



## **Ensuring Good Practice?**

Regulating services for our youngest children

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***Time to put our children first: changing regulations key to future***

***With a record number of parents now at work, there is an urgent need for public debate of regulation of childcare facilities, says Heino Schonfeld***

Compared to most other countries in Europe, the regulation of services for young children outside the home environment has had a short history and has only been addressed quite recently. The care and education of the youngest children was traditionally considered the private responsibility of the family. Prior to 1996 the growing demand for childcare places was met primarily by unregulated private or community providers.

However, more recently a buoyant economy, the rapidly increasing participation of women in the labour market and changing societal beliefs about the importance of children's early educational experiences has led to a growing public interest in the quality of early childhood provision.

The pattern of women's participation in the labour force has been changing. The number of women at work outside the home rose from 483,000 in 1995 to 771,000 in 2004, an increase of 60%. The participation rate for younger women in the 25-34 age group is now well over 60%. Fifty-four per cent of women with a child under 5 years of age are employed. As a result, an ever-larger number of children spend longer hours in out of home settings of varied nature and quality.

Although well-informed discussions and recommendations are found in departmental documents, such as the White Paper on Early Childhood Education (Government of Ireland, 1999), the National Childcare Strategy, (Government of Ireland, 1999) or the National Children's Strategy (Government of Ireland, 2000), a thorough public debate about the nature and importance of regulating early childhood care and education services has still to happen in Ireland.

The current system of the inspection of childcare services is based on the Child Care (Pre-School Services) Regulations, 1996 and their minor amendment of 1997, which in turn arise from the Child Care Act, 1991. The regulations have been in operation for 10 years and have recently been reviewed and the Minister for Children will publish the revised regulations this year. Without giving away too much, it is widely anticipated that there will be a somewhat stronger emphasis on the developmental needs of young children in the revised regulations.

It is important to note that the primary legislation limits the options of the Minister for Children to a great extent. For example, the Child Care Act, 1991 explicitly excludes childminders *“taking care of not more than 3 pre-school children of different families (other than that person's own such children) in that person's home.”* This exclusion has been a cause of major concern as childminders in this category form a very large section of service providers and remain exempt from any kind of inspection. Childminders themselves have consistently called for a change in the legislation allowing them to benefit from the inspection and support available to other services.

While the regulations were a welcome and unprecedented step forward at the time and despite the excellent and professional work of the pre-school inspectors over the past ten years, a number of serious weaknesses in the regulations and the process have been exposed and require to be addressed.

### **Enhancing regulations**

The Child Care Act and the Pre-school Regulations focus almost entirely on health and safety issues and don't consider the most important areas of child development and early learning. This imbalance has been re-enforced by the fact that inspectors were exclusively appointed from public health nurses and environmental health officers employed by the then Health Boards. Some service providers report that they felt at times during inspections as if they were running a restaurant rather than a service for young children. Enhanced regulations will require a much stronger emphasis on child development needs and early learning and the Government White Paper on Early

Childhood Education proposed seven years ago *“that where early educational services are provided, in accordance with the quality or developmental provisions outlined earlier, one inspector with expertise in both public health and education should carry out the inspection and provide a single report on all aspects of provision...”* Last year (2005) the National Economic and Social Forum (NESF) submitted an important report on early childhood care and education to Government and recommended in this context “that the existing regulations should be streamlined with the quality principles developed by the Centre for Early Childhood Development and Education (CECDE) so as to facilitate the development of a single set of standards.” The CECDE has recently published *Síolta*, the National Quality Framework for Early Childhood Education, which will contribute to the development of a modern regulatory and inspection environment.

### **Improving inspections**

Another weakness of the pre-school inspection process has been the lack of consistency across the various Health Boards prior to the establishment of the Health Services Executive (HSE). Since the HSE has replaced the Health Boards there is now an opportunity to address this inconsistency through a reformed national inspection system with national management, standards and training. In this context it is interesting to note that the Child Care Act 1991 makes provision for the appointment of an officer of the Minister for Education and Science as a pre-school inspector. The White Paper on Early Childhood Education envisages the establishment of an Early Childhood Education Agency (ECEA) with the responsibility to regulate and inspect early childhood education provision.

Lately, the Government has invited consultation on an important piece of legislation, the Health Bill 2006. In the draft of this bill, an Office of Chief Inspector of Social Services is proposed and the Chief Officer would have – among other functions – the responsibility of ‘monitoring’ pre-school services.

## **Training for an emerging profession**

The success of any enhanced regulatory and inspection framework depends crucially on the capacity of service providers to respond to increased expectation. The essential ingredient to develop capacity is the pre-service and ongoing training of a professional workforce. At present, practitioners in childcare present with a bewildering patchwork of qualification ranging from none to degree level. There is no reliable national data available on qualification levels in childcare and early education but local studies suggest that the proportion of workers without any relevant qualification may be as high as one third. There are very few practitioners qualified to degree level in Ireland and many of them leave the sector as a result of poor pay and career prospects. International research and practice suggests ideally degree level qualifications for early years worker or at least a degree led workforce.

The Government has recognised the importance of training and qualification in achieving better provision for our youngest children, and has initiated through the Office of the Minister for Children (OMC) a strategic programme for standards and training in childcare. The OMC will work with FÁS, the VEC's, the Centre for Early Childhood Development and Education and others to deliver an appropriate and effective training programme which will prove to be an essential contribution to improve the quality of early childhood care and education in Ireland.