



20 November 2015

Public Consultation on Proposed Early Childhood Development Centres Regulatory Framework – Summary of Key Feedback and Responses

Annex A

Response to Specific Feedback

Common licensing framework

Currently, CCCs are licensed under the Child Care Centres Act, while kindergartens are registered under the Education Act. ECDA's proposal will introduce a common licensing framework for both CCCs and kindergartens, which will be collectively regulated as early childhood development centres (ECDCs), so that the standards and requirements to be applied will be consistent. Respondents were generally supportive of this proposal and agreed that a licensing framework was necessary to protect the safety and well-being of our children, and would be a fair approach to regulate the different kinds of services offered in the sector.

2. ***Licence tenure and requirements*** – Operators welcomed the proposal to grant a licence for a period of up to 36 months for all centres (up from 24 months today). This would reduce administrative and business costs for both operators and the regulator, while safeguarding centre quality and standards.

3. To complement the proposed longer licence tenure, some respondents suggested that unannounced audits should be conducted to ensure that centres maintain their standards throughout their licence tenure. Today, ECDA already conducts such audits, and our officers

generally visit centres at least once a year. We will continue this practice under the new framework.

4. Some parents also suggested that ECDA use a clear rating scale to assess each centre's quality, so that parents can easily identify which centres are better than others. Currently, our proposed ECDC framework ensures that the necessary health, safety and teaching standards are adhered to. Beyond this, we have introduced the voluntary Singapore Pre-school Accreditation Framework (SPARK) which endorses a centre for quality teaching and learning. Centres can opt to be assessed to become a SPARK-certified centre. About one in four centres are SPARK-certified today.

5. Some respondents asked whether operators funded by the government, such as Anchor Operators or Partner Operators, will be held to more lenient standards. Some kindergarten operators were also concerned that all current requirements for CCCs will apply to kindergartens, including those that are less suited to their operating model (e.g. operating on Saturdays and providing shower facilities).

6. ECDA's position is that all operators would be held to the same licensing standards, so as to safeguard the interests of our children and their parents. Nevertheless, the standards which are to be applied have to be relevant to the services offered by the centres. For example, certain standards of care (e.g. providing shower facilities) would not be applied to kindergartens. On the other hand, standards for teachers will be applied equally to all CCCs and kindergartens. Overall, operators asked for more information on the new licensing standards. For this, ECDA has extensively engaged centres over the past year on the licensing standards and process to ensure a smooth transition to the new framework. We will continue to undertake outreach to the sector.

7. ***Exemption of MOE Kindergartens*** – Some respondents called for ECDA to include the Ministry of Education (MOE) Kindergartens (MKs) under the regulatory framework, to ensure that standards are consistent across the sector.

8. We have considered this suggestion carefully. The ECDC Act is intended to regulate standards of private kindergartens and child care providers, while MKs are run directly by the Government, similar to primary schools, secondary schools, and junior colleges. Like our

schools, MKs adhere to standard operating procedures that ensure the safety and well-being of our children, with strict oversight by MOE Headquarters. This is similar to how Private Education Institutions (e.g. commercial schools and private universities) are regulated under the Private Education Act by the Council of Private Education, while all national schools, polytechnics and the Institute of Technical Education (ITE) come under the direct purview of MOE.

9. Although MKs are not regulated under the ECDC Act, they will be held to consistent standards, with MOE directly being accountable to the Parliament. Beyond the ECDC Act, MOE will also align their standards to SPARK to ensure that children in MKs receive quality care and education.

10. ***EC programmes not regulated under proposed ECDC regulatory framework*** – Some respondents asked whether enrichment centres, therapy services, standalone playgroups, student care services, children gyms, as well as sports, dance, music and religious classes will be regulated under the proposed ECDC regulatory framework.

11. We have considered the scope of the proposed ECDC regulatory framework carefully. Our focus is to ensure the quality of CCCs and kindergartens, which offer essential care and education services to our children. In particular, they develop our children holistically through quality EC programmes and prepare them for primary school. CCCs also help working parents care for their children. On the other hand, other service providers offer a range of different programmes of different durations for children, which may be attended by children on an ad-hoc basis, depending on parents' preferences. It will not be practical for the Government to regulate such numerous and a diverse range of services, which may have limited benefit to our children and their parents, as well as service providers.

12. ***Regulations*** – Some respondents asked why ECDA needs to regulate various aspects of centre operations, such as curriculum, admission of children and fees. ECDA's view is that these requirements are put in place to safeguard the interests of our children and their parents. For example, operators must clearly state their registration and admission processes so that those processes are transparent to parents. They also need to give parents sufficient notice if they decide to increase their fees. On curriculum, we will continue to provide broad guidelines to ensure programmes are developmentally appropriate. Centres will have

the flexibility to customise their lesson plans to suit the needs of their children. Many of these rules already exist under the current regulatory frameworks for CCCs and kindergartens.

Registration of Programme Staff

13. Respondents, including operators, welcomed the proposal to register programme staff, and cancel or suspend programme staff registration where warranted. They agreed it was important to ensure suitable persons are employed in ECDCs.

14. ***Programme staff to be registered*** – Some respondents asked whether specialised staff, such as psychologists or enrichment teachers, who are or may be employed by centres are to be considered as programme staff, and whether they need to be registered and have the necessary EC qualifications.

15. ECDA's view is that these specialised staff need not be registered, as long as they conduct lessons in conjunction with another registered programme staff, such as the class teacher. Nevertheless, licensees will be required to seek ECDA's approval before employing such staff through a simple, on-line process, so as to ensure that only suitable persons are employed. This approach, which is already in place today, will also apply to other assistant staff, such as para-professionals and relief staff.

16. In contrast, programme staff who conduct regular activities for children on their own, such as teachers and educators, will need to register with ECDA. As part of the registration process, ECDA will ensure that these staff have the professional, academic and language qualities to deliver EC programmes.

17. Some respondents also called for an independent professional body to register programme staff, so as to ensure that the views of EC professionals are taken into account. Under the proposed ECDC regulatory framework, ECDA will oversee the registration of EC professionals, as well as the accreditation of EC training programmes. The standards for registration and course accreditation are developed in consultation with key stakeholders, representatives from the EC sector, and subject matter experts.

18. **Other EC qualifications** – Some operators and EC professionals called for a wider variety of EC qualifications to be recognised. They also suggested allowing teachers who are undergoing training to take on full teaching duties in centres. Today, ECDA already recognises a variety of EC qualifications, so long as they are able to equip teachers with the necessary skill-sets and knowledge to provide EC care and education for the holistic development of our children. We will study these suggestions carefully, and balance them against the need to ensure the quality and consistency of our teaching workforce.

19. **Administrative ease** – Some operators and EC professionals were concerned about the extra administrative work involved in registering programme staff. ECDA's intention is to implement a registration system that is convenient for the sector. To this end, a new online platform, ONE@ECDA, will be introduced in end-2015 to streamline the registration process. The same system will also help EC professionals plan and track their professional development.

Enforcement and supervisory powers

20. **Penalty framework** – Some operators questioned whether it was necessary to introduce a new financial penalty framework, given that ECDA already has a range of enforcement options. They also asked why administrative breaches are serious enough to warrant financial penalties. Others were concerned that ECDA would impose criminal fines or penalties for every breach. On the other hand, some parents have given feedback that the fines and financial penalties may not be an effective deterrent against larger operators, and suggested more punitive measures, such as a prison term.

21. ECDA has weighed these differing views carefully. Our view is that errant operators form a small minority of the sector. However, each instance of non-compliance needs to be taken seriously in the interests of our children and their parents. These instances also undermine the reputation of the EC sector. Lapses in administration can have serious consequences for our children's safety. For example, the failure by a centre to keep proper records of staff and children can prevent necessary contact tracing in disease outbreaks. It can also cause confusion on how many persons are in the centre during an emergency.

22. Under our current regulatory frameworks, all administrative lapses are deemed to be a criminal offence. Nevertheless, ECDA typically gives advice, administers warnings, or issues shorter licence tenures to errant centres. We intend to continue with this measured enforcement approach. Our proposal will de-criminalise these administrative lapses and introduce new financial penalties that will give ECDA more enforcement options to effectively deal with recalcitrant operators. In the event that regulatory breaches are severe and may seriously affect the interests of our children and their parents, we will still consider options, such as criminal prosecution or centre closure. This enforcement approach is already being applied today.

23. We expect that regulatory costs will be low for operators that have already been complying consistently with our regulatory requirements. These operators can strive towards higher quality with the new longer licence tenure of 36 months. This will further lower the administrative and business costs for operators. Overall, we seek to implement a practical and effective deterrence system for operators that breach our regulatory requirements for the safety and well-being of our children.

24. **Security bond** – Some operators were concerned that the security bond would deter new players from entering the sector. On the other hand, parents supported this proposal as it reassured them that operators are in reasonable financial standing. Given these views, ECDA's intention is to take a calibrated and balanced approach. We will consider requiring a security bond from only licensees with no or poor track record (e.g. centres issued with short licence tenures due to weak regulatory standards), and calibrate the security bond amount to ensure that the interests of our children and their parents are protected, while recognising the standing of operators with good track records.

25. **ECDA's investigation powers** – Some operators questioned the need to increase the investigation powers of ECDA officers (e.g. to interview persons, and take audio or video recordings). They asked how these powers would be exercised.

26. The additional powers are to enable ECDA to uphold regulatory standards. It will help us gather evidence and establish the facts of a case, especially when a child is involved. These powers will only be exercised for investigation and enforcement purposes, and we will

establish internal processes to ensure that these powers are appropriately exercised. These powers are similar to those available to other regulators in Singapore.

Issuance of directions

27. Parents strongly supported ECDA's powers to issue written directions, if necessary, for the well-being and safety of our children. They also asked whether operators could be required to inform parents once such directions are issued. We have noted the suggestion and will study how this can be operationalised.

Other suggestions

28. Some respondents wondered whether new requirements would disadvantage smaller operators. ECDA would like to clarify that all ECDCs will be subject to the same licensing requirements, regardless of the size of the operator that runs the centre. This is because each centre is individually assessed and licensed. Systems and processes will be in place to ensure that any given administrative load is reasonable, even for smaller centres.

29. Operators also expressed concerns about how the sector would find enough staff to support the expansion of the sector. We recognise that having enough committed and passionate EC educators is key to providing quality programmes in our centres. This is one of ECDA's top priorities, which we are working on in tandem with this review of the regulatory framework.

30. We have introduced a range of support for training, upgrading and professional development at every stage of an EC professional's career. Some examples of these on-going efforts include new scholarships and professional development opportunities. Polytechnics and ITEs have expanded their training places to meet the sector's manpower needs. Students can also look forward to better internship experiences. We will continue to work closely with operators to improve the career progression of our EC professionals.

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