



Summary of the bill 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 Explanatory Memorandum.

The bill aims at good-quality, safe and affordable childcare for all children in the Caribbean Netherlands. 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 bill?

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. This subsidy scheme runs until at least the 1st of January 2024.

The bill specifies, among others, 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.

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 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 can intervene in case of a neglect of duties.

Please see Articles 2.1, 2.2, 2.3, 3.2 and 5.1.

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 (emerging) 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 Articles 2.3, 2.4 and 2.6.

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 2.3.

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 (an Order in Council; *Algemene Maatregel van Bestuur*). It will, for instance, be specified what elements must be described in childcare centres pedagogical educational policy plan.

Childcare centres	Host parent care and flexible care
<ul style="list-style-type: none"> A. Pursue a pedagogical and educational 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. Demonstrated attention to, among other things, the number of professionals in the group, the spaces available, the training requirements of the professionals, the programme of activities, monitoring children's development and identifying particularities.* D. Staff must have a Certificate of Good Conduct (in Dutch: Verklaring Omtrent het Gedrag, VOG). E. Obligation to notify, discuss matters and file a police report in cases of suspicion of criminal offences inside the childcare locations.* F. Appoint a complaints committee. G. 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. Demonstrated attention to training requirements, the programme of activities, monitoring children's development and identifying particularities.* D. Group size of children cared for by host parents: a maximum of 6. E. Host parents / staff must have a Certificate of Good Conduct.

*In an Order in Council these components will be further specified.

Support structure for all children

In principle, childcare in the Caribbean Netherlands is accessible to all children, so also for children with special support needs, if this is justified from a medical, pedagogical, psychological and organisational point of view. That is why a support structure is included in the bill. The basis of this support structure is that children who need extra support are accommodated within regular groups as much as possible.

Childcare organisations have to monitor children's development and adapt the programme offer to children's developmental stage and needs. To support childcare centres and host parents with children with light problems, the public entity organises pedagogical support and advice to consult. So-called pedagogical coaches can help childcare organisations, for instance, by observing in the group. For more severe problems, the Expertise Centre



Education Care (EC2) can be called in for advice on the child's support plan and, if necessary, for a diagnosis (or having one made), guiding the child to specialist care or referral to plus care.

Plus care is childcare for children who cannot be accommodated in a regular group due to special needs. For plus care, additional quality requirements apply, such as specialised or extra-trained pedagogical staff and adaptation of space, materials and daily programme to the group. Also, the professional staff-child ratio is lower. A childcare organisation that wants to offer plus care has to submit an application to the public entity for a change of its operating licence. The public entity decides on this after advice has been asked from the Education Inspectorate and the EOZ.

Please see Articles 2.17 and 2.18.

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 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 is 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.

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 start.



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 5.6 up to and including 5.13.

Financing

Under certain conditions, childcare centres and host parents can qualify for financing granted by the Central Government: the so-called childcare compensation. The SZW-Unit of RCN takes care of this.

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.

Conditions for childcare compensation

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, on top of the set parental contribution.
- Childcare must be accessible to all parents and the admission of children must not be subject to any restrictions.

Please see Articles 3.2 up to and including 3.10.



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 the first half of 2023, a follow-up 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 cost price research. 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.

Please see Articles 5.1, 5.6 and 5.7.

Parental contribution

From the moment that this will also apply to the European Netherlands, parents will pay about 4% of the cost of childcare to the childcare organisation or host parent who qualifies for the governmental childcare allowance. It is expected that the parental contribution per month for day care 5 days a week will be around \$20 to \$30, and for out-of-school care around \$15 to \$20. The public entity may also decide to fully compensate the parental contribution for families living in poverty. The Public Entity establishes the criteria for this. For those parents the childcare is free.

Please see Articles 3.11 up to and including 3.13.