



## **Public Consultation on the Draft Childminding Regulations**

Submission

May 2024

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## 1. Introduction

Early Childhood Ireland is pleased to have the opportunity to contribute to the public consultation on the Draft Childminding Regulations, published by the Department of Children, Equality, Disability, Integration and Youth.

Childminding is an essential Early Years (EY) and School Age Care (SAC) service for families and children. With approximately 52,000<sup>1</sup> children in Ireland being looked after by an estimated 13,000<sup>2</sup> childminders, Childminding plays a significant role in the provision of Early Years and School Age Care.

Childminders provide paid, non-relative, home-based care for children in their own home. It is often a nurturing environment for children, a home-from-home, where the child is treated as one of the family. For many families, particularly those who live in rural areas or who work irregular hours, Childminding is an accessible and crucial service which enables them to work.

Early Years and School Age Care has changed significantly over the last thirty years. The number of children attending such settings, including childminders homes, has substantially increased, and it is now the norm for many children and families in Ireland.

As both child participation rates and investment in this vital area increase, so must our attention to the quality of Early Years and School Age Care services. Research has established that high-quality Early Years and School Age Care experiences for children, provide long-lasting benefits for them, their families, and communities. It is also proven to be particularly beneficial for children experiencing disadvantage<sup>3</sup>.

Currently, only registered Early Years and School Age Care settings, centre-based and registered childminders, can be assessed by the relevant regulator: the Child and Family Agency, Tusla and/or the Department of Education.

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<sup>1</sup> CSO 2022 Census figures

<sup>2</sup> National Action Plan for Childminding – Steering Group – Meeting 10 (Q2 2023) - Minutes

<sup>3</sup> OECD (2018), *Engaging Young Children: Lessons from Research about Quality in Early Childhood Education and Care*, Starting Strong, OECD Publishing, Paris, <https://doi.org/10.1787/9789264085145-en>.

With fewer than 0.6%<sup>4</sup> (< 100) of childminders registered with the Child and Family Agency, Tusla, there is a clear need for the introduction of Childminding regulations to ensure child safeguarding, to introduce adequate standards of safety and numbers of children, and to provide reassurance to families who use registered childminders.

Early Childhood Ireland welcomes the introduction of Childminding-specific regulations, as an essential step in the path to a fit-for-purpose Early Years and School Age Care system in Ireland. This will help to ensure that childminders receive recognition for the care they provide, and children will benefit from improved quality and safeguarding measures that the regulations will demand and future developments must provide.

## 2. Early Childhood Ireland

Early Childhood Ireland is the leading children’s advocacy and membership organisation, working in partnership with our members nationwide to achieve quality experiences for every child in Early Years and School Age Care settings. We advocate for an effective and inclusive Early Years and School Age Care system which values, supports, and invests in childhood, children, and services.

Our vision is that every young child is thriving and learning in quality Early Years and School Age Care in centre-based and Childminding settings.

Our mission is to champion quality for all children in Early Years, School Age Care and Childminding settings, through our work with our members and on the system.

### Childminding

Early Childhood Ireland has considerable expertise in the research and development of Childminding. With our partners in Belgium and Denmark, we have recently published our final report on “[Enhancing Quality in Family Day Care \(Childminding\)](#)”. This European Union funded peer learning project focussed on enhancing quality in Childminding, through exploring effective approaches to developing competent multi-level systems in Childminding governance and quality management, enabling professionalisation and workforce development, and generating Childminding recruitment and retention strategies.

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<sup>4</sup> 74 Childminders are registered with Tusla

It complemented our work on other European Union funded projects such as:

- 1) *Validation of non-formal and informal learning in childminding (2018-2021)(ValChild)*  
and
- 2) *Self-learning resources for informal childminders (2016-2019) (Child in Mind).*

### 3. The need for regulation

Childminding is almost entirely unregulated in Ireland. Many childminders are exempt from regulations due to a clause in the Child Care Act 1991.

Traditionally, Childminding has been an informal arrangement between a family and a childminder who cares for children in their own home with little or no regulatory or training requirements.

Efforts have been made to regularise Childminding. The National Childminding Initiative (NCMI) in 2002, which resulted in National Guidelines for Childminders, a Quality Awareness Programme, and information, training and networking opportunities for childminders made some progress in this area, however, taking part in this initiative was not obligatory for childminders and the delivery of the programme varied across the country. Also, funding for quality in Childminding has not to date been prioritised.

#### 3.1 Difficult to Measure Quality

As Early Years (EY) and School Age Care (SAC) provision has progressed in Ireland, so too has the focus on the quality of EY and SAC, and its impact on child development, both socio-emotional and educational, and on children's outcomes.

Quality dimensions include:

- a) structural factors such as staff training, adult/child ratios, curriculum, and
- b) process factors such as the child's daily experience, communication, interactions with adults and other children, and
- c) outcome factors which look at the child's socio-emotional outcomes and the benefits of EY and SAC for them, their families and communities.

While there is extensive international research on the impact of regulated Early Years and School Age Care on staff training, child development and outcomes, there is a dearth of information on these quality measures for Childminding.

It is difficult to evaluate the safety and quality of Childminding provision for children when it is a largely unregulated and unregistered service. It is also difficult to develop the quality of Childminding services, including the child safeguarding and pedagogical practice of childminders, and to provide supports to children with additional needs in their settings when childminders are unregistered and are unknown to statutory and voluntary organisations. Bringing childminders within the regulated Early Years and School Age Care sector will result in improved child safeguarding, adequate standards of safety and numbers of children, and it will provide reassurance to families who use registered childminders. It will also provide a level playing field for all registered childminders.

### 3.2 Child safeguarding

Child safeguarding must also be taken into consideration when drafting Childminding-specific regulations. Currently, there is no requirement for unregistered Childminders to carry out a risk assessment of their service, nor is there a requirement for unregistered childminders, or other adults living in their home, to be Garda vetted. Registration of all childminders is therefore welcome.

Early Childhood Ireland is concerned, however, that a legal lacuna which already exists in relation to the Child Care Act 1991 (Early Years Services) Regulations 2016 and Children First Act, 2015, will be perpetuated for childminders and we urge the government to act on this.

There is a continuing disparity between the revised Child Care Act 1991 (Early Years Services) Regulations 2016 and Children First Act, 2015, as these are not aligned. This impacts on safeguarding within all existing registered Early Years and Schools Age Care settings and will now be the case for registered childminders. In a 2018 submission<sup>5</sup>, Early Childhood Ireland provided draft amendments to address this lacuna.

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<sup>5</sup> <https://www.earlychildhoodireland.ie/wp-content/uploads/2021/08/ECI-Submission-Child-Care-Act-Review-Feb2018.pdf>

### 3.3 Training

The vision of the Workforce Plan for Early Years and School Age Care, *Nurturing Skills* (2022-2028) is for “a well-qualified, skilled, diverse and valued professional workforce that is centred on children’s rights, needs and potential and that provides quality experiences for children in partnership with families, and which continues to advance its professional development within a coherent and competent system.”

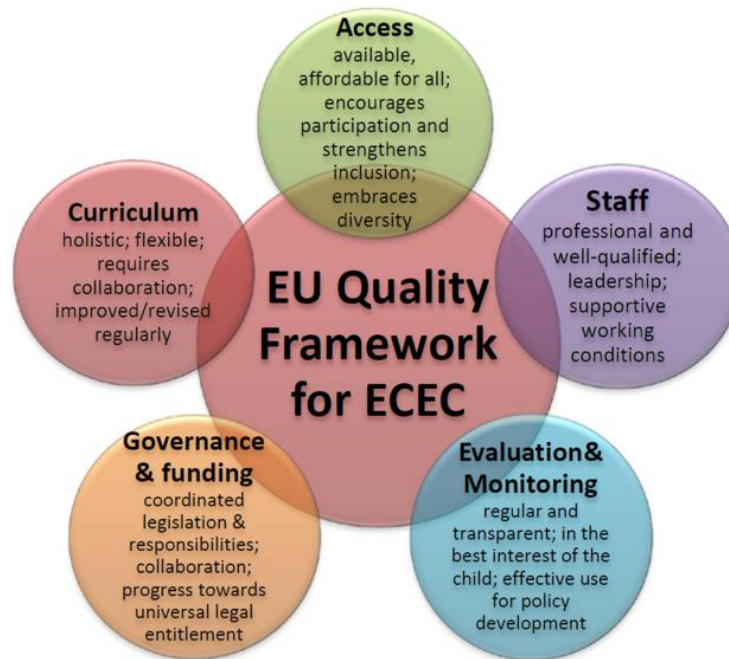
This vision is in line with the *National Action Plan for Childminding* (2021-2028), which commits to extending regulation, training and supports to childminders.

Early Childhood Ireland welcomes the introduction of Childminding-specific training within the proposed regulatory framework, as the sector works towards “a well-qualified, skilled, diverse and valued professional workforce.”

## 4. Quality in Early Years and School Age Care

Childminding is an essential element of our Early Years and School Age Care system. It has some specific characteristics that differentiate it from group- or centre-based care. If it is of high quality, Childminding’s small-scale, home and family setting can provide a rich and varied learning environment for children. Many families appreciate the close relationship with the childminder and their accessibility in communities where centre or group-based services are not easily accessible.

One influence on the development of Ireland’s Early Years and School Age Care policies is [The EU Quality Framework For Early Childhood Education And Care](#) which has been agreed by European Union (EU) Member States.



Source: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019H0605\(01\)&rid=4](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019H0605(01)&rid=4)

#### 4.1 Quality in Childminding – the EU Quality Framework

To align with the EU Quality Framework for Early Years and School Age Care, the Childminding-specific regulations and related policies will need to include the following conditions:

1. **Accessible and affordable** – Childminding should be accessible and affordable for all families. While the National Childcare Scheme (NCS) will be available for families who avail of registered Childminders, the NCS Sponsorship scheme must also be available to improve access for families experiencing disadvantage. The provision of the Access and Inclusion Model in Childminding settings should also be reviewed by policy makers.
2. **Qualifications, training with Continuous Professional Development (CPD) and support** – provide flexible, specialised training for childminders to the equivalent of a QQI Level 5 (Special Purpose Award) within a support network of Childminders, led by a coordinator whose duty is to provide training, CPD and support to promote quality childminding.
3. **A national quality framework** – the relevance of the current National Quality Framework for Early Years and School Age Care settings, Síolta, should be reviewed for Childminding settings.



4. **Governance and funding** – any new regulations and policies that aim to ensure high quality Childminding must be adequately funded. This includes ensuring that Tusla is properly funded to carry out its role in registering, regulating and inspecting Early Years and School Age Care services. Funding must be made available for monitoring and evaluation.
5. **Adult-child ratios** – Based on the learning from our international partnerships and in the best interests of children, Early Childhood Ireland recommends a ratio of maximum one adult to four children in a childminder’s home.
6. **Child safeguarding** – Early Childhood Ireland agrees with the condition that all persons over the age of 16 living in the Childminders’ home and their emergency cover, must be Garda vetted. We remain concerned, however, about the continuing disparity between the revised Child Care Act 1991 (Early Years Services) Regulations 2016 and Children First Act, 2015, as these are not aligned. This impacts on safeguarding within all existing registered Early Years and Schools Age Care settings and will now be the case for registered childminders. In a 2018 submission<sup>6</sup>, Early Childhood Ireland provided draft amendments to address this lacuna.

## 5. The Draft Childminding Regulations – Early Childhood Ireland’s response

### Adequate funding for this major task ahead

Early Childhood Ireland welcomes the introduction of the Childminding-specific regulations, which will give this vital service the recognition that it deserves. Bringing Childminding under the Early Years and School Age Care regulatory framework will be good for children, their families and for childminders.

With less than 1% of an estimated 13,000 childminders registered with Tusla there must be significant funding frontloaded for the first three years following the enactment of the regulations to ensure that Tusla has the resources to register childminders, and to enable childminders to avail of any assistance offered by relevant agencies and/or bodies.

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<sup>6</sup> <https://www.earlychildhoodireland.ie/wp-content/uploads/2021/08/ECI-Submission-Child-Care-Act-Review-Feb2018.pdf>

There is a sense of urgency surrounding the registration process for childminders, as the Government has committed to extending the National Childcare Scheme (NCS) to registered childminders by September 2024.

### The regulations

Early Childhood Ireland has the following recommendations and observations on the Childminding-specific regulations:

1. Regulations must not be burdensome or complicated.
2. **Regulation 4 – Fees:** The cost to register must not be prohibitive.
3. **Regulation 5 – Registration of a Childminding service - Child safeguarding/Garda vetting:** Early Childhood Ireland agrees with the condition that all persons over the age of 16 living in the Childminders’ home, and their emergency cover, must be Garda vetted. We remain concerned, however, about the continuing disparity between the revised Child Care Act 1991 (Early Years Services) Regulations 2016 and Children First Act, 2015, as these are not aligned. This impacts on safeguarding within all existing registered Early Years and Schools Age Care settings and will now be the case for registered childminders. In a 2018 submission<sup>7</sup>, Early Childhood Ireland provided draft amendments to address this lacuna.
4. **Regulation 6 – Register:** While we understand that there is a need for a single register for Early Years and School Age Care services for ease of regulation and administration, we would like to stress that these services are quite different and cater for children of different age groups and needs. This must be recognised by Tusla when inspecting each service type, which we fully expect that it will be.
5. **Regulation 9 – Training**  
Early Childhood Ireland welcomes the inclusion of Childminder-specific training, first aid training and child protection training as a prerequisite of registration. We also welcome the requirement to complete a Quality Development Programme (QQI Level 5 Special Purpose Award) to stay on the register.
6. **Regulation 10 – Assessment of Suitability**  
The introduction of an assessment of suitability or “fit person” regulations is very welcome. Early Childhood Ireland recommends that this regulation should be similar

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<sup>7</sup> <https://www.earlychildhoodireland.ie/wp-content/uploads/2021/08/ECI-Submission-Child-Care-Act-Review-Feb2018.pdf>

to the HIQA regulations where fitness is not a once-off assessment, but is considered on an ongoing basis.

**7. Regulation 12 – Maximum numbers of children**

Early Childhood Ireland believes that 6 children as outlined in the draft regulations is too high. We recommend that a maximum number of 4, including up to 2 children under the age of 2 years, as outlined in the draft regulations is an appropriate adult-to-child ratio. We agree that Tusla can lower this number if the space available in the childminder's home is deemed inadequate.

**8. Regulation 13 - The home setting**

Early Childhood Ireland believes in the critical value of Childminding provided in a childminder's own home and we support the draft regulations in this area.

**9. Regulation 16 – The Childminding Service Handbook**

While the list of policies and information to be included in the Childminding Service Handbook for parents is essential for quality Childminding services, childminders will need significant support from relevant agencies to compile this information and to formulate the required policies if they wish to be registered with Tusla and offering the NCS by September 2024.

Adequate funding and supports must be made available to Tusla and other relevant bodies to enable the estimated 13,000 childminders to register their service.

**10. Regulation 23 – Complaints**

While this regulation is appropriate as a first-step, as Early Years and School Age Care receives greater investment in Ireland, we believe a more robust system will be needed for all settings, whether centres or homes.

**11. Regulation 25 – Inspection**

Early Childhood Ireland welcomes that the inspection process will have regard to the home-based nature of the childminding service.

**Other**

**12. Equal Participation:** the NCS Sponsorship scheme and other relevant EY and SAC equal participation schemes must be extended to registered childminders.

**13. Training level:** To ensure quality, childminders should complete a QQI Level 5 Special Purpose award training.

**14. Support Network:** The establishment of a support system for Childminders where they can be mentored and network with local Childminders should be established through the County Childcare Committees (CCCs).

15. **A national quality framework (Síolta)** – the relevance of the current National Quality Framework for Early Years and School Age Care settings, Síolta, should be reviewed for Childminding settings.