



Summary of the draft law Childcare for the Caribbean Netherlands

Please note: this summary describes the main elements of the draft law. For a complete and detailed explanation, please read the general section of the Explanatory Memorandum.

Draft law Childcare for the Caribbean Netherlands

The BES(t) 4 kids program aims to offer all children in the Caribbean Netherlands good-quality, safe and affordable childcare. The focus is on creating a safe and caring environment for children, which is accessible to all families, in order to ensure that every child has the opportunity to develop themselves to their full potential. The basic rules for childcare centres and host parents in the Caribbean Netherlands will be specified in a law.

Why this draft law?

A Childcare Island Ordinance, which specifies many quality requirements for the childcare centres and host parents, is currently already in force. In addition, there already is a temporary childcare subsidy scheme aimed at improving the quality of childcare and reducing the costs for parents. The draft law will specify quality requirements which will permanently be legally obliged. On top of that, the draft law makes it possible to replace the temporary subsidy scheme by structural financing. This makes it possible to structurally offer good-quality, safe and affordable childcare. This way every child has the opportunity to develop themselves to their full potential.

Functioning of the childcare system

Responsibilities of different parties

Different parties play a role in the system to ensure that childcare functions well in the Caribbean Netherlands. The **Central Government** is the policymaker and legislator, and establishes the frameworks for childcare in the Caribbean Netherlands through this draft law. Furthermore, the **Central Government** is responsible for the design and implementation of the financing structure of childcare. The Public Entity is the local policymaker and adopts the local Childcare Island Ordinance within the frameworks of this draft law. The **Public Entity** is also the party which grants and withdraws licences: only childcare centres and host parents which/who have been granted an operating licence by the **Public Entity** are allowed to offer childcare services. The **childcare centres and host parents** are the childcare providers in the islands. The **Inspectorate of Education** will be appointed as supervisor of the quality of childcare and it will also have the power to force providers to take certain actions if they do not meet the quality requirements (enforcement). Finally, the **Central Government** is also responsible for the childcare system. This means that the Minister of Social Affairs and Employment (in Dutch: Sociale Zaken en Werkgelegenheid, SZW) can intervene if the Public Entity fails in its duties.

Please see Articles 3.3, 2.1, 5.1, 5.6 and 5.23.

Different types of childcare

Childcare: the caring for, rearing of or contributing to the development of children, professionally or against payment, up to the first day of the month in which those children start attending secondary school. Different types of childcare are possible:

- Day care: childcare for children aged 0 to 4. Compulsory education applies from the age of 4 when a child starts to attend primary school.
- Out-of-school care: childcare for children who attend primary school, before or after school hours and during free days and school holidays.
- Flexible care: childcare for children aged 0 to ± 12 during evenings, nights or weekends.

Childcare can be provided by a childcare centre or by a host parent. A host parent will care for a maximum of 6 children aged 0 to 12 at their own home or at the home of one of the parents of the children in the group. When the draft law comes into force, host parent and flexible care can only be subsidized by the government if the Public Entity allows it.

Please see Article 1.1.



Operating licence

In order to be allowed to offer childcare, a host parent or childcare centre needs an operating licence. They must apply for this licence at the Public Entity. The draft law does not change this. The Executive Council decides whether or not the operating licence will be granted. The Executive Council will ask the quality committee for advice on this matter and it will request the Inspectorate of Education to investigate if the organisation meets the applicable quality requirements.

Please see Article 2.1.

Quality

Integrated provision and a smooth transition into school

It is assumed in this draft law that childcare is an integrated provision: care which is (financially) accessible to all families and which ensures the focused stimulation of children's development through playing aimed at preventing and getting rid of development and learning lags. This means that all childcare types in the Caribbean Netherlands must focus on stimulating language skills, calculation skills, motor skills and social-emotional skills. The day care services of childcare centres must include a special program for early childhood education to realise this. As regards out-of-school care, host parent care and flexible care facilities, they must prove that the services which they offer are also aimed at stimulating the children's development.

Please see Article 2.2.

In addition, the draft law aims to ensure that children continue to develop well and that the transition from childcare to primary school runs smoothly. Childcare centres and host parents must monitor the development of children, and childcare organisations and schools must make arrangements about how the transition should be organised. Additionally, primary schools are obligated to offer a program for early childhood education in forms 1 and 2 as a follow-up to the program for early childhood education offered in day care (0-4). Childcare centres, host parents and schools are also obligated to attend the biannual meeting on the continuous development of children, organised by the Public Entity.

Please see Articles 2.15, 2.16 and 6.4.

Responsible childcare and quality requirements

All childcare centres and host parents must offer responsible childcare. Responsible childcare is described as follows in the draft law: *'offering children emotional security in a safe and healthy environment, stimulating children's personal and social competencies, the socialisation of children by transmission of generally accepted values and norms, and the focused stimulation of language skills, calculation skills, motor skills and social-emotional skills through playing for the sake of a continuous development process for children.'*

Please see Article 2.2.

Several quality requirements have been laid down in the law in the interest of responsible childcare. *Please see Articles 2.3 up to and including 2.14 for more information.* The summary below lists the main quality requirements. These requirements will be specified in secondary legislation. It will, for instance, be specified what elements must be described in childcare centres pedagogical policy plan.



| Childcare centres | Host parent care and flexible care |
|---|--|
| <ul style="list-style-type: none"> A. Pursue a pedagogical policy resulting in responsible childcare and put this policy down in writing. B. Pursue a safety and health policy resulting in a safe and healthy environment for the children and put this policy down in writing. C. Monitor children's development with a standardised measurement instrument.* D. Sufficient play, sleeping and outside areas for children, suitable for the number of and the age of the children to be cared for. E. Group size and professional-child ratio suitable for the number of and the age of the children to be cared for. F. Professionals must be trained and qualified in such a way that they can offer responsible childcare. G. Staff must have a Certificate of Good Conduct (in Dutch: Verklaring Omtrent het Gedrag, VOG). H. Implement the Notification of Domestic Violence and Child Abuse step-by-step plan. I. Obligation to notify, discuss matters and file a police report in cases of suspicion of criminal offences inside the childcare locations.* J. Appoint a complaints committee. K. Organisations with more than 50 children must appoint a parent committee. | <ul style="list-style-type: none"> A. Pursue a pedagogical policy resulting in responsible childcare and put this policy down in writing. B. Pursue a safety and health policy resulting in a safe and healthy environment for the children and put this policy down in writing. C. Monitor children's development with a standardised measurement instrument.* D. Sufficient play, sleeping and outside areas for children, suitable for the number and the age of the children to be cared for. E. Group size of children cared for by host parents: a maximum of 6. F. Host parents / professionals must be trained and qualified in such a way that they can offer responsible childcare. G. Host parents / staff must have a Certificate of Good Conduct. H. Implement the Notification of Domestic Violence and Child Abuse step-by-step plan. |

*These quality requirements are new compared to the requirements in the Island Ordinance.

Supervision and enforcement of the quality requirements

The Inspectorate of Education will be appointed as supervisor of the quality of childcare in the Caribbean Netherlands, on the basis of Article 5.1. It is the Inspectorate's duty to assess and promote the quality of childcare.

The Inspectorate will collaborate with local inspectors of Bonaire and St. Eustatius because it cannot always be present on the islands itself. The local inspector can, for example, visit locations and in serious cases they can contact the Public Entity to take enforcement (disciplinary) action. The Inspectorate and the Public Entity are preparing a collaboration agreement on this matter. The Inspectorate will remain responsible for the supervision.

The Inspectorate's method of operation

The Inspectorate will visit the childcare locations at least once a year, in collaboration with the local inspectors. The Inspectorate will then investigate if the location meets all requirements specified in the law and secondary legislation. The Inspectorate will do this by using the investigation and assessment framework, which will be developed in the coming period.

The visits can be announced visits but they can also be unexpected. The inspector not only checks compliance with the law on paper but they will also observe the groups. The inspector will talk with the Directors, management, staff and sometimes also with children and parents. They will discuss their findings with the children's centre or the host parent. The findings will also be recorded in a report. This report, together with the organisation's response to the Inspectorate's assessment, will be made public.

Please see Articles 5.2 and 5.4.

Enforcement

The Inspectorate will mainly carry out motivating supervision, certainly during the first years following the entry into force of the new law. This means that the supervision is aimed at improving the quality of care. If the Inspectorate detects any deficiencies at a



children's centre or host parent, the Inspectorate can instruct them to correct this. They must complete this correction within a certain period of time. In a situation where the safety and health of children and staff are concerned, the Inspectorate will take action from the very start.

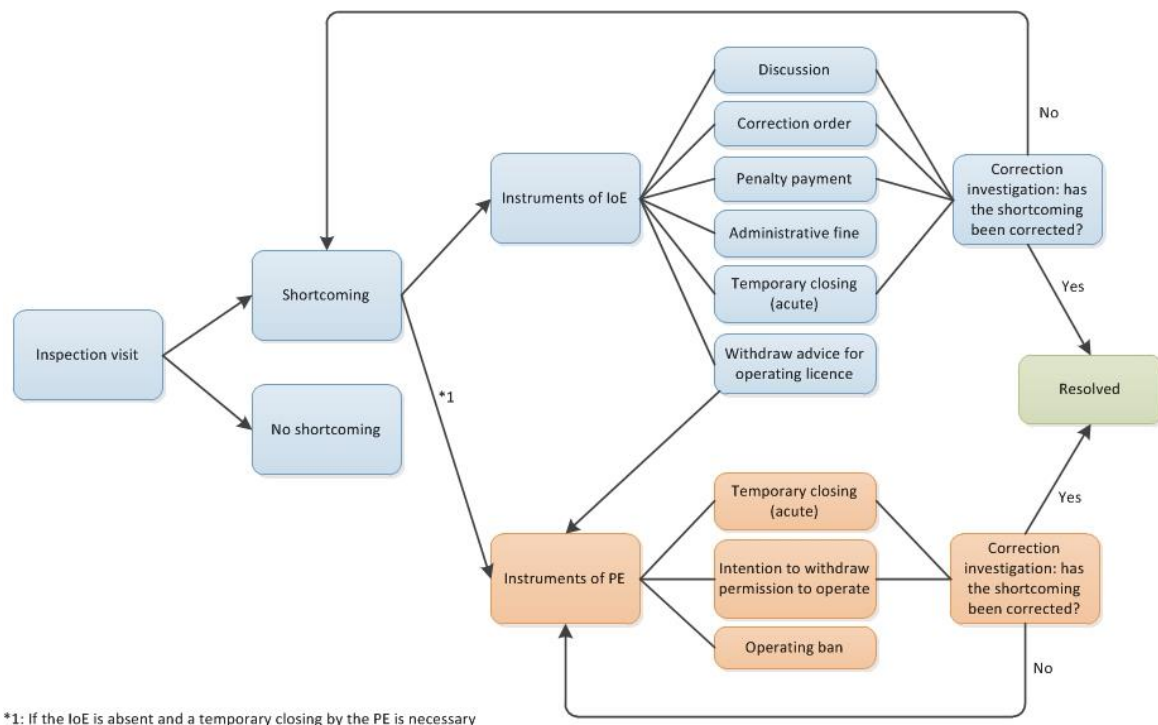
Please see Article 5.5.

The Childcare draft law for the Caribbean Netherlands enables the Inspectorate to use a number of additional instruments, by mandate of the Minister of Social Affairs and Employment, when childcare centres or host parents do not meet the quality requirements:

- attach a penalty payment to a correction order. This means that if the organisation does not execute the order in time, it will have to make the penalty payment;
- impose a fine in case of deliberate deception;
- temporarily close a childcare location in the event of an acute and serious emergency situation, where the safety and health of children are jeopardised. This decision can also be made by the Public Entity if the Inspectorate is absent or cannot be reached immediately;
- advise the Public Entity to withdraw an operating licence if a childcare organisation repeatedly breaks the rules.

Please see Articles 5.7 up to and including 2.19.

The illustration below shows a summary of the main enforcement instruments.





Financing

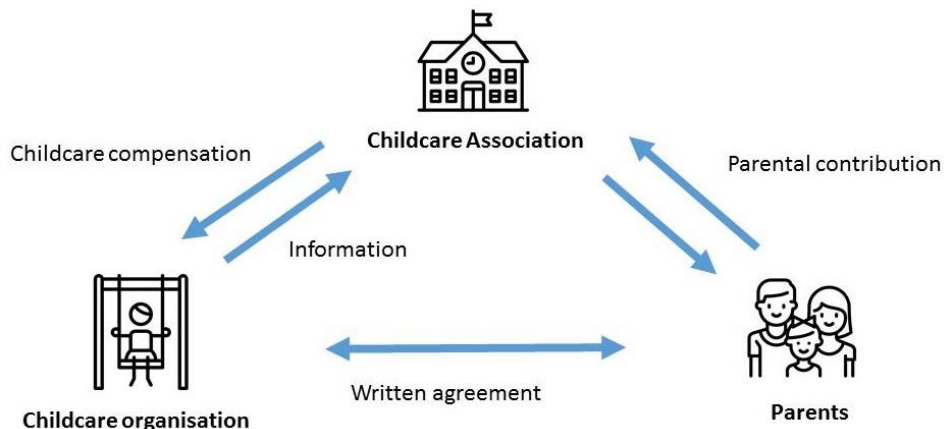
Under certain conditions, childcare centres and host parents can qualify for financing granted by the Central Government: the so-called childcare compensation. *Please see Article 3.3 for more information.* A licence is required in order to be financed by the government. These duties are performed by the Public Entity and an implementing agency of the Central Government in close collaboration (Figure 1).

Figure 1: Collaboration between Central Government and Public Entities



The financing system is based on three important pillars: (1) the Central Government directly finances childcare centres and host parents; (2) up-to-date data on the use of childcare is used; and (3) parents pay a parental contribution to the Central Government and not to the childcare organization. The amount depends on their level of income. Figure 2 shows the main elements of this system.

Figure 2 Main elements of the financing system



Conditions

In order to be entitled to childcare compensation, childcare centres and host parents must meet different conditions. The main conditions are:

- Childcare centres and host parents must prove that they have an operating licence when they apply for the childcare compensation.
- In principle, one can only apply for childcare compensation for children who are registered in the island.
- Arrangements between the parent and the children's centre or the host parent are set out in written agreement. This written agreement must at least include the duration of the agreement, the number of half-day care sessions per month and the type of care.



- The children's centre or the host parent will not charge the parents a mandatory or voluntary additional financial contribution for the childcare.
- Childcare must be accessible to all parents and the admission of children must not be subject to any restrictions.

Please see Articles 3.5 up to and including 3.12.

The government (Central government and Public Entity) can set a maximum number of childcare places to which the childcare compensation is granted in an island. If there is no maximum, the childcare compensation will be granted to all providers who meet the conditions. If there is a maximum, providers will qualify for childcare compensation until the maximum number of places is reached. This matter will be further developed in the coming period.

Please see Article 3.4.

Amount of childcare compensation

The amount of the total childcare compensation which childcare centres and host parents qualify for is based on the childcare compensation per child and the number of half-day childcare sessions per month agreed in the written agreement.

In 2021, an investigation into the cost price of childcare will be performed. The amount of the childcare compensation will be determined on the basis of the results of the investigation. The childcare compensation must make it possible for childcare centres and host parents to offer responsible childcare.

Supervision of the childcare compensation

In order to prevent misuse of the childcare compensation, the implementing agency will be given powers to monitor this. The implementing agency can also take enforcement action. In the event of deliberate misuse, the implementing agency can impose sanctions like an administrative fine.

Parental contribution

The amount of the parental contribution depends on the income of the parents, as is the case at present. The Central Government will decide in 2021 what parental contribution parents will pay as of 2022. The current amount for parental contribution under consideration for parents who (together) earn more than \$25,000.00 gross a year is approximately:

- \$100.00 to \$150.00 a month for five days of day care a week;
- \$50.00 to \$75.00 a month for five days of out-of-school care a week.

If a child attends childcare only half of the time, the parent will also pay half of the parental contribution.

The amounts mentioned above can still change. This also applies to the income threshold of \$25,000.00.

Parents with an income lower than \$25,000.00 a year, will pay approximately \$40.00 a month for day care and \$25.00 for out-of-school care as of 2022. Parents can submit an application to the Central Government for this. The Public Entity can also decide to compensate families living in poverty for the full amount of the parental contribution. For those parents, childcare will then be free of charge.

Please see Articles 3.13 up to and including 3.15.