

Childminding Regulations 2024

Regulatory Impact Analysis

Section 1: Summary of the RIA

Department/Office: Department of Children, Equality, Disability, Integration and Youth	Title of Legislation: Child Care Act 1991 (Childminding Services) Regulations 2024
Stage: Draft Regulations	Date: 3 September 2024
Related Publications: National Action Plan for Childminding 2021-2028, available at www.gov.ie/childminding Report on the public consultation on draft childminding regulations: (Add link when available) Report on Pre-Legislative Scrutiny of the General Scheme of a Child Care (Amendment) Bill 2023	
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Policy objectives: The National Action Plan for Childminding 2021-28 commits to extend regulation to all non-relative childminders on phased basis, with regulations that are proportionate and appropriate. The aim of regulation is firstly to ensure adequate protection of children and assurance to parents, given inevitable risks associated with young children being cared for in the homes of other families and the difficulty for parents of monitoring the quality of care provided. Secondly, the purpose of regulation is to enable parents who use childminders to access public subsidies through the National Childcare Scheme. Thirdly, regulation is expected to support greater recognition and support for childminders.	
Policy options: <ol style="list-style-type: none">1. Do nothing.2. Reconstitute a voluntary notification system for childminders, similar to the system in place in the 2000s and early 2010s though with notification through the City/County Childcare Committees.3. Introduce registration-focused regulations for childminders (similar in scope to the current School-Age Registration Regulations).4. Introduce regulations for childminders that provide for registration, inspection and enforcement, tailored to specific features of childminding with reduced requirements relative to regulations for centre-based services.5. Introduce regulations for childminders that are similar to regulations for centre-based services.	

Preferred option:

Option 4 provides significant benefits in reducing risk of harm to children, increasing quality assurance for parents, and reducing fees for parents (with consequent positive impacts on female labour market participation). Relative to option 5 (which offers similar benefits), option 4 also moderates the costs of compliance to childminders (and the cost of delivery of training programmes to childminders) and therefore the risk of negative impacts on capacity in the childminding sector.

Comparison of Options			
	Costs	Benefits	Impacts
Option 1 (<i>Do nothing</i>)	<p>No costs to childminders. No cost to the inspection system, but cost savings of up to €1.6m in support services.</p> <p>Loss in capacity in the childminding sector as a result of parents seeking to switch to subsidised (centre-based) services.</p>	<p>No benefits to childminders.</p> <p>Ongoing risk of harm being done to some children, in the absence of regulation. Even if the numbers of cases of harm is very low, the impact on children affected may be very high.</p> <p>No benefits for parents.</p>	<p>Negative impact on children's rights as a result of risk of harm and unknown quality of childminding.</p> <p>Loss of capacity in the sector negatively impacting on competitiveness, rural communities, gender equality, and consumers.</p>
Option 2 (<i>Recommence a voluntary notification system</i>)	<p>Limited / no costs to childminders. No cost to the inspection system. At least €1.6m annual cost of support system.</p> <p>Loss in capacity in the childminding sector as a result of parents seeking to switch to subsidised (centre-based) services.</p>	<p>Very limited benefits for childminders.</p> <p>Ongoing risk of harm being done to some children, in the absence of regulation. Even if the numbers of cases of harm is very low, the impact on children affected may be very high.</p> <p>Some improvement in the quality of childminding.</p> <p>Some improvement for parents in search</p>	<p>Negative impact on children's rights as a result of risk of harm and unknown quality of childminding.</p> <p>Loss of capacity in the sector negatively impacting on competitiveness, rural communities, gender equality, and consumers.</p>

		costs for childminders, but no quality assurance, and no reduction in fees.	
Option 3 (<i>Introduce registration-focused regulations for childminders, similar in scope to the School-Age Registration Regulations</i>)	<p>Limited additional costs for childminders, which may be offset by funding schemes.</p> <p>Provisional estimate of €6m annual cost of registration system (with no inspections). €1.6m annual cost of support system.</p> <p>Annual NCS costs, rising from an estimated €6m in the first full year to potentially €85m after the end of the transition period (subject to further review following the start of registration). This cost is not a net cost to the economy; rather it is a transfer from the State to parents who use childminders through reducing fees paid.</p> <p>Very little effect on capacity in the childminding sector.</p>	<p>Public recognition for childminders and improved access to State supports.</p> <p>Reduced risk of harm to children, but significant risk still remaining in the absence of inspections.</p> <p>Some improvement in the quality of childminding.</p> <p>Improvement for parents in search costs for childminders, and access to NCS subsidies to reduce fees, but limited quality assurance.</p> <p>Reduced fees will bring wider benefits through supporting female labour market participation, which in turn will offset costs to the State through higher tax revenues and lower social protection payments.</p>	<p>Reduced negative impact on children's rights as a result of lower risk of harm and enhanced quality supports.</p> <p>No loss of capacity in the sector.</p> <p>Reduced fees for parents, positively impacting on competitiveness, rural communities, gender equality, and consumers.</p>
Option 4 (<i>Introduce regulations for childminders that provide for registration,</i>	Somewhat higher additional costs for childminders than in	Greater public recognition for childminders and	Positive impact on children's rights as a result

<p><i>inspection and enforcement, tailored to specific features of childminding with reduced requirements relative to regulations for centre-based services)</i></p>	<p>Option 3, which may be offset by funding schemes.</p> <p>While the net income of some childminders may be reduced by regulatory limits on maximum numbers of children cared for, the proportion of childminders affected is likely to be low. Survey data indicates 10% of childminders currently care for more than 6 children, but these could choose to register as school-age service providers or also as pre-school service providers – if providing school-age care only, the cost impact would be minimal. An estimated additional 14% of childminders currently care for fewer than 6 children but would be impacted by the limit because of counting their own children.¹ 66% of those affected would need to reduce the number of children cared for by either 1 or 2.</p> <p>Provisional upper estimate of €14.6m eventual annual cost of registration and inspection system (subject to further review once the system is in operation). €1.6m annual cost of support system. Estimated €1m cost of developing and delivering training programmes.</p> <p>Annual NCS costs, rising from an estimated €6m in</p>	<p>improved access to State supports.</p> <p>Significantly reduced risk of harm to children.</p> <p>Improvement in the quality of childminding.</p> <p>Improvement for parents in search costs for childminders, and access to NCS subsidies to reduce fees, as well as enhanced quality assurance.</p> <p>Reduced fees will bring wider benefits through supporting female labour market participation.</p>	<p>of significantly lower risk of harm and enhanced quality supports.</p> <p>Limited loss of capacity in the sector.</p> <p>Reduced fees for parents, positively impacting on competitiveness, rural communities, gender equality, and consumers.</p>
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¹ Survey data indicates that 10% of childminders would be affected if the childminder’s children under age 6 were counted, and 16% if those under age 12 were counted. In the final regulations, the age cut-off has been set at 10 years old. On that basis, it is estimated that 14% of childminders would be affected.

	<p>the first full year to potentially €85m after the end of the transition period (subject to further review following the start of registration). This cost is not a net cost to the economy; rather it is a transfer from the State to parents who use childminders through reducing fees paid.</p> <p>Limited effect on capacity in the childminding sector.</p>		
<p>Option 5 (<i>Introduce regulations for childminders that are similar to regulations for centre-based services</i>)</p>	<p>Higher additional costs for childminders than in Option 4, which may be offset by funding schemes.</p> <p>The same impact as in Option 4 on the net income of some childminders from regulatory limits on maximum numbers of children care.</p> <p>Provisional upper estimate of €14.6m eventual annual cost of registration and inspection system. €1.6m annual cost of support system. Estimated €10m cost to the State of expanding the Learner Fund to support all childminders to undertake Level 5 qualifications.</p> <p>Annual NCS costs, rising from an estimated €6m in the first full year to potentially €85m after the end of the transition period. This cost is not a net cost to the economy; rather it is a transfer from the State to parents who use childminders through reducing fees paid.</p>	<p>Greater public recognition for childminders and improved access to State supports.</p> <p>Significantly reduced risk of harm to children.</p> <p>Improvement in the quality of childminding.</p> <p>Improvement for parents in search costs for childminders, and access to NCS subsidies to reduce fees, as well as enhanced quality assurance.</p> <p>Reduced fees will bring wider benefits through supporting female labour market participation.</p>	<p>Positive impact on children's rights as a result of significantly lower risk of harm and enhanced quality supports.</p> <p>Greater loss of capacity in the sector than in Option 4.</p> <p>Reduced fees for parents, positively impacting on competitiveness, rural communities, gender equality, and consumers.</p>

	Effect on capacity in the childminding sector somewhat higher than in Option 4.		
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Section 2: Description of Policy Context and Objectives

2.1 Policy context

Early learning and care (ELC) services (or “pre-school services” in the terminology of the Child Care Act 1991) for children aged from birth to school entry have been regulated since 1996, including childminders caring for 4 or more pre-school children. In 2019, regulation was extended to school-age childcare (SAC) and, as a result of an amendment to the Child Care Act 1991, to childminders caring for 7 or more children of any age.

The definition of pre-school service in the primary legislation is broad, and includes services that may be operated from a person’s home. Those excluded from regulation have been: those caring only for the children of relatives; nannies and au pairs employed by parents to care for their children in the parent’s home; and those childminders caring for fewer than four pre-school children and fewer than 7 children overall in the childminder’s home.

Up to now, the same regulations have applied to all providers of ELC services, including those childminders who are subject to regulation. Likewise, the same regulations apply for centre-based and childminding providers of SAC. Childminders can mind up to 12 school-aged children, but where they are minding more than 7 children of any age they are required to register.

The Working Group on Reforms and Supports for the Childminding Sector was formed in 2016 under the then Minister for Children and Youth Affairs. The Working Group was chaired by Childminding Ireland and included a range of stakeholders. The Working Group was asked to consider issues related to childminding and make proposals concerning reforms and supports for the childminding sector in Ireland for the short, medium and long term, including the feasibility of mandatory regulation. The Working Group published their report, ‘Pathway to a Quality Support and Assurance System for Childminding in Ireland’, in 2018.

A commitment to reform was then made in *First 5, the Whole-of-Government Strategy for Babies, Young Children and their Families*, published in 2018. *First 5* called for the extension of regulation to all paid, non-relative childminders on a phased basis to make National Childcare Scheme subsidies available to more parents who use childminding services. It also looked for an Action Plan for Childminding that would set out a plan for moving progressively towards wider regulation and support for childminders over the lifetime of the Strategy, building on the 2018 Working Group report.

A Draft Childminding Action Plan was published in 2019, for the purpose of public consultation.

The National Action Plan for Childminding 2021 – 2028 (NAPC) follows the blueprint set out by the Working Group, taking into account the results of the consultations on the draft action plan and the recommendations within other Government strategies.

The NAPC sets out a process for extending State support and regulation to childminding on a phased basis, with accelerated access to subsidies for childminders through the National Childcare Scheme. The overall objective of the National Action Plan for Childminding is to improve access to high quality and affordable early learning and childcare through childminding.

In line with commitments in the NAPC, work began in 2022 on developing childminding-specific regulations. The Regulation and Inspection Advisory Group, whose stakeholder membership includes childminders and Childminding Ireland, prepared regulation proposals for consideration by the NAPC Steering Group. The draft regulations were published for public consultation over a 12-week period from February to May 2024. The consultation findings have informed the finalisation of the regulations.

Public subsidies are only available to early years (ELC and SAC) services that are registered with Tusla. The Childcare Support Act 2018, which provides a statutory basis for the National Childcare Scheme, specifies that only Tusla-registered providers are eligible to participate in the Scheme. The limitation of public funding schemes to Tusla-registered providers helps to ensure that public funding is provided where there is assurance of the quality of provision.

The primary mechanism for subsidising costs for parents is the National Childcare Scheme. There are two types of subsidies available: the universal subsidy, which is not means-tested and which from September 2024 provides a reduction of €2.14 per hour for up to 45 hours per week; and the income-assessed subsidy, which is based on a family's individual circumstances and has subsidy rates higher than the universal.

Policy Objectives:

The NAPC commits to extend regulation to all non-relative childminders on phased basis, with regulations that are proportionate and appropriate. The NAPC sets out an incremental and supportive pathway to regulation. This will enable more childminders to access Government subsidies, making their services more affordable to parents. It will also enable them to access a variety of supports to assist them in meeting regulatory and quality requirements. In achieving this overall objective, the National Action Plan will contribute to the aims of supporting parental choice, and increasing access to affordable early learning and childcare places. It will help support labour market participation for parents, and offer more flexibility for parents who work irregular hours. It will give parents assurance that quality standards are being met. It will help improve the quality of provision, supporting child outcomes, and provide greater recognition and support for childminders.

The aim of regulation is firstly to ensure adequate protection of children and assurance to parents, given the inevitable risks associated with young children being cared for in the homes of other families and the difficulty for parents of monitoring the quality of care provided. Secondly, the purpose of regulation is to enable parents to access public subsidies through the National Childcare Scheme.

Through regulation, it is also intended to provide greater recognition to the work undertaken by childminders.

Summary of Draft Childminding Regulations

The Minister’s power to develop childminding regulations derives from the Child Care Act 1991 as amended, including the amendments made through the Child Care (Amendment) Act 2024, which, following commencement, will:

- Extend the scope of regulation to all childminding services;
- Introduce a definition of a childminding service as “a service that:
 - a) entails an individual taking care, by himself or herself, of children under the age of 15 years, in the home of the individual, and
 - b) is provided to children (other than that individual’s own children) for a total period of not less than 2 hours per day”;
- Provide a transition period, to last 3 years from the date of commencement, during which childminders will have the option of registering with Tusla but will not be required to do so.

The overarching framework provided by Part VIIA of the Child Care Act 1991 provides for:

- Publication of regulations for ELC and SAC services, including childminders, with the possibility of different regulations for different classes of service provider.
- Registration of regulated services (including childminders) by Tusla, including a requirement to re-register on a 3-yearly basis.
- Inspection of regulated services (including childminders) by Tusla, to ensure compliance with regulations issued under the Act.
- Enforcement actions to be taken by Tusla in the case of non-compliance with regulations, including in the case of prescribed services being operated without registration.

The Childminding Regulations have been drafted with the aim of being proportionate and appropriate to the home and family setting in which childminders work, while ensuring the necessary safeguards for the protection of children.

The Draft Childminding Regulations include 26 regulations that cover among other things:

- Registration requirements
- Fees for registration
- Process for applying to amend the register
- Training requirements
- Assessment of suitability of a person applying to register a childminding service
- Health, safety, welfare and development of the child
- Maximum numbers of children
- The home
- Supervision
- Emergency cover
- Insurance
- Record-keeping
- Complaints policies
- Inspection.

Section 3: Identification of policy options

Costs and benefits are analysed below in relation to five options for regulation of childminding:

1. Do nothing.
2. Recommence a voluntary notification system for childminders, similar to the system in place in the 2000s and early 2010s though with notification through the City/County Childcare Committees. If similar to the previous system, a voluntary notification process would be supported by a process of home visits by local Childminding Development Officers, training and policy development by childminders, that would be revisited on an annual basis.
3. Introduce registration-focused regulations for childminders (similar in scope to the School-Age Registration Regulations). This would involve registration requirements but limited inspections.
4. Introduce regulations for childminders that provide for registration, inspection and enforcement, tailored to specific features of childminding with reduced requirements relative to regulations for centre-based services.
5. Introduce regulations for childminders that are similar to regulations for centre-based services.

Section 4: Analysis of the Costs, Benefits and Impacts of Options

4.1 Costs

Costs associated with regulation of childminders may fall into the following categories:

- a) **Costs for childminders** - additional costs for childminders resulting from regulatory requirements. These costs may be absorbed by childminders (e.g. in reduction in net income), passed on to parents in the form of higher fees, or covered by the State either through funding schemes (such as the Childminder Development Grant) or through subsidies to parents through the National Childcare Scheme.
- b) **Inspection and support system costs** - costs to the State associated with the registration, inspection and enforcement actions that may be taken by the statutory regulator, Tusla, as well as the costs of additional supports that may be required to underpin the regulations, such as the costs of developing and delivering registration-related training programmes to current and potential childminders.
- c) **National Childcare Scheme** - costs to the State arising from the extension of the National Childcare Scheme to registered childminders, by which the State subsidises the costs to parents for their children's participation in ELC and SAC. As long as there is no change in the total number of childminders operating, this cost does not reflect a cost to the economy – rather it involves a transfer of costs from parents to the State. In addition, economic benefits arise insofar as wider access to childcare subsidies facilitates greater labour market participation of parents (noted under Benefits in Section 4.2 below), which may in turn offset costs to the State through increased tax revenues and reduced spending on social protection payments.

- d) **Capacity** – if and insofar as the introduction of regulation results in a net decrease in the number of childminders operating, it will reduce the capacity of the sector, reducing the number of ELC and SAC places available to parents. In assessing the likelihood of net decrease in the number of childminders operating, the risk of some current childminders exiting the sector because of new regulatory requirements must be weighed up against the possibility of new childminders entering the sector because of the greater public recognition and public subsidies available to registered childminders.

4.1.1 Option 1: Do Nothing

(a) Costs for childminders	No additional costs.
(b) Inspection and support system costs	<p>No additional costs in the inspection system.</p> <p>Relative to Options 2-5, there would be cost savings of up to €1.6m per year, to be released over a period of years, as there would be no future need for the staff employed as Childminding Development Officers by City/County Childcare Committees, whose work involves supporting childminders with meeting registration requirements.</p>
(c) National Childcare Scheme	<p>If there were no change to the regulation of childminders, then there would be no change in the number of childminders eligible to take part in the NCS.</p> <p>While there would be no change in NCS costs associated directly with childminders, the rising level of NCS subsidies (in particular the rising universal rate, which benefits recipients including those with higher incomes, and which rises to €2.14 per hour in September 2024, up from €1.40 per hour immediately beforehand and 50c per hour previously) is likely to result in some parents ceasing to use childminders and instead seeking places in centre-based ELC/SAC services where the NCS is available. While the extent of movement may be limited by capacity constraint in some areas, some of the expected increase in NCS costs in 2025 and later years would be accounted for by parents switching from childminders to centre-based services, if childminding remains unregulated.</p>
(d) Capacity	<p>As a result of the financial incentive for parents to switch from unregistered childminders to places in registered centre-based services, Option 1 is likely to see a decline in the number of childminders operating over the coming years. Some of this decline may be offset by an increase in the number of places in centre-based services to meet the additional demand, but capacity constraints in some areas will limit this. The switching process is likely to occur over a period of years, as it is most likely to occur among new parents who are considering their initial childcare choices, whereas parents who are already using trusted childminders may be slower to switch. The higher the level to which NCS subsidies are raised, the greater the incentive</p>

	for parents to switch from unregulated childminders to regulated centre-based services.
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4.1.2 Option 2: Recommence a voluntary notification system for childminders

(a) Costs for childminders	<p>As a notification system would be voluntary, any additional costs for childminders would be optional.</p> <p>For those childminders who chose to notify the CCCs, some additional costs might potentially arise in meeting agreed standards for notification, depending on the standards.</p>
(b) Inspection and support system costs	<p>No additional costs in the inspection system.</p> <p>There would be no additional support system costs. However, there would also be no cost savings, as the Childminding Development Officers employed by City/County Childcare Committees (at a cost of €1.6m per year) would continue to be needed to maintain a voluntary notification system (which would require monitoring quality standards, maintaining lists of notified childminders, and providing ongoing quality supports to notified childminders).</p>
(c) National Childcare Scheme	<p>As the NCS is limited to Tusla-registered providers, voluntary notified childminders would not be eligible to take part, and there would therefore be no change in the number of childminders eligible to take part in the NCS.</p> <p>While there would be no change in NCS costs associated directly with childminders, just as with Option 1 the rising level of NCS subsidies is likely to result in some parents ceasing to use childminders and instead seeking places in centre-based ELC/SAC services where the NCS is available.</p> <p>Unlike unregistered childminders in Option 1, however, voluntarily notified childminders would – as at present – be eligible to benefit from the Childcare Services Tax Relief, which is available to any childminder who earns up to €15,000 a year. Currently nearly 700 childminders avail of this tax relief which cost 1.7m in 2019. A more actively promoted system of voluntary notification could result in an increase in the take-up and cost of the Childcare Services Tax Relief, although the current cap of €15,000 annual earnings from childminding is likely to limit the scale of take-up.</p>
(d) Capacity	<p>As with Option 1, as a result of the financial incentive for parents to switch from unregistered childminders to places in registered centre-based services, Option 2 is likely to see a decline in the number of childminders operating over the coming years. Some</p>

	<p>of this decline may be offset by an increase in the number of places in centre-based services to meet the additional demand, but capacity constraints in some areas will limit this. The switching process is likely to occur over a period of years, as it is most likely to occur among new parents who are considering their initial childcare choices, whereas parents who are already using trusted childminders may be slower to switch. The higher the level to which NCS subsidies are raised, the greater the incentive for parents to switch from unregulated childminders to regulated centre-based services.</p>
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4.1.3 Option 3: Introduce registration-focused regulations for childminders (similar in scope to the School-Age Registration Regulations)

<p>(a) Costs for childminders</p>	<p>The additional costs incurred by childminders in meeting the requirements of registration-focused regulations would include a registration fee and the costs of preparing and maintaining documents required for registration (e.g. Garda vetting; policies and procedures). The proposed registration fee for childminders is €40 annually.</p> <p>If registration requirements also involved limiting the number of children a childminder can care for, then there could be impacts on the potential income-level of childminders. Childminders are currently limited to a maximum of 5 pre-school children (if only pre-school children are cared for), 12 school-age children (if only school-age children are cared for), and a number between 5 and 12 if a mix of pre-school and school-aged children are cared for. If these limits were kept unchanged, then there would be no impact on childminders' income levels as a result of regulations on numbers. Any change to the limits would affect potential income levels.</p> <p>Note that the costs for childminders themselves may be offset by funding schemes, such as through increased spending on the Childminding Development Grant, which offers up to €1,000 per childminder per year for items to enhance the quality and safety of the childminding service, which includes the additional costs introduced by regulation. This would transfer some of the additional costs to the State.</p> <p>Note that the fee for registration is a payment to Tusla, contributing to the costs of operating the registration and inspection system, and this fee therefore reduces the costs to the State of the regulatory system, as set out in (b) below.</p>
<p>(b) Inspection and support system costs</p>	<p>In order to undertake registration of childminders as well as pre-registration assessments of childminders' premises, there would be a need for recruitment by Tusla of an additional team of registration officers as well as some increase in the number of</p>

	<p>inspectors, as well as associated support staff. It is provisionally estimated that the costs of a registration system (without ongoing inspections) would amount to €6m per year, based on current Tusla costs in 2024 and estimated additional 2025 costs. The figure is subject to further review in light of the experience of registration and inspection of childminders once the system is up and running.</p> <p>There would be no additional support system costs. However, there would also be no cost savings, as the Childminding Development Officers employed by City/County Childcare Committees (at a cost of €1.6m per year) would continue to be needed to support childminders to register with Tusla and to provide ongoing supports to registered childminders.</p>
<p>(c) National Childcare Scheme</p>	<p>Once childminders are registered with Tusla, they are eligible to take part in the National Childcare Scheme. Under Option 3, therefore, potentially all childminders who fall within the scope of legislation and regulation may take part in the National Childcare Scheme, and all parents whose children use those childminders may benefit from NCS subsidies.</p> <p>The additional costs to the NCS reflect a transfer of a proportion of the costs of participation from parents to the State, rather than a net increase in the overall costs of regulation to society or the economy. The higher the NCS costs for the State, the greater the financial benefit for parents. In addition, economic benefits arise insofar as wider access to childcare subsidies facilitates greater labour market participation of parents, which may in turn offset costs to the State through increased tax revenues and reduced spending on social protection payments.</p> <p>Census 2022 indicated that 52,800 children aged 0-15 are currently cared for by non-relative childminders, while just over 18,300 children are cared for by paid relatives. While potentially all 52,800 children cared for by childminders could come into the NCS following the extension of regulation to childminders, only a proportion of the 18,300 cared for by paid relatives are likely to come into the NCS as: (a) the Census data on children cared for by paid relatives includes both those cared for in the relative's home and those cared for in the child's home, but only those cared for in the relative's home would be eligible to register with Tusla; and (b) registration with Tusla will not be a requirement for those caring only for relatives, and it is expected that the majority would choose not to go through the registration process or be listed on the public register of childminders. In relation to (b), under Option 3, in which regulatory requirements are low, it is expected that a somewhat higher proportion of the 18,300 cared for by paid relatives would choose to register with Tusla than would be the case under Option 4 or Option 5. In relation to (a), there is no data currently available on the proportion of paid relative care that is in the relative's home or the child's</p>

	<p>home, but it may be assumed that a significant proportion of relative care would be in the child’s home and therefore outside the scope of registration with Tusla. (In relation to non-relative care, Census 2022 indicates that 72% of children are cared for in the childminder’s home and 28% in the child’s home.)</p> <p>In 2023, the ESRI published estimates of the additional NCS costs of bringing all childminders into the NCS, as well as the costs of lower proportions of childminders entering the NCS initially in light of the transitional period.² Their estimates used the SWITCH model and were based on SILC data from 2019 that indicated c.83,000 children cared for by childminders. However, these figures predated the Census 2022 figures (which implied a lower number of childminders overall) and include both all non-relative childminders and <i>all</i> paid relatives.</p> <p>However, in addition to the reasons above why not all paid relatives would register, it is possible that not all non-relative childminders would take part. Some childminders might (a) exit the sector, or (b) choose instead to become nannies (i.e. working in the home of the child), for whom there is no proposal at this stage to extend regulation. In addition, (c) some childminders might register with Tusla but choose not to take part in the National Childcare Scheme, e.g. because of perceptions of the administrative requirements of taking part in the scheme. Scenarios (b) and (c) would reduce the NCS costs, whereas (a) might not do so as parents affected would be likely to seek places with other registered providers instead (either other childminders or centre-based providers). As a result, cost estimates in the National Action Plan for Childminding 2021-2028 were based on comparison with other jurisdictions in which childminding is already regulated. The estimates set out there included two scenarios: one for 5,000 registered childminders (implying approx. 20,000 children), the second for 10,000 registered childminders (implying approx. 40,000 children).</p> <p>Adjusting the ESRI cost estimates to reflect the upper estimate above of 40,000 children, and adjusting also to reflect the higher universal subsidy of €2.14 from September 2024, it is estimated that total NCS costs would be 15.6% higher than in the absence of childminders.³ Given the current forecast NCS costs for 2025 of €546m, that implies a maximum potential cost impact of childminding of €85m per annum (calculated on the basis of 2025 NCS costs). The figure is subject to further review in light of the</p>
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² K. Doorley, D. Tuda and L. Duggan (2023), “Extending the National Childcare Scheme to Childminders: Cost and Distributional Effect”, ESRI, Budget Perspectives 2024.

³ The 15.6% cost increase reflects the different profile of families using childminders relative to families using centre-based care. The ESRI research, based on SILC data in the SWITCH model, indicates that on average the families using childminders have higher incomes, lower usage of childcare in hours per week, and older children, than do families using centre-based care.

	<p>actual NCS costs incurred once additional childminders start coming into the NCS following registration.</p> <p>In the shorter term, the cost impact would be lower, as the draft legislation proposes a 3-year transition period, during which registration will be optional for childminders to give childminders time to prepare for regulatory requirements. In the first year, participation is expected to be low, reflecting initial low awareness of the requirements and opportunities of regulation, with participation rising over the the 3-year period. Current estimates, following review of responses to the public consultation on the Draft Childminding Regulations, are that in the first year an average of 750 childminders will participate over the course of the year (implying an average of 3,000 children benefiting from the NCS). On that basis, additional NCS costs (calculated on the basis of current NCS cost forecasts for 2025) in year 1 would be €6m.</p> <p>Further evidence on the initial speed of uptake will be gathered during autumn 2024 through monitoring the number of childminders taking part in pre-registration training.</p>
(d) Capacity	<p>While the introduction of regulation for childminding may result in some decrease in the number of childminders choosing to remain in operation, this effect will be at least partially offset by the availability of NCS subsidies for childminders, preventing switching of parents from childminding to centre-based services. In addition, some of the decline in the number of registered childminders may involve an increase in the average number of children per childminder or switching of some childminders to care in the child’s home – both of these effects would limit or offset reduction in overall capacity in numbers of children cared for (combining both regulated provision and unregulated provision, e.g. nannies).</p> <p>The lower the regulatory requirements, the smaller are likely to be the switching effects and the lower the impact on overall capacity. Option 3 involves low requirements (focused on registration) and would therefore have limited effect on capacity.</p>

4.1.4 Option 4: Introduce regulations for childminders that provide for registration, inspection and enforcement, tailored to specific features of childminding with reduced requirements relative to regulations for centre-based services

(a) Costs for childminders	<p>Costs to childminders would include the costs in Option 3 plus any costs arising from additional regulatory requirements arising under Option 4.</p>
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	<p>The primary regulatory difference between Option 3 and Option 4 is the provision for an on-going inspection system in Option 4. This in itself would not impose additional costs on childminders. Costs for the State of maintaining an inspection system are considered in (b) below.</p> <p>In addition, more comprehensive regulatory requirements under Option 4 might be checked on inspection. However, the additional direct costs for childminders arising from the draft Childminding Regulations are very limited and would (other than a €40 annual registration fee) largely be covered by the State. For example, the Regulations specify limited training requirements (pre-registration, Quality Development Programme, First Aid) but most or all of these would be met by the State. In addition, the Childminding Development Grant is available annually to assist childminders in meeting capital costs, including costs of items that may be required for registration purposes.</p> <p>The Draft Childminding Regulations also propose that limits be set on the number of children that a childminder can care for, which may limit the childminder's potential income. The proposed limits on numbers are: (a) maximum 6 children at any one time, including the childminder's own children who are under 10 years of age, though only where the childminder is caring for their own children at that time (*); and (b) maximum 2 children less than 15 months old, unless the children are siblings. (* For example, the childminder's own children are not counted when they are at school. Likewise, if the childminder's partner or other relative is caring for the childminder's children in the house, then the children are not counted.)</p> <p>Data from two surveys of childminders conducted in 2023 by Childminding Ireland and by the City/County Childcare Committees ⁴ indicate that the income of the large majority of childminders would not be impacted by these limits on numbers of children, as most childminders mind within these limits at present. The survey data indicates that 90% of childminders mind 6 or fewer children. If all the childminder's own children under 10 years old were to be counted towards the maximum number, the proportion of childminders currently operating within a maximum limit of 6 children is estimated at 76%. However, the impact of counting the childminder's own children would in practice be less than this, as the draft regulations propose that the childminder's own children will only be counted</p>
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⁴ To reduce the risk of duplication of data from some respondents, the CCC survey included a question on whether respondents were members of Childminding Ireland, and the analysis here only includes non-members of Childminding Ireland in the CCC survey. Combining these with the responses from the Childminding Ireland members survey, there were 651 valid responses once implausible responses were removed. (Responses excluded were: (a) responses indicating 0 children currently minded; (b) responses indicating more than 12 children currently minded; (c) responses indicating more than 5 preschool children currently minded; (d) responses indicating the childminder has 6 or more children of their own under 12 years old.)

	<p>in cases where there is no other adult in the house caring for them.</p> <p>The estimated 10% of childminders caring for more than 6 children currently could, if they chose to, register as a pre-school service and/or school-age service. Those caring for only school-age children could register as a school-age service, for which there are no qualification requirements, and therefore little or no cost impact. Those caring for a mix of pre-school and school-age children could register both as a preschool service and as a school-age service but would then be required to have a Level 5 qualification in ELC. Those caring only for pre-school children are already required to register as pre-school services if caring for this number of children, and this situation would be unchanged by the introduction of childminding regulations.</p> <p>For the estimated 14% of childminders currently being paid to mind 6 or fewer children but whose own children under age 10 would affect their allowed capacity, the impact on the childminder's income would depend on how many children in total over the limit of 6 the childminder currently cares for. According to data from the Childminding Ireland and CCC surveys, in two-thirds (66%) of such cases, the childminder would need to limit the number of children minded by either 1 or 2 in order to remain within the limit of 6. Assuming the income from each child cared for is the same, and assuming that there are no other adults in the house to care for the childminder's own children, the average income cut for the 14% of childminders affected would – at most – be 27%. In practice it would be less, as some childminders would have other adults in the home.</p>
<p>(b) Inspection and support system costs</p>	<p>The costs in Option 4 would include the costs in Option 3 plus additional costs of on-going inspections, which (on the basis of the most recent Tusla estimates) are provisionally estimated to imply an upper-bound total annual costs for the inspection system (including both registration and inspection services) of €14.6m. This figure reflects DCEDIY analysis based on provisional Tusla estimates of the cost of a registration and inspection system for all current childminders. The figure is subject to further review in light of the experience of registration and inspection of childminders once the system is up and running.</p> <p>Estimated €1m cost of developing and delivering training programmes for all childminders (pre-registration training, Quality Development Programme, First Aid, child safeguarding).</p> <p>The Childminding Development Officers employed by City/County Childcare Committees (at a cost of €1.6m per year) would continue to be needed to support childminders to register with Tusla and to provide ongoing supports to registered childminders.</p>

(c) National Childcare Scheme	NCS costs largely the same as in Option 3. May be slightly lower insofar as the greater regulatory requirements may reduce the proportion of childminders who register.
(d) Capacity	Impact on capacity largely the same as in Option 3. May be slightly higher insofar as the greater regulatory requirements may reduce the proportion of childminders who register.

4.1.5 Option 5: Introduce regulations for childminders that are similar to regulations for centre-based services

(a) Costs for childminders	<p>Costs to childminders would include the costs in Option 4 plus any costs arising from additional regulatory requirements arising under Option 5.</p> <p>One specific difference in requirements is the requirement in the pre-school regulations for a Level 5 qualification. In addition, a range of other regulations may create specific requirements for childminders. The Childminding Development Grant is available annually to assist childminders in meeting capital costs, including costs of items that may be required for registration purposes.</p> <p>The impact of limits on numbers of children minded would be the same as in Option 4.</p>
(b) Inspection and support system costs	<p>Costs of the registration, inspection and supports system would be the same as in Option 4.</p> <p>If the Learner Fund were extended to meet the costs of all childminders to undertake a full Level 5 qualifications, it is estimated the cost could be approx. €10m to the State.</p>
(c) National Childcare Scheme	NCS costs largely the same as in Option 4. May be slightly lower insofar as the greater regulatory requirements may reduce the proportion of childminders who register.
(d) Capacity	Impact on capacity largely the same as in Option 4. May be slightly higher insofar as the greater regulatory requirements may reduce the proportion of childminders who register.

4.2 Benefits

Benefits associated with regulation of childminders may fall into one of the following categories:

- a) **Benefits to childminders** – through public recognition and, insofar as regulation supports childminders’ payment of Pay-Related Social Insurance, through increased access to the benefits of social insurance, including maternity benefit and the contributory State pension.
- b) **Reduced risk of harm to children** – through increased safeguards such as Garda vetting requirements, and requirements in relation to health, safety and child safeguarding. These benefits include reduced likelihood of placement of children in highly risky environments (e.g. in situations where there is no vetting of adults and the childminders are not previously known to the parents). These benefits are hard to quantify but are a primary motivation for regulation.
- c) **Benefits for children through enhanced quality** – through extending public support to childminders to enhance the quality of provision. These benefits may arise, for example, through requirements for childminders to have achieved or to undertake relevant training.
- d) **Benefits to parents through quality assurance** – through assurance of the quality of provision and of adherence to minimum standards, including the availability of published lists of registered childminders, facilitating access for parents to quality-assured childminding services, reducing search costs and risk for parents.
- e) **Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances** – through access to public subsidies as a result of extension of the National Childcare Scheme to a wider cohort of childminders. Wider access to childcare subsidies facilitates greater labour market participation of parents, which may in turn offset costs to the State through increased tax revenues and reduced spending on social protection payments.

4.2.1 Option 1: Do Nothing

(a) Benefits to childminders	No benefits.
(b) Reduced risk of harm to children	<p>In the absence of regulation, with no Garda vetting requirements and no checks on health, safety and child protection, there would be a significant risk of harm being done to some children. While the number of such cases might be very small, with the large majority of childminders providing safe environments, even a very small number of cases of harm to children would be very costly in human terms because of the potentially large impact on child well-being and development.</p> <p>The risk of harm arises not just in relation to childminders themselves and the homes in which they work, but in relation to all family members and others who are present in the homes of childminders.</p> <p>In Option 1, most childminders are exempt from regulation, and there would therefore be no benefits under this criterion.</p>
(c) Benefits for children through enhanced quality	No benefits.

(d) Benefits to parents through quality assurance	No benefits.
(e) Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances	No benefits.

4.2.2 Option 2: Recommence a voluntary notification system for childminders

(a) Benefits to childminders	While a voluntary notification system might encourage participation of some childminders in social insurance, it would not cover all childminders, and the absence of quality assurance would minimise the benefits in terms of public recognition.
(b) Reduced risk of harm to children	A voluntary notification system might encourage a larger number of childminders to seek Garda vetting on a voluntary basis, and to accept checks that might be involved in a voluntary notification system. However, it is likely that the childminders where there is the greatest risk of harm to children are the childminders who are least likely to voluntarily opt for notification. In the absence of mandatory regulation, therefore, there would be minimal reduction in the risk of harm to children.
(c) Benefits for children through enhanced quality	Under a voluntary notification system, quality supports would be available locally, e.g. through local Childminding Development Officers. There is some evidence internationally (discussed in the National Action Plan for Childminding) that participation in staffed local childminding networks can be effective in improving the quality of provision. However, under a voluntary notification system, participation in quality supports would not be a requirement, and it is possible that those who would opt in would be those who already have relatively high quality standards.
(d) Benefits to parents through quality assurance	In a voluntary notification system, some parents would benefit from being able more readily to find childminders who have met the minimum requirements of voluntary notification. However, as notification would be optional, only a limited proportion of childminders would be expected to choose to notify, and the level of quality assurance provided would be limited, given the low level of requirements for notification.
(e) Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances	As the National Childcare Scheme is limited to Tusla-registered providers, voluntary notified childminders would not be eligible to take part, and there would therefore be no change in the ability of parents who use childminders to access subsidies under the scheme.

4.2.3 Option 3: Introduce registration-focused regulations for childminders (similar in scope to the School-Age Registration Regulations)

(a) Benefits to childminders	Mandatory registration would provide a significant degree of public recognition for childminders and, insofar as regulation supports childminders’ payment of Pay-Related Social Insurance, would be expected to increase access to the benefits of social insurance, including maternity benefit and the contributory State pension.
(b) Reduced risk of harm to children	<p>The introduction of mandatory registration requirements would reduce the risk of harm to children through introducing Garda vetting requirements – both for childminders themselves and for others living in their homes – and through other registration requirements, such as requirements to undertake child safeguarding training.</p> <p>However, the absence of inspection requirements would significantly limit the reduction in risk of harm. While inspections are generally infrequent and inevitably cannot observe all cases of malpractice or maltreatment of children, effective inspection systems can detect significant risk of malpractice and can require corrective and preventative actions that reduce the risk of harm.</p>
(c) Benefits for children through enhanced quality	As with Option 2, Option 3 (which would require the presence of Childminding Development Officers at local level to support registration of childminders) would bring some benefits of quality improvement through enhanced quality supports.
(d) Benefits to parents through quality assurance	<p>A mandatory registration system would bring stronger quality assurance than a voluntary notification system, and would provide clarity to parents as to which childminders have met the standards set out in regulations.</p> <p>However, the minimum standards provided by a registration-only system would limit the level of quality assurance provided, given the limitations of regulations and the absence of an inspection system to monitor the quality of childminders’ practice.</p>
(e) Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances	Under Option 3, parents who use childminders would be able to access subsidies through the National Childcare Scheme. This would support parents’ participation in the labour market and female labour market participation in particular. Support for parents’ labour market participation would, in turn, support economic growth and support improvement in the public finances through higher tax returns and reduced social protection payments.

	<p>The level of subsidy provided under the National Childcare Scheme depends on the family’s level of income, with higher subsidies for lower-income families.</p> <p>Analysis by the ESRI of the distributional impact of extending the National Childcare Scheme to childminders indicates that most of the financial gain would go to the middle of the income distribution, with the largest gains for households in quintile 3, followed by households in quintiles 4, 5 and 2. There would be no gains in the bottom quintile of the income distribution as there are no households with children cared for by a childminder in this income quintile.⁵</p>
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4.2.4 Option 4: Introduce regulations for childminders that provide for registration, inspection and enforcement, tailored to specific features of childminding with reduced requirements relative to regulations for centre-based services

(a) Benefits to childminders	The same benefits would arise as in Option 3 though the benefit of public recognition would likely rise to a greater extent given the stronger quality assurance provided in Option 4.
(b) Reduced risk of harm to children	In addition to the benefits in Option 3 that arise from a registration system (e.g. Garda vetting and child safeguarding training), Option 4 would also involve inspection of childminding services, which would significantly reduce the risk of harm to children.
(c) Benefits for children through enhanced quality	<p>In addition to the benefits of quality supports in Options 2 and 3, additional quality benefits for children’s well-being, learning and development would arise in Option 4 through:</p> <ul style="list-style-type: none"> (i) Training requirements, such as the proposed requirement for registered childminders to participate in a Quality Development Programme. (ii) Regulatory limits on numbers of children an individual childminder can care for, keeping the adult-child ratio low, which international research evidence indicates is a significant factor determining the quality of provision. (iii) Advice and feedback for childminders from inspectors, who observe childminders’ practice.

⁵ K. Doorley, D. Tuda and L. Duggan (2023), *op. cit.*

(d) Benefits to parents through quality assurance	<p>As with Option 3, under Option 4 a mandatory registration system would bring stronger quality assurance than a voluntary notification system, and would provide clarity to parents as to which childminders have met the standards set out in regulations.</p> <p>In addition, however, Option 4 might involve more extensive regulatory requirements (such as limits on numbers of children), and would involve inspection of childminders’ practice. For these reasons, Option 4 would involve stronger quality assurance for parents than Option 3.</p>
(e) Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances	<p>The financial benefits to parents – and consequent impact on labour market participation, economic growth and public finances – are the same under Option 4 as Option 3.</p>

4.2.5 Option 5: Introduce regulations for childminders that are similar to regulations for centre-based services

(a) Benefits to childminders	<p>The same benefits would arise as in Option 3 and 4 though the benefit of public recognition might rise to a greater extent given the stronger quality assurance provided in Option 5.</p>
(b) Reduced risk of harm to children	<p>The benefits under Option 5 in reduced risk of harm to children would be similar to the benefits of Option 4, as both Options involve Garda vetting and child safeguarding training requirements as well as regular inspection of childminding services.</p>
(c) Benefits for children through enhanced quality	<p>The types of quality benefits for children’s well-being, learning and development would be the same as in Option 4, but may be greater under Option 5 in relation to:</p> <ul style="list-style-type: none"> • Training requirements, as Option 5 would involve a higher training requirement at Level 5 on the National Framework of Qualifications. • Tighter regulatory requirements on numbers of pre-school children, keeping the adult-child ratio lower (1:5 pre-school children rather than 1:6 in Option 4). <p>However, insofar as regulatory requirements were designed to be specific to centre-based care, they would not be specific to the childminding context, and might therefore reduce the quality benefits for children.</p>
(d) Benefits to parents through quality assurance	<p>Option 5 would bring all the types of quality assurance provided under Option 4.</p>

	<p>Insofar as regulatory requirements are tighter (e.g. with qualification requirements), Option 5 would offer greater quality assurance for parents.</p> <p>However, insofar as regulatory requirements are less tailored to the childminding context, there might be some reduction in quality assurance provided.</p>
<p>(e) Benefits to parents through subsidies, and resulting positive impact on labour market participation and public finances</p>	<p>The financial benefits to parents – and consequent impact on labour market participation, economic growth and public finances – are the same under Option 5 as Option 3 and 4.</p>

4.3 Impacts

4.3.1 National competitiveness

The accessibility and affordability of ELC and SAC impacts on national competitiveness through its impact on parents' labour market participation, in particular female labour market participation. The regulation of childminding may impact in two ways:

- a) Through affecting the supply of places, e.g. either if strict regulation leads some childminders to exit the sector, or if the absence of regulation and therefore access to subsidies pushes some childminders out of businesses as parents instead seek places in subsidised centre-based services. The lowest impact on supply of places – and therefore most positive effect – is likely to be seen where regulations (and therefore subsidies) are in place for childminders but are proportionate in their requirements.
- b) Through affecting the fees charged for places by parents, e.g. regulation opens up access to the National Childcare Scheme for childminders, thus reducing the cost of ELC and SAC for parents who use childminders. This positive effect on affordability will be seen in any scenario in which childminding is regulated, but not in scenarios that do not involve registration (e.g. voluntary notification).

4.3.2 Socially excluded and vulnerable groups (including rural communities, and gender equality)

Childminding is particularly important in those rural areas where low numbers of children cannot support viable centre-based services. As with the national competitiveness impact above, the impact of regulation of childminding in rural communities depends on its effects on both the supply of places and the affordability of places:

- Impact on the supply of childminding places will impact on accessibility, and to a greater degree if there are limited alternative places available locally in centre-based provision.
- Positive impact of regulation on affordability will be particularly significant in those rural areas where there are no other subsidised places available.

In relation to gender equality, the same impacts arise that are noted above in relation to national competitiveness, given the particular impact of accessibility and affordability on female labour market participation.

In addition, as the very large majority of childminders are women, gender equality benefits of regulation arise also through: the greater recognition that regulation gives to childminders' work; the greater supports for childminders' employment through access to State supports that are contingent on registration; and increasing the engagement of childminders with State services including social insurance.

4.3.3 The environment

There are no impacts on the environment.

4.3.4 Economic impact, including consumer and competition impacts

The impact on consumers and competition will primarily arise through three effects of regulation:

- Greater ability for parents to know what childminding services are available, and whether they meet quality standards. In the absence of a register of childminding services, parents can only find out about childminding options through informal networks, and it is very hard for parents to assess the quality and risk of any particular childminding choice. Registration provides public information on childminders who have met whatever quality standards are set in regulations.
- Opening up the National Childcare Scheme to childminders will increase parental choice with regard to subsidised early learning and childcare.
- Any effect of regulation on the supply of places – discussed above in relation to competitiveness – will impact on options available for parents when making childcare choices.

4.3.5 The rights of citizens

A central rationale for regulation of childminding is to strengthen child safeguarding, though requirements such as Garda vetting and child safeguarding training, as well as inspection of childminding services.

In addition, regulation and inspection of childminding services support quality assurance and quality improvement in the provision of childminding, which helps to ensure children's right to early education. In this regard, 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", and "calls on States parties to ensure that all young children receive education in the broadest sense..., which acknowledges a key role for parents, wider family and community".⁶

⁶ UN Committee on the Rights of the Child, *General Comment No.7: Implementing Child Rights in Early Childhood*, pp.13-14.

At the same time, it is necessary, in designing proportionate and appropriate regulations, to minimise any negative impact of regulations on childminders' right to privacy in their home.

4.3.6 Compliance burden

The level of compliance burden depends on the specific regulatory requirements. The more limited are the regulatory requirements and the more tailored are the regulatory requirements to the specific circumstances of childminders working in their family homes, the lower the compliance burden.

Examples of regulatory requirements that are particularly significant when determining the level of compliance burden for childminders are:

- Training and qualification requirements.
- Any regulatory requirements that require adaptations of the childminder's home or specialised equipment.
- Extensive record-keeping requirements.
- Low limits on the maximum number of children a childminder can care for.

The compliance burden can be offset by financial and other supports that may be made available to childminders to assist with meeting regulatory requirements. For example, DCEDIY operates an annual Childminding Development Grant, the total value of which has been doubled in 2024 (to €500,000, with up to €1,000 grant funding available per childminder per year). The Grant provides funding for childminders to enhance quality and safety in their service through the purchase of toys, childcare equipment, safety equipment, equipment to support inclusion and early learning, as well as through a contribution to IT equipment to assist childminders to engage with training and registration processes.

4.3.7 North-South and East-West relations

There are no impacts on North-South or East-West relations.

Section 5: Consultation

Working Group 2016-2018

In 2016 the then Minister for Children and Youth Affairs established a Working Group on Reforms and Supports for the Childminding Sector, chaired by Childminding Ireland, to:

- Provide a description of the childminding sector in Ireland, including all the different categories of childminders and, where possible, the estimated number in each category.
- Make recommendations in respect of which categories should be included in plans for reform and support of the sector, and (if necessary) provide a rationale for excluding others.
- In the short term, identify the reforms and supports that are required to have a robust system of quality assurance for childminders.
- Make proposals for, and cost where appropriate, a model of reforms and supports for the childminding sector in the short (1-3 years) term, medium (3-5 years) and long (5-10 years) term.

- Examine the feasibility and implications of the migration from voluntary to mandatory regulation for the childminding sector.

As part of its work, the Working Group carried out a consultation with parents through a parents' survey in May 2017, and consulted childminders through a survey of Childminding Ireland members and a discussion day that allowed more in-depth discussions with 22 childminders from around the country. It also drew on the findings of the consultation with 177 children aged 5-12 that was undertaken in 2016 to inform the Action Plan on School-Age Childcare. The parents' survey had 3,630 responses, and asked questions about use of childminding and attitudes towards childminding. The survey of childminders had 357 responses.

The Working Group's report was published in 2018.⁷ In line with its terms of reference, the report set out a series of short, medium and longer-term recommendations that aim to move towards the regulation and support of all paid, non-relative childminders over a 5-10 year timeframe.

Draft Childminding Action Plan 2019

Based on the Working Group's report, DCEDIY then developed a Draft Childminding Action Plan, which was published in 2019 for the purpose of public consultation.⁸ The consultation on the Draft Childminding Action Plan took place in the second half of 2019. The consultation process consisted of four strands:

- *Invitation to make written submissions.* This strand of the consultation was open from 29 August to 10 October 2019. 14 submissions were received.
- *Online survey.* An online survey was live from 29 August to 10 October 2019. In total, 467 respondents completed the survey. Respondents represented a range of stakeholders including childminders (57% of respondents), parents (36% of respondents) and others.
- *Focus groups with childminders.* An expression of interest to take part in a focus group on the Draft Childminding Action Plan was issued to childminders through the City and County Childcare Committees. Thirty-two focus groups were held between 21 October and 28 November 2019. A total of 205 childminders took part in the focus groups.
- *Open Policy Debate.* On 16 October 2019, DCEDIY hosted an open policy debate on the Draft Childminding Action Plan to which key stakeholders, including childminders, sectoral organisations, and groups representing children, parents and childminders were invited, with 55 participants.

While views on some questions were mixed, overall the consultation process indicated support for central aspects of the Draft Plan. In addition to welcoming the proposed move to regulate childminders, respondents supported a phased approach with a preparatory phase followed by an extended transition phase, to allow childminders a lead-in time for any requirements. Other findings of the consultation process included:

Regulatory change. The importance of future regulations being proportionate, appropriate and specific to the home-based setting of childminding emerged as a strong finding of the consultation process. Responses suggest that any new inspection model should also be proportionate, appropriate and specific to the home-based setting. The majority of respondents to the online survey agreed that childminders should be required to register with Tusla and be subject to regulation and inspection.

⁷ [Working Group on Reforms and Supports for the Childminding Sector \(2018\) Pathway to a Quality Support and Assurance System for Childminding.](#)

⁸ [Department of Children and Youth Affairs \(2019\) Draft Childminding Action Plan.](#)

Retention of current childminders was raised as a concern. Responses suggested that the potential cost and workload that may come with registration and inspection might lead some childminders to leave the sector.

Qualifications and training. Responses to the consultation process demonstrated a lack of consensus in relation to qualification and training requirements for the childminding sector both for a transition phase and at the stage of full implementation of regulations.

Quality supports. The majority of responses to the consultation process agreed with the proposal to open up to childminders the full range of quality supports that are available for ELC and SAC services.

The majority of respondents agreed with the proposal to develop local support networks that are led by qualified childminding network leaders. However, the majority of responses suggested that centre-based settings should not play any role in supporting childminders or local childminding networks.

Funding and financial supports. The majority of respondents agreed with the proposal to open up the National Childcare Scheme to all childminders who meet transitional requirements, as soon as childminder-specific regulations are in place. Responses to the consultation process suggested that respondents agreed with the proposal to review and reform other financial supports for childminders, including the Childminder Learner Fund and the Childminding Development Grant. Responses showed no clear consensus regarding the proposal to develop a range of resources on the use of nannies and au pairs, including information for parents.

Workforce Development Plan 2019-2021

Both the 2018 Working Group report and the Draft Childminding Action Plan left open the question of what the minimum qualification requirement for childminders should be, given lack of agreement across the sector on the issue. The public consultation on the Draft Childminding Action Plan similarly indicated mixed views, with some calling for the same qualification requirement that centre-based practitioners face, while others said there should be no qualification requirement for childminders.

To ensure that any qualification requirement for childminders made sense in the context of proposals for qualifications and training for centre-based educators and practitioners, the task of developing a recommendation on minimum qualification / training requirements for childminders was given to the Steering Group of the Workforce Development Plan (WDP) for the ELC and SAC workforce. Work on the WDP began in 2019 and was completed in 2021.

The WDP Steering Group examined the issue of training / qualification requirements for childminders on a number of occasions during 2019 and 2020. It considered the views set out in the Working Group report and the Draft Childminding Action Plan as well as the recommendations of the WDP Stakeholder Group and a focus group of childminders specially convened for a meeting of the WDP Steering Group.

The WDP Steering Group recommended a balanced approach, reflecting both the opportunity created by the National Childcare Scheme to incentivise childminders to register with Tusla and the need for a phased, supportive approach that encourages and supports childminders to remain working in the sector. The WDP Steering Group proposed the introduction of a minimum training requirement for childminders to register with Tusla, but proposed that the requirement should be less onerous than the full Level 5 NFQ requirement for centre-based educators and should be introduced over time.

The WDP Steering Group recommended an initial pre-registration requirement of completing a Foundation Training Programme, with the full training requirement to be met over a period of years following registration. These recommendations were subsequently adopted as Government

commitments in *Nurturing Skills: The Workforce Plan for ELC and SAC 2022-2028*, published in December 2021.

National Action Plan for Childminding 2021-2028

Based on the findings of the public consultation on the Draft Childminding Action Plan and the proposals agreed by the Steering Group on Workforce Development Plan, the National Action Plan for Childminding was developed, agreed by Government, and published in April 2021.

In relation to regulations, the National Action Plan for Childminding committed to the development of regulations that are proportionate and appropriate to the home and family setting in which childminders work.

The National Action Plan for Childminding set out a phased approach to extending regulation and supports to paid, non-relative childminders who work in their own homes over a number of years. The National Action Plan set out a phased approach with a preparatory phase followed by an extended transition phase, to allow childminders a lead-in time for any requirements. This supportive, phased transition process aims to facilitate the largest possible number of childminders to enter the regulated sector, the sphere of quality assurance, and access to Government subsidies, while recognising the time and supports required for this reform.

Phase 1 of the Plan, which began in 2021, involves preparatory work, putting in place the building blocks of this major reform. Phase 1, which is due to be completed in autumn 2024, includes developing new regulations and training that are specific to childminding, amending legislation, rolling out training, further research on costs and on ways to support childminders most effectively, and re-examining the funding and financial supports available for childminders.

To support DCEDIY in delivering on Phase 1 of the National Action Plan, and to ensure close involvement of childminders and other stakeholders throughout the process, a Steering Group and four Advisory Groups were established. The NAPC Steering Group are responsible for overseeing the implementation of the plan. The Steering Group is supported in its work by four Advisory Groups: a Stakeholder Engagement, Consultation and Communication Advisory Group; a Funding and Financial Supports Advisory Group; a Training and Supports Advisory Group; and a Regulation and Inspection Advisory Group. The Steering Group and the Advisory Groups' membership consists of a variety of stakeholders but all include working childminders and representatives from Childminding Ireland.

The development of draft regulations began in June 2022. The Regulation and Inspection Advisory Group worked on proposals for new childminding regulations, which were sent to the Steering Group. The Advisory Group continued to work through the proposals as they were drafted into regulatory language. The Steering Group approved a consultation and communications plan, as well as the documentation for the public consultation on the draft regulations.

Consultation on the Draft Childminding Regulations

The public consultation on the draft regulations took place over a 12-week period between February and May 2024. The consultation documents included the draft regulations, draft guidance on the regulations, and an easy read summary of the draft regulations. Stakeholders could participate by completing an on-line survey, attending consultation groups, written submission, as well as through a national stakeholder organisation event.

A promotional campaign was conducted on social media. The social media posts reached nearly 127,000 individual accounts, had over 35,000 likes/shares/comments and resulted in 4,500 clicks through to the public consultation website.

There were 52 focus group consultations held, attended by 216 childminders and 6 parents. There were 664 surveys completed – 243 by childminders, 327 by parents and 94 by others including members of the public, and organisations. A total of 90 written submissions were received, from 79 childminders, 6 parents and 5 others including representative organisations. The consultation findings were analysed by an independent company, resulting in a report that informed subsequent amendments to the regulations.

In addition, an independent external review of the draft regulations was carried out by Dr Bill Maxwell, the former CEO of Education Scotland, former Chief Inspector in both Scotland and Wales, and OECD consultant. Dr. Maxwell provided a detailed report on the draft regulations for the Minister for Children, Equality, Disability, Integration and Youth. The report concluded that ‘Overall, I think the draft regulations provide a strong statutory basis for implementing a new regulatory framework for childminding in Ireland, with arrangements that are very much in line with those in comparator systems . . . , in my view the regulations take a proportionate approach for the circumstances in Ireland.’

Section 6: Enforcement and Compliance

Tusla is the independent statutory regulator for the ELC and SAC sector, and it already has responsibility for the regulation, registration and inspection of those childminders who are already subject to regulation. The extension of regulation to all non-relative childminders will therefore fall to Tusla also.

Additional funding has been provided to Tusla’s Early Years Inspectorate to enable to carry out this expansion in the scope of its regulation function, with €3m additional funding allocated in 2024.

In line with the approach set out in the Child Care (Amendment) Act 2024, the first 3 years after the regulations come into effect will be a transition period. During this period, those childminders who would have been exempt from regulation – were it not for the repeal of exemptions in the Act – will not be required to register with Tusla. Those who choose to register during this period will, however, be subject to the provisions of Part VIIA of the Child Care Act 1991 and the Childminding Regulations. Following the end of the transition period, all non-relative childminders will be subject to regulation by Tusla.

Section 7: Review

The National Action Plan for Childminding 2021-2028 commits to carrying out a review of the initial implementation of the Childminding Regulations by 2028.

As part of this review, the National Action Plan specifically commits to reviewing the timeline for registered childminders to complete the Quality Development Programme. However, the review will also provide an opportunity for a wider assessment of the Childminding Regulations and for consideration of whether any changes are needed to the Regulations before the ending of the 3-year transition period.

Section 8: Publication

This Regulatory Impact Analysis will be published on the Department’s website (www.gov.ie/dcediy). This will be done to coincide with publication of the Childminding Regulations.