

Introduction

We warmly welcome the Government's decision to put Children First on a statutory footing, and we appreciate the Government's determination to make the legislation comprehensive. Our concern is that all children, regardless of the early education/childcare setting they are in, should have the same protection provided by the Children First legislation.

We have two specific concerns regarding early years settings, both of these are relevant to Schedule I: Professionals Statutorily Charged with Reporting Child Abuse.

Childminders

We firmly believe that children who are cared for by childminders should have the same protection as those attending other pre-school services. Children in home-based childcare (i.e. with childminders) should receive the same protection as those in centre-based childcare.

The bill is careful to exclude those childminders who are employed by parents in the child's home (Head 6(3)), but this exclusion should not extend to the vast majority of childminders: those who are self-employed caring for children in the childminder's home, who provide a service that is in many ways comparable to centre-based childcare.

We are concerned that the Heads of Bill seems not to include the majority of childminders, as childminders are not 'organisations' (in the terminology of Head 6(1) of the Children First Bill), nor are they on the list of designated professionals in Schedule 1 of the Bill. Some childminders may come within the framework of the proposed legislation, as 'notified childminders' under the *Childcare Act 1991* but these are a very small minority amongst childminders.

Figures from the CSO indicate that 12% of pre-school children and 7% of primary school children have a (non-relative) childminder, which implies approximately 75,000 children in total are cared for by childminders. Childminders can care for children for long hours – often all day – in the childminder's home, typically with little supervision or support. There are major child protection concerns in relation to the lack of regulation and the absence of requirements for Garda vetting or child protection training for most childminders. At the same time, as individuals who have close and frequent contact with young children and their families, playing a large and active role in children's daily lives, childminders are well-placed to identify concerns around children's welfare at home.

To ensure all children have the same level of protection, regardless of the childcare setting, we believe that designated professionals under the Children First legislation should include childminders. In this context 'childminder' needs to be broadly defined, and could be categorised as someone who looks after one or more children on domestic premises for reward. Such a definition would ensure that the legislation would not encompass grandparents and other relatives who care for children informally, but would include all professional childminders regardless of whether they provide full/part-time/after-school care and regardless of whether they are currently obliged to be notified to the HSE (notification is only required where a childminder cares for 4 or more pre-school children from different families).

FETAC Level 7 requirement

Start Strong are unclear as to why Schedule 1 of the Heads of Bill refers to Pre-School or Crèche staff with a FETAC level 7 award. We see no reason for limiting this provision to those with FETAC level 7. The standard qualification requirement that the Department of Children and Youth Affairs is introducing across the early years workforce is FETAC level 5 and this, rather than level 7, is currently therefore the basic qualification for professional status among pre-school and crèche staff.

Conclusions

The publication of the *Children First Bill 2012* is very welcome as further step forward in strengthening child protection in Ireland. We very much welcome the broad approach taken in the Bill. However, we are concerned that not all early years educators are encompassed within the bill. It would appear that the most straightforward way to ensure all early years educators come within the framework of the legislation would be to revisit the 'designated professionals' within Schedule 1 of the Heads of Bill. Doing so would further strengthen the change in culture towards child protection that the Bill seeks to bring about.