

Quality and Regulation in Early Childhood Care and Education: A Study of the Impact of the Child Care (Pre-School Services) Regulations (1996) on the Quality of Early Childhood Services in Ireland

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“Child care quality depends on child care regulation as plants depend on water. An insufficient amount guarantees problems, but an excessive amount may also be problematic.” (Gormley, 1999)

Introduction

In 1996, the first legislative control over early education services in Ireland came into place in the form of the Child Care (Pre-School Services) Regulations¹. The main research hypothesis of this study was that the implementation of the Regulations would impact on the quality of early childhood services in Ireland, from the point of view of both structural and process variables.

Baseline data, gathered in 1994 and 1995 as part of the IEA Preprimary Project², was used to investigate the changes in quality of provision before the implementation of the Regulations, and six years after their implementation in 2002. The methodology of the present study involved revisiting a sub-sample of the original IEA Preprimary Project national sample, undertaking structured observations, and administering questionnaires to teachers and supervisors. The study also sought to investigate the attitudes of both Pre-school Officers and Supervisors towards the Regulations.

A number of key issues emerged from the research. Most importantly, improvements were found in the quality of the pre-school provision in the present study as compared to that of the original study, although it is not clear the extent to which these improvements relate directly to the Regulations. Further details of the study can be found in O’Kane, M. (2004a; 2004b).

This paper looks particularly at the tension identified during the research in the relationship between regulation and quality provision. It also presents the views of the Supervisors and Pre-school Officers questioned in the study about the practicalities of working with the Regulations.

What is Quality in Early Childhood Care and Education (ECCE)?

Irish and international research has consistently demonstrated the value of high quality ECCE, both to individual children and to society as a whole. It can lead both to improved

performance throughout school years (Sylva and Wiltshire, 1993) and to later social benefits which persist through to adulthood (Kellaghan and Greany, 1993; Schweinhart and Weikart, 1997). These effects have been shown to be particularly strong in educationally disadvantaged children. Quality ECCE also benefits parents and the wider community and has an important role in combating stress and family exclusion, particularly within families experiencing poverty and disadvantage (Department of Justice, Equality and Law Reform, 1999).

Following on from such research, there has been a growing concern with translating these positive messages into practice. Vernon and Smith (1994:17) advise us that this trend of taking research findings in ECCE and putting them into practice has led to *"attempts to identify the constituents of quality and trying to ensure that services are assessed according to developed criteria."* However, there had always been difficulty in defining quality in the context of ECCE. What is quality? The term is often used with an assumption that stakeholders know what it means, and have a shared understanding of what it means. This is not necessarily true.

Horgan and Douglas (2001:119) remind us that individual circumstances and perspectives will influence any definition of quality. They advise that *"concepts of quality are reflective of the particular mixture of socio-historical and political perspectives within any given culture."* Moss and Penn (1996:8) support this view, telling us that *"quality is an essentially relative and dynamic concept...subject to different perspectives, understandings and meanings."* They suggest that quality can be found through the self-reflection of practitioners and services in ECCE, in partnership with the other stakeholders such as parents, children themselves, and the wider community.

Perhaps the aim should not be to reach one definition of quality in ECCE, but to understand that it means different things to different people. This may partly explain the difficulty in evaluating quality in practical terms, particularly when putting the Regulations into practice.

The Child Care (Pre-School Services) Regulations 1996

In 1996, the *Child Care (Pre-School Services) Regulations* were introduced under Part VII of the Child Care Act 1991. The Regulations cover the various types of pre-school provision catering for children under six years who are not attending school. The Regulations focus very much on the structural aspects of settings and do not regulate quality in terms of process variables. They cover areas such as: Development of Child; First-aid; Adult/child Ratios; Class Sizes; Premises and Facilities; Equipment and Materials; Food; Safety Measures; and Insurance (Department of Health, 1996). They have been criticised, particularly in terms of exclusions, and areas which they do not cover, such as staff

training. However, their development was seen as an exercise in compromise, and a first step in regulating the area.

The Relationship between Regulation and Quality

During the literature review phase of this study, a tension in the relationship between regulation and quality was identified. On the one hand, there is the view that standards are synonymous with quality (Kelly, 1999; The National Research Council, 2001), while others are concerned that regulation can result in an emphasis on minimum standards (European Commission Network on Children, 1996; Hayes, 2002a). Although these are not directly opposing viewpoints and they share much common ground, it is important to note this ongoing debate surrounding the relationship between quality and regulation.

The National Research Council (2001) advise that the regulation of child care is critical. They state that there is a “*clear and unequivocal*” relationship between regulation and quality. This view is supported by a large body of research (Phillips *et al.*, 1992; Philipson *et al.*, 1997; Phillips *et al.*, 2001), which has found that US states with stricter child care regulations produce higher quality care, on average, than states with less stringent regulations. Tietze *et al.* (1996) reported similar findings in Europe.

Kelly (1999) suggested that the introduction of regulation in Ireland had led to certain difficulties. However he advised that “*the standards set out in the regulations represent a minimum acceptable threshold below which it would simply not be credible to go, if we are serious about safeguarding the health, safety and welfare of pre-school children.*” (Kelly, 1999:6)

This approach to adherence to regulations is not unique. Peter Baldock (2001), in his book *Regulating Early Years Services* advises that in the UK, there is a high degree of correlation between standards and quality. He suggests that a willingness to meet standards “*is evidence of a disposition to achieve a quality of care and education.*” (Baldock, 2001:55). There appears to be consensus that inspection and monitoring of the regulations has a positive effect on the experience of ECCE for young children, even if this results in the closure of some services which cannot meet the requirements.

Baldock warns, however, about the dangers of focusing too much on “*policing*” the system rather than undertaking inspections in a supportive manner. This view is supported by Dahlberg *et al.* (1999), who suggest that the emphasis on measuring quality has mistakenly focused on standardising and controlling the environment. Goodfellow (2001) also proposes that “*box-ticking*” no longer adequately addresses the dimensions of quality within the field of ECCE.

Other researchers have spoken of their fears that regulations will become standards which providers meet, but do not try to move beyond. Speaking of the US situation, Heidemann (Heidemann 1989, cited in Gormley, 1999) put forward her concerns that a regulatory floor for minimum standards in ECCE could become a ceiling, resulting in a stagnation in standards. Similar fears have been articulated with respect to developments in ECCE in Ireland. For example, Nóirín Hayes, speaking at the National Children's Nurseries Association (NCNA) Annual Conference in 2002, stressed the need to debate the issue of quality, and the need to move beyond seeking quality of structural elements (Hayes, 2002b). She proposed that the search for quality should be a "*never ending journey*" with quality being constantly discussed, debated and created. With this in mind, it is important to note that quality initiatives have been set up by groups such as the IPPA, the Early Childhood Organisation and the NCNA for their members. These look not only at the static variables of quality but also examine the dynamic variables such as the interpersonal relationships within the setting, and focus on an ongoing reflection on quality.

In summary, differences of opinion exist on the nature of the relationship between regulation and quality. Should regulation ensure that services are meeting an acceptable standard, or should it encourage providers to strive to raise standards? Siraj-Blatchford and Wong (1999) tell us that the objectivist approach, which defines quality as a collection of measurable characteristics, can be criticised because of a lack of cross-cultural validity. For example, they cite the Japanese *Yochien*, and the Reggio Emilia Programme as examples of high quality ECCE programmes which do not follow standards traditional in the UK, such as low adult-child ratios. However, they also advise that the relativist approach, which acknowledges the importance of multiple perspectives and the dynamic nature of quality, is limited by issues of practicality. It is difficult to establish standards of quality while also allowing for subjectivity and dynamism. These issues will continue to be debated. This debate is part of the process of continually working to achieve the best possible standards of care and education for young children.

Study Findings: Implementing the Regulations

As part of this study, a small scale investigation was undertaken into the views of Pre-school Supervisors³, and Pre-school Officers¹ on the implementation of the Regulations. Questionnaires were completed by ten Supervisors and four Pre-school Officers. It is important to note that with such a small sample it is not possible to generalise, however the data provides evidence as to the views of these two individual groups.

Questions on the Inspection Process

Both Pre-school Officers (all four) and Supervisors (eight out of 10) found the inspection process helpful in terms of achieving the standards set in the Regulations, in that it helped them to focus on the requirements of the Regulations and reminded them of minimum standards and quality recommendations.

The two Supervisors who stated that they had not found the process helpful both felt that the inspection was overly concerned with structural aspects of quality, without enough emphasis on the experience of the children in the setting. This was in direct conflict with the view expressed by the four Pre-school Officers that they spent most time at an inspection focusing on adult-child interactions, and programmes for child development. However, it was noted that the inspection process is in many ways confined by the Regulations. Most Pre-school Officers use a checklist to record their observations on an inspection visit, which is based on the structural elements covered by the Regulations. While they are making note of these 'fixed' aspects of a service, they are also observing and interpreting the general interactions and relationships. However, the structural elements that are regulated are the most obvious elements being examined. These would also be the elements that the Pre-school Officers are obliged to report on.

Standards Set by the Regulations

When asked about areas which they found particularly difficult to comply with, Supervisors highlighted issues relating to the premises, for example, the availability of hot water and adequate toilet facilities. These areas are particularly difficult for settings on school premises, or on rented premises, to control. Pre-school Officers noted that compliance with adult-child ratios and space requirements were causing difficulties for some services.

Both groups were asked if there were any particular areas which the Regulations do not cover, that should be covered. Supervisors mentioned the areas of training and child development. The Pre-school Officers suggested that the Regulations could be improved on in many ways. A registration system was mentioned by all four Pre-school Officers as one very necessary improvement. This may reflect the view that a registration system – with avenues for de-registration – could be used to give more power to the inspection system. The Pre-school Officers also suggested that the Development of Child section of the Regulations needed to be further elaborated. The issue of staff training was highlighted by all four as an important area. It was felt that a specified level of training should be necessary for a given percentage of staff, as services with well-trained staff provided *“a consistently better quality of experience for the children”*.

The Role of the Pre-school Officer

Pre-school Officers saw their role very much as that of assisting quality improvement, rather than just confirming that standards were being met. They believed in encouraging services to achieve standards necessary, and saw the legal route as the last option. However, they felt that they have to be firm when necessary. Three of the four specifically mentioned that they felt that services do appreciate that their role is to give advice as well as check on minimum standards.

However, only four of the Supervisors felt without reservation that the Preschool Officer role encompassed both confirming standards and quality improvement. Receiving no feedback on the day of inspection and inconsistencies in approach were highlighted by Supervisors as being an issue. It was also suggested that a greater number of Pre-school Officers should be trained in ECCE. These mirror concerns outlined by providers, organisations (O’Kane, 2004a) and in the *National Childcare Strategy* (Department of Justice, Equality and Law Reform, 1999).

The need for consistency is stressed by providers; in direct conflict with the need for a consistent approach however, in that each service has a different approach. The inspection process involves a flexible approach to the interpretation of the Regulations, while also ensuring that a fair and equitable service is provided. This very much requires professional skill and judgement on the part of the individual inspectors. Linking back to the area of training in ECCE, a high level of professional knowledge would enable the Pre-school Officers to maintain a flexible approach to the interpretation of the Regulations, while also ensuring that an equitable service is provided.

Ranking of Areas Covered by the Regulations

The Supervisors and Pre-school Officers were presented with a list of 27 areas covered by the Regulations, and asked to rank their “Top Five” areas in terms of importance for improving quality in ECCE. Although there was a spread of opinion, both groups focused on “Adult-child ratios”, “Development of child”, and “Premises and Facilities” as being of importance. Although both sample sizes are small, the level of agreement both within and between groups is noteworthy.

Ranking of Areas Not Covered by the Regulations

Both groups were then asked to rank a list of ten areas, not covered by the Regulations, which current literature on ECCE has suggested are important in terms of achieving quality in ECCE⁵. Both groups reported that it was very difficult to make distinctions between the ten areas, however there was some consensus within groups.

Supervisors highlighted “Well-Trained Staff” and “Good Staff Pay and Conditions”. The lowest scoring items when ranked by the Supervisors were: “Registration of all ECCE Services” and “Parental Feedback on Inspections”.

The Pre-school Officers highlighted “Registration of all ECCE Services” and “Well-Trained Staff”. These rankings confirm the focus on the areas of Registration and Training which were mentioned by all four in the previous question on aspects which should be included in the Regulations. The lowest average scores when ranked by the Pre-school Officers were “Good Staff Pay and Conditions” and “Self-regulation”.

When comparing rankings, it was noted that “Good Staff Pay and Conditions,” which was ranked highest with Supervisors, was ranked lowest with the Pre-school Officers. Also “Registration of Services,” which was ranked highest by Pre-school Officers, was ranked lowest with Supervisors. It was interesting to note that neither Supervisors nor Pre-school Officers ranked “Parental Feedback” highly. This highlights the tendency to overlook the parental perspective on the inspection process.

It was also noted that Supervisors ranked “Well-Trained Staff” as the most important non-Regulated area in terms of achieving quality, followed by “Good Staff Pay and Conditions”. The Supervisors would be particularly aware of the need for good pay and conditions to reward these trained staff, who they feel are of importance to ensure quality in their services. It is interesting to note that while the Pre-school Officers recognised the need for well-trained staff, they did not highlight the need for good pay and conditions to reflect this well-trained workforce.

General Comments

The Pre-school Officers all mentioned that inspections on their own are not enough to improve the quality of services. This view appeared to be shared by Supervisors, many of whom felt that the inspection process should focus on more than structural aspects of quality. Members of both groups commented that financial assistance must be provided to assist the process of quality improvement.

Government policy in areas related to children was also mentioned as being important if the quality of ECCE is to be improved.

Discussion

Definitions of quality and how it can be measured are clearly important issues within the study of ECCE. A review of current literature has identified a growing concern with the issue of quality, and an emerging argument that quality is not a fixed, objective standard. The literature also supports the idea that achieving quality is an ongoing process.

Research has linked regulatory standards with the maintenance of quality in terms of both structural and process variables. However, the danger of focusing too much on enforcing regulations rather than undertaking inspections in a supportive manner is also acknowledged. The tension between using regulations as minimum standards, and the need to continually strive for greater quality, was also outlined. Perhaps a more participatory approach to quality improvement and assurance could be developed in Ireland. Both staff and parents could be involved in the process of monitoring. The inspection process could also be further developed to ensure both monitoring of adherence to regulations and a supportive element to encourage services to reach higher quality levels.

The findings from the Supervisor and Pre-school Officer interviews provided an interesting insight into both groups' understanding of this relationship. They suggest that regulation and inspection are just one part of the process of quality improvement. Improved training, both pre-service and in-service, and better resources are others. The Pre-school Officers all mentioned that inspections on their own are not enough to improve quality of services, this view appeared to be shared by Supervisors. Both groups also mentioned that the financial assistance that has become available since implementation of the Regulations may have had a greater impact on quality than the Regulations themselves.

Finally, the Regulations are under review at national level at present. It has to be noted though, that the review is long overdue. The review group had expected to publish its recommendations during 2003. However, at the end of 2003, the report has not yet been finalised. Considering that the Regulations were seen as a first step in developing a quality ECCE service for Irish children, it is disappointing that the review has been delayed in this way. Nonetheless, it is hoped that the review committee, involving the people who will need to implement the legislation, and the people directly involved in providing ECCE, will produce balanced recommendations.

References

- Baldock, P. (2001). *Regulating Early Years Services*. London: David Fulton.
- Dahlberg, G., Moss, P. and Pence, A. (1999). *Beyond Quality in Early Childhood Education and Care: Post-modern Perspectives*. London: Falmer Press.
- Department of Health and Children (1996). *Child Care (Pre-School Services) Regulations*. Dublin: The Stationery Office.
- Department of Justice, Equality and Law Reform (1999). *National Childcare Strategy: Report of the Partnership 2000 Expert Working Group on Childcare*. Dublin: The Stationery Office.
- European Commission Network on Childcare (1996). *Quality Targets in Services for Young Children*. Brussels: European Commission.
- Goodfellow, J. (2001). "Wise Practice: The Need to Move beyond Best Practice in Early Childhood Education", *Australian Journal of Early Childhood*, Volume 26, No. 3, pp. 1-6.
- Gormley, W. (1999). Regulating Child Care Quality, *Annals of the American Academy of Political and Social Science*, Volume 563, pp. 116-129.

Hayes, N. (2002a). *Children's Rights – Whose Right? A Review of Child Policy Development in Ireland*. Studies in Public Policy No.9. Dublin: The Policy Institute, Trinity College Dublin.

Hayes, N. (2002b). *Quality in Early Childhood Education*. Presentation to the National Children's Nurseries Association Annual Conference, Dublin Castle.

Horgan, M. and Douglas, F. (2001). Some Aspects of Quality in Early Childhood Education. (in) Cleary A., Nic Ghiolla Phádraig M., and Quin, S. (2001). *Understanding Children, Volume 1: State, Education and Economy*. Cork: Oak Tree Press.

Kellaghan, T. and Greaney, B. (1993). *The Educational Development of Students Following Participation in a Preschool Programme in a Disadvantaged Area*. Dublin: Educational Research Centre.

Kelly, M. (1999). *A Policy Perspective from the Department of Health and Children*. Proceedings of Enhancing Quality in the Early Years Conference, 19-20th November 1999. Dublin: Centre for Social and Educational Research, DIT.

Moss, P. and Penn, H. (1996). *Transforming Nursery Education*. London: Paul Chapman.

National Research Council (2001). *Eager to Learn: Educating Our Preschoolers*. Washington DC: National Academy Press.

O'Kane, M (2004a). *A Study of the Impact of the Child Care (Pre-School Services) Regulations (1996) on the Quality of Early Childhood Services in Ireland*. Unpublished M.Phil. Thesis. Dublin: Dublin Institute of Technology.

O'Kane, M. (2004b). *A Study of the Impact of the Child Care (Pre-School Services) Regulations (1996) on the Quality of Early Childhood Services in Ireland*. Paper Presented at the L'Organisation Mondiale Pour L'Education Prescolaire (OMEP) Conference, held at Dublin Institute of Technology, 24th April 2004.

Phillips, D., Howes, C. and Whitebook, M. (1992). The Social Policy Context of Childcare: Effects on Quality, *American Journal of Community Psychology*, Volume 20, pp. 25-51.

Phillips, D., Mekos, D., Scarr, S., McCartney, K. and Abbott-Shim, M. (2001). Within and Beyond the Classroom Door: Assessing Quality in Child Care Centres, *Early Childhood Research Quarterly*, Volume 15, No. 4., pp. 475-496.

Philipsen, L. Burchinal, M., Howes, C. and Cryer, D. (1997). The Prediction of Process Quality from Structural Features of Child Care. *Early Childhood Research Quarterly*, Volume 12, pp. 281-303.

Schweinhart, L. and Weikart, D. (1997). *Lasting Differences: The High/Scope Preschool Comparison Study Through Age 23*, Monographs of the High/Scope Education Research Foundation Number Twelve. Michigan: High/Scope Press.

Siraj-Blatchford, I. and Wong, Y. (1999). Defining and Evaluating "Quality" Early Childhood Education in an International Context: Dilemmas and Possibilities. *Early Years*, Volume 20, No.1, pp. 7-18.

Sylva, K. and Wiltshire, J. (1993). The Impact of Early Learning on Children's Later Development. A Review Prepared for the RSA Enquiry "Start Right", *European Early Childhood Education Research Journal*, Volume 1, No. 1, pp. 17-40.

Tietze, W., Cryer, D., Bairrao, J., Palacios, J. and Wetzel, G. (1996). "Comparisons of Observed Process Quality in Early Child Care and Education Programs in Five Countries", *Early Childhood Research Quarterly*, Volume 11, pp. 447-475.

Vernon, J. and Smith, C. (1994). *Day Nurseries at a Crossroads: Meeting the Challenge of Child Care in the Nineties*. London: National Children's Bureau.

Notes

- 1 Hereafter the Child Care (Pre-school Services) Regulations (1996) will be referred to as "the Regulations".
- 2 This was a large cross-national study which investigated the quality of care and education that children from various countries received at four years of age. It then reviewed the transition for these children into primary school education. High/Scope Educational Foundation was the international co-ordinating centre of the project.
- 3 The term "Supervisor" is used throughout this report for consistency, when referring to the Supervisor or Manager of any given settings, although it is acknowledged that in practice a variation of titles are used.
- 4 The term "Pre-school Officer" is used throughout this paper for consistency, when referring to the Pre-school Officers or Inspectors, although it is acknowledged that a variation of titles are used.
- 5 The list of ten areas, not covered by the Regulations, were: Well-trained staff; Good pay and conditions; Adequate financing of services; A national policy framework; A curricular framework; Equal access to affordable care; Registration of services; Parental feedback on inspections; Self-regulation; Adult-child interactions.