The commitment to develop a school-age childcare system for children attending school is analysed in this chapter of *Report Card 2017* because four- and five-year-olds use these services. However, school-age childcare is a separate policy

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- 208 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 February 2017, 88.
- 209 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) 77 <<http://bit.ly/1GDVkBn>> accessed 6 February 2017.
- 210 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.
- 211 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 February 2017, 88.
- 212 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.
- 213 Start Strong, 'Childminding: Recognition and Regulation, Policy Brief' (Start Strong 2014) <<http://bit.ly/2lchQPk>> accessed 6 February 2017, 1.
- 214 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.
- 215 Early Childhood Ireland, *Doing the Sums: The Real Cost of Providing Childcare* (ECI 2016).
- 216 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 February 2017, 88.
- 217 Department of the Taoiseach, *A Programme for a Partnership Government* (Department of the Taoiseach 2016) 76.
- 218 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 February 2017, 21.
- 219 Minister for Children and Youth Affairs, Katherine Zappone TD, Written Answers, Early Childhood Care and Education, 25 January 2017 [3301/17].

issue from ECEC; its main purpose is to care for children when school is finished but parents are still in work.²²⁰

A Programme for a Partnership Government commits to introduce a new system of quality afterschool care for school-age children.²²¹ The Department of Children and Youth Affairs and the Department of Education and Skills have jointly developed a School-Age Childcare (SAC) Action Plan which is due to be published in the first quarter of 2017.²²² Its recommendations will be considered in the 2018 budgetary process.²²³ The Action Plan will be Ireland's first policy on afterschool and out-of-school services.

School-age childcare will be defined in the forthcoming *School-Age Childcare Action Plan* 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 and guardians. The main purpose of the service is to promote children's holistic development and to care for children where their parents are unavailable.²²⁴

Statutory, community and private actors provide relevant services which include homework clubs, breakfast clubs, stand-alone afterschool services in ECEC services, afterschool services on school premises, and childminding. However, services catering for school-age children only, and the majority of childminders, are not regulated nor subject to inspection by Tusla or the Department of Education and Skills. The Child Care Act 1991 (Early Years Services) Regulations 2016 only regulates registered early years services catering for children under six- years not attending primary school.²²⁵ However, the Child Care Act 1991 as amended by the Child and Family Agency Act 2013 allows for future regulation of the school-age childcare sector.²²⁶ All staff working directly with children in school-age services should be Garda-vetted under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

While data exists on the number of ECEC services funded by the Department of Children and Youth Affairs offering afterschool care, there is no reliable data available on the number of children availing of SAC, or the number of schools, community or youth services offering school-age services during school term-time or school holidays.²²⁷ A comparative review for the European Commission of school-age services found that Ireland exhibits a mix of informal and part-time arrangements, high unmet demand for formal services and expensive services because it is considered a private responsibility not a public service.²²⁸ The *Inter-Departmental Working Group on the Future Investment in Childcare* (IDG) identified the lack of a clear school-age childcare model, the absence of specified learning outcomes from current provision and the lack of a clear vision or strategy for school-age services on their purpose, content, staff qualifications and physical environment.²²⁹

220 Border Counties Childcare Network, *Afterschool Quality Development Information Pack*, 2nd edition (Border Counties Childcare Network 2010) 8.

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

222 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

223 *ibid.*

224 *ibid.*

225 Department of Children and Youth Affairs, 'Minister Reilly publishes new Child Care Regulations' (4 May 2016) <www.dcy.gov.ie/viewdoc.asp?DocID=3774> accessed 6 February 2017.

226 Child Care Act 1991 s 58 as amended by Child and Family Agency Act 2013 Part 12.

227 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <<http://bit.ly/1GDVkBn>> accessed 6 February 2017, 56.

228 Janneke Plantenga and Chantal Remery, 'Childcare Services for School Age Children: A comparative review of 33 countries' (European Commission, Directorate-General for Justice 2013) <<http://bit.ly/1tdvkvF>> accessed 6 February 2017, 43.

229 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <<http://bit.ly/1GDVkBn>> accessed 6 February 2017, 55.

The Department of Education and Skill's *Action Plan for Education 2016-2019* commits to utilise primary school buildings for afterschool care provision and proposes to link additional capitation to schools to the provision of buildings for afterschool care.²³⁰ Community groups and private providers will be invited to tender to use school facilities outside school hours. No further detail is available as yet on this proposal or on the level of capitation proposed by the DES.

230 Department of Education and Skills, *Action Plan for Education 2016-2019* (DES 2016) 59.

Subsidised and School-Age Childcare

Immediate Actions for 2017



ENACT THE LEGISLATION TO INTRODUCE THE AFFORDABLE CHILDCARE SCHEME FROM SEPTEMBER 2017 AND PROVIDE ADEQUATE CAPITATION TO ENSURE AFFORDABILITY FOR PARENTS, ACCESS TO SERVICES FOR CHILDREN, AND QUALITY ENVIRONMENTS AND PRACTICE FOR CHILDREN.

The legislation should be put in place so that the Affordable Childcare Scheme can operate from September 2017. While funding has been provided in Budget 2017 this must be kept under review to ensure that all eligible children can avail of the scheme. It must be affordable for parents while also delivering a quality service.

PUBLISH THE ACTION PLAN ON SCHOOL-AGE CHILDCARE IN 2017 TO ENSURE THAT SERVICES ARE REGULATED AND INSPECTED WHILE ALSO PROVIDING AGE-APPROPRIATE CURRICULA AND QUALITY STANDARDS.

The Action Plan should be published early in 2017 setting out clear aims including provision of School-Age Childcare in school buildings or other settings, with a focus on age-appropriate curricula and provision, and ensure that a child's right to play, rest and leisure is respected. The Plan should be evidence-based, and include a review of capacity within the education sector and the private and community sectors alongside a review of demand and need. Put in place a system whereby these services can register with Tusla to ensure that they are properly regulated and inspected.

2.3

Childminding

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

- > Develop a phased programme of reforms for childminding.

Progress: Satisfactory



'Childminding' receives a 'C' grade in *Report Card 2017*. The grade reflects the establishment of the Working Group in September 2016 to make recommendations on a phased programme of reform for childminding. The grade is also in recognition that this is the first time such a committee has been formed by an Irish Government with the remit of developing a national childminding strategy.

Reforming Childminding: 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.²³¹ The UN Committee on the Rights of the Child identifies that young children form strong emotional attachments to their parents or other caregivers, from whom they seek and require nurturance, care, guidance and protection.²³² The UN Committee calls on all non-State service providers (for profit and non-profit providers) to respect the principles and provisions of the UN Convention, and reminds States of their primary obligation to ensure its implementation and their

responsibility for service provision for early childhood development.²³³ The UN Committee reminds States that they have an obligation to monitor and regulate the quality of non-State provision to ensure that children's rights are protected and their best interests served.²³⁴

A Programme for a Partnership Government commits to developing a phased programme of reforms for childminding in Ireland. The Department of Children and Youth Affairs has established a Working Group on Reforms and Supports for the Childminding Sector, chaired by Childminding Ireland, a membership-based organisation representing childminders.²³⁵ The Working Group will provide a full description of the childminding sector and examine the feasibility and implications of its mandatory regulation. It is also tasked with identifying the reforms and supports required for a robust system of quality assurance, making proposals and costing a model of short-, medium- and long-term reforms and supports for the childminding sector.²³⁶ The Working Group is due to publish its report in May 2017, which will inform reforms of the sector over a 10 year period.

A childminder is a self-employed person who minds other people's children in the childminder's own home.²³⁷ The Child Care Act 1991 (Early Years Services)

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

232 *ibid* para 5.

233 *ibid* para 32.

234 *ibid*.

235 The members are Tusla, Pobal, Department of Children and Youth Affairs, Childcare Committees Ireland, Children's Rights Alliance, the National Childcare Voluntary Collaborative, Better Start, Childminding Ireland.

236 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 27 January 2017.

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

Regulations 2016 define a childminding service as a pre-school service offered by a person who single-handedly takes care of pre-school children,²³⁸ which may include the person's own children, in the person's home, for more than two hours per day.²³⁹ It is estimated, in the absence of accurate data, that there are 19,000 childminders caring for approximately 50,000 children,²⁴⁰ making childminders the largest childcare provider in Ireland.²⁴¹ By mid-2016, just 138 childminders were registered with Tusla, the Child and Family Agency.²⁴² The sector operates in the informal economy,²⁴³ and is unregulated by the State, mainly because the majority of childminders are not eligible to register under the provisions of the 2016 Regulations. Childminders caring for three or fewer pre-school children unrelated to the childminder or who care only for school-going children are not required to register with Tusla.²⁴⁴ It is likely that the majority of childminders care for three children or fewer.²⁴⁵

Only registered childminders caring for pre-school children are subject to the 2016 Regulations and liable for inspection by Tusla's Pre-school Services Inspectorate. Legally all childminders should be Garda-vetted, but no official national data exists on the extent of vetting given the current lack of regulation. However, Childminding Ireland's 722 members are required to be Garda vetted or to have applied for vetting, providing some indication of the extent of vetting.²⁴⁶

In 2015, twenty-one childminding services were amongst the 500 randomly selected Tusla inspection reports analysed by Tusla; their compliance rate compared favourably with centre-based settings.²⁴⁷

Tusla does not have a breakdown of childminding services inspected in 2015.²⁴⁸ Childminders not required to register with Tusla can voluntarily 'notify' to their City or County Childcare Committee.²⁴⁹ There is no nationally standardised voluntary notification system, and practices vary nationwide;²⁵⁰ by mid- 2016 730 childminders had notified.²⁵¹ The Childcare Committees do not assess the childminder or their home to determine suitability as there is no statutory basis or resources to do so. Voluntary declaration for childminders involves completing a self-evaluation form.²⁵² Childcare Committees can request that childminders sign a disclaimer indemnifying the Committee should the childminder provide inaccurate information.²⁵³



There is no regulatory or inspection framework in Ireland for school-age children receiving childminding. The proposed Affordable Childcare Scheme will apply to Tusla-registered childminders only.²⁵⁴

238 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.

239 Child Care Act 1991 (Early Years Services) Regulations 2016 (SI No 221).

240 Start Strong, 'Childminding: Regulation and Recognition' (Start Strong 2012) <<http://bit.ly/2khV2yo>> accessed 6 February 2017.

241 There are 4465 Tusla-registered providers in Ireland. Tusla, *Annual Report 2015 of Tusla - Child and Family Agency's Early Years Inspectorate* (Tusla 2016) 21.

242 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

243 Start Strong, 'Childminding: Regulation and Recognition' (Start Strong 2012) <<http://bit.ly/2khV2yo>> accessed 6 February 2017.

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

245 Start Strong, 'Childminding: Regulation and Recognition' (Start Strong 2012) <<http://bit.ly/2khV2yo>> accessed 6 February 2017.

246 Communication received by the Children's Rights Alliance from Childminding Ireland, 21 December 2016.

247 Tusla, *Annual Report 2015 of Tusla - Child and Family Agency's Early Years Inspectorate* (Tusla 2016) 34.

248 Communication received by the Children's Rights Alliance from Tusla, 9 February 2017.

249 City / County Childcare Committees (CCCs) support ECEC service providers and promote the adoption and application of national frameworks that improve the quality of services.

250 Wicklow County Childcare Committee, Notification as a Childminder <<http://www.wccc.ie/childminding/advice-visits/voluntary-notification-scheme/>> accessed 6 February 2017.

251 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

252 Wicklow County Childcare Committee, Notification as a Childminder <<http://www.wccc.ie/childminding/advice-visits/voluntary-notification-scheme/>> accessed 6 February 2017.

253 Notification provides access to a Tax Relief Scheme enabling limited tax free earnings and potentially to €1000 Childminders Development Fund and placement on the Childcare Committee's public listing of Childminders.

254 Department of Children and Youth Affairs, 'Budget 2017: Q&A on the Affordable Childcare Scheme' <www.dcy.gov.ie/documents/earlyyears/20161018Budget2017FAQDoc.pdf> accessed 6 February 2017.

Only Tusla-registered providers delivering the Free Pre-school Years (FPSY) are contractually required to use national quality standards and the national curriculum framework. There is no data on the number of childminders who operate the FPSY as the scheme's administrative data does not differentiate between the types of provider.²⁵⁵ But it is unlikely that childminders provide the FPSY as participating services are required to have a minimum of eight children enrolled in the scheme, although exceptions can be made.²⁵⁶

There is no minimum ECEC qualification required for unregistered childminders. City and County Childcare Committees provide a 10-hour non-accredited Quality Assurance Programme to notified and non-notified childminders, which includes information on child development, hygiene, health and safety, well-being of children, and the importance of play.²⁵⁷ In 2016, 66 childminders nationwide undertook the Programme in addition to 128 in 2015.²⁵⁸

It is estimated, in the absence of accurate data, that there are 19,000 childminders caring for approximately 50,000 children, making childminders the largest childcare provider in Ireland.

Childminders provide valuable home-based, family-type care for children. They provide choice for parents and children, and a flexible support to parental employment close to children's homes and communities. It is important for the Government to recognise their contribution, but the sector requires radical reform to ensure that it is properly regulated. Childminders require supports to improve their homes and practice. The State is accountable to children and must provide an adequate redress mechanism should a childminder violate a child's rights to safety, protection and quality services.

255 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

256 Department of Children and Youth Affairs, 'ECCE Minimum Enrolment Exemptions' (DCYA 2016) <www.dcy.gov.ie/documents/eccescheme/20160916MinimumECCEEnrolmentExemptionsDCYAProcedures.pdf> accessed 6 February 2017.

257 Wicklow County Childcare Committee, Notification as a Childminder <<http://www.wccc.ie/childminding/advice-visits/voluntary-notification-scheme/>> accessed 6 February 2017.

258 Communication received by the Children's Rights Alliance from Pobal, 25 January 2017.

Childminding

Immediate Actions for 2017



FINALISE THE REPORT OF THE WORKING GROUP ON CHILDMINDING IN MAY 2017 AND ALIGN WITH THE FORTHCOMING EARLY YEARS STRATEGY.

The principles and objectives of the Early Years Strategy should be considered by the Working Group on Childminding. An action plan on childminding should be put in place with implementation supported by adequate multi-annual funding.

THE GOVERNMENT SHOULD COMMENCE THE DEVELOPMENT OF A SYSTEM OF REGULATION AND INSPECTION THROUGH TUSLA, THE NATIONAL CHILD AND FAMILY AGENCY. A SYSTEM IS REQUIRED TO ENSURE CHILDREN'S SAFETY AND DEVELOPMENT AND TO ENABLE CHILDMINDERS' INCLUSION AS AN APPROVED PROVIDER OF THE PROPOSED AFFORDABLE CHILDCARE SCHEME.

The system will require changes to primary legislation, alongside the development of minimum and quality standards that are appropriate to the home-based nature of the service, but are no less rigorous in meeting children's rights standards than those demanded of centre-based services.