# Regulation and governance of non-state Early Childhood Care and Education in African countries ⬚

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## Introduction

The right to education begins at birth. The recent concept of early childhood which spans between birth and 8 years of age (UNICEF, 2001) recognizes the importance of the entire period between infancy, toddlerhood and pre-primary and primary education. ECCE is thus defined by the set of holistic programmes and policy frameworks which govern the early childhood period (ages 0 to 8 years) (UNESCO, 2021b). The first 1,000 days of age are crucial for child development. During the first years of life children experience rapid growth in cognitive development as by age 3, 90% of the brain is developed (Brown and Jernigan, 2012). During that period children are also very vulnerable and fragile.

Early childhood care and education is recognized as an essential support to parents in their daily lives. Its affordability and the quality of service, in particular, provide important opportunities for breaking the cycle of   disadvantage (UNESCO, 2021b; United Nations, 2021; Ünver et al., 2021). Acknowledging that, the fourth Sustainable Development Goal (SDG 4) and its target 4.2 specifically call on countries to 'ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education'. The UNESCO Institute for Statistics (UIS) and the Global Education Monitoring (GEM) Report are supporting countries in setting benchmarks "(…) for addressing the accountability deficit associated with longer-term targets" (GEM Report UNESCO and UNESCO-UIS, 2022). Among the seven indicators chosen for this benchmarking work, one is indicator 4.2.2 which measures the participation rate in organized learning (one year before the official primary entry age) highlighting again the importance of early childhood education (UNESCO, 2023b).

Other frameworks have showcased the role of early childhood education. The Nurturing Care Framework for Early Childhood Development highlighted equity as a guiding principle (WHO et al., 2018). According to Guiding principle 17 of the

Abidjan principles (2019) 'States have the obligation to realise the right to education including by prioritizing (a.) the provision of free, quality, public pre-primary education'. The Global Partnership Strategy for Early Childhood, coordinated by UNESCO (2022a) involved scaling up 'access, inclusion, equity and quality' with four strategic priorities. Building on it, the Tashkent Declaration (UNESCO, 2022b), which also refers to the Abidjan Principles, was issued at the end of the World Conference on ECCE held in Uzbekistan in 2022. It set equitable and inclusive ECCE for all as one of the guiding principles to transform ECCE– the others being ECCE personnel, governance, regulation and finance, innovation (Bianchi et al., 2022).

Despite increasing commitments, implementation issues and poor investment continue to affect the deployment of ECCE in low-income countries (Kenya Ministry of Education, 2017; Neuman and Powers, 2021)it remains under-resourced and comparatively neglected as a policy issue. This paper seeks to better understand which factors facilitate or impede efforts to make ECE a political priority in low- and middle-income countries (LMICs which have historically devoted more attention to other education levels, often neglecting ECCE (Shawar and Shiffman, 2017). In sub-Saharan Africa, and Northern Africa and Western Asia, which have made a lot of progress between 2010 and 2020, nearly half of children of pre-primary school age were not in education in 2022 (UNESCO-UIS, 2023a). Among Sub-Saharan African countries only 7 provided some years of free pre-primary education guaranteed in legal frameworks in 2022 (UNESCO-UIS, 2023a). Moreover the Benin, Chad, Central African Republic; Equatorial Guinea, Lesotho, Mali; Niger; South Sudan; Togo, and Zimbabwe have no benchmark on early childhood education; the Democratic Republic of the Congo, Guinea-Bissau, Sudan, Uganda have no data to assess progress in this area; while Eswatini, Gabon, Malawi, Mauritania, Mozambique, Nigeria, Somalia and Zambia collect no data on the benchmark (UNESCO, 2023b).

By 2030, the number of children up to primary school entry age who need childcare but lack access is expected to increase by 25 million in low- and lower-middle-income countries (Devercelli and Beaton-Day, 2020). Gaps in provision accompanied by increasing demand have driven the entry in the sector of a range of non-state actors including private providers, non-governmental organizations (NGOs), faith-based organizations and community groups (see Box 1). Their presence is much higher at this level of education relative to others (UNESCO, 2021a). Globally, non-state providers are educating 41% of all pre-primary students, compared to 14% and 19% at the primary and secondary levels, respectively (Baum, 2021). And these data refer just to recognized or registered private schools suggesting that they are likely to be a lower

bound of the effective ones (Baum, 2021). For example, an early study based on the Young Lives survey suggested that 58% of the children participated in ECCE in Addis Ababa and other urban centres but only 5% of these were in government programs (Woodhead and Streuli, 2013). In Mozambique, most of the pre-primary education is provided by non-state actors primarily religious or community organizations (Bonilla et al., 2019; Härmä, 2016).

As the need for ECCE services continue to grow, understanding the opportunities and challenges that non-state actors present at this education level is critical (RTEI, 2022). This is even more important now in the aftermath of the COVID-19 pandemic during which many young children, especially the most vulnerable, have missed out on ECCE services with potential implications for their development. This chapter discusses the theme of non-state actors in ECCE in African countries looking in particular at issues related to governance and regulation and their implications on quality and equity.

## Box 1: Non-state actors cannot be clearly distinguished

There are multiple types of non-state actors in education. Yet related discussions typically involve a simple classification between public and private ones. In practice, the landscape is more complex, and distinctions are far less clear-cut. In this respect, the Global Education Monitoring Report 2021/2 (UNESCO, 2021a) has defined a non-state actor 'any actor that does not represent the state' an actor then 'with a voice and stake in education, from impoverished parents spending money on education to corporations whose market dominance can shape education systems'. This chapter will use this definition to discuss non-state actors.

Based on the analysis of policies and legislation described in the PEER profiles (PEER GEM Report, 2021), it has been possible to depict a very heterogeneous landscape demonstrating the extent to which non-state actors engage in multiple activities in education, and can take multiple forms (UNESCO, 2021a). That analysis also suggested that distinction can be blurred as non-state actors enter the education sector for diverse reasons related to ideas, values, beliefs and interests. Using criteria based on ownership, financing and management different configurations emerge. There can be public schools managed by non-state actors. For example in Botswana, financing of public education is provided by the State and by families, other legal entities and individuals in the forms and limits defined in Law No. 96/AN/00/4e

which specifies that these actors do that in partnership with the State and public authorities". In Angola, the Lei de Bases do Sistema de Educação establishes in its article 57 related to financing that the State may co-finance private institutions, as long as this is relevant from a public or strategic interest. In this respect, analysis of the PEER profiles has suggested that government-aided non-state schools exist in 171 out of 204 countries.

## Individual and social benefits of ECCE extend over the long-term

Early childhood education, as part of a comprehensive package of interventions, creates the foundations for expanded opportunity and offers a chance to escape poverty (UNESCO, 2021b; United Nations, 2021). Its absence can lock children into deprivation and marginalization and negatively affect their opportunities in education and beyond.

Often the research on the impact of early childhood care and education has focused on the short-term individual returns from investing in early childhood education programmes, especially for children from disadvantaged backgrounds (UNESCO, 2021b, 2021a). Studies on medium and long-term effects are still limited due, for example, to the dearth of documentation for programmes implemented in the past, the difficulty in assessing whether standards had been met and how each child had benefited, and the challenge of unpacking the complex relations from interventions to outcomes, especially as successive interventions can build on but also undo the effects of each other (D'Addio, 2022a, 2022b).

Research from the United States, which shows positive long-term effects, even spanning generations, has generated a lot of attention (D'Addio, 2022a). A meta-analysis of 22 experimental and quasi-experimental studies carried out over the course of 50 years found that participation in early childhood education reduced placement in special education and grade retention, and increased secondary school completion by as much as 11 percentage points (McCoy et al., 2017). The same study suggests that even when effects fade out in the short term, medium and long-term gains can be substantial (McCoy et al., 2017), but the mechanisms underlying such effects are complex (Barnett, 2011). Long-term gains can also be related to noncognitive skills development over the early years (Heckman et al., 2013; Kautz et al., 2014). Evaluation of a 1960s project in Michigan targeting disadvantaged African-American children concluded that they subsequently experienced fewer suspensions in school, had better employment outcomes, and were less likely to receive criminal convictions

or to suffer from ill health (Heckman and Karapakula, 2019). Early childhood education programmes' positive impact therefore extends beyond individual outcomes to broader outcomes that support social inclusion.

Evidence on early childhood interventions is also growing for other countries (The Lancet, 2016). In Chile, analysis of grade 4 students showed that those who had attended a public early childhood education programme before entering kindergarten scored higher in reading, mathematics and social sciences than children who had not, with bigger effects for poorer children (Cortázar, 2015). In Karnataka, India, 40% of the gain in cognitive development thanks to a preschool scholarship persisted to the end of grade 1 (Dean and Jayachandran, 2020). In Indonesia, an early childhood education intervention in about 3,000 or 4% of villages in the country reduced gaps in language, cognitive development, communication, general knowledge and pro-social behaviour between poorer and richer children (Jung and Hasan, 2015). An early childhood education programme in Kenya, which involved teacher training, classroom instructional support, teaching and learning materials and a health component in four districts, significantly improved school readiness (Ngware et al., 2018).

In recent years the research has also examined the influence of different types of programmes on the effects of ECCE (D'Addio, 2022a). A meta-regression study, based on a sample of 250 estimates extracted from 30 studies about natural experiments of universal early childhood and education programmes conducted between 2005 and 2017, found about 1/3 of estimates suggesting significant positive effects, half of the estimates were not statistically significant and one in 6 was significantly negative (van Huizen and Plantenga, 2018). Responding to the question, 'when do children benefit from these programmes?', the authors suggest that quality matters, the effects do not fade out over time and public provision is likely to produce more benefits than private provision (van Huizen and Plantenga, 2018).

## Access and Participation to ECCE varies considerably

### Legal frameworks have positive effect on enrolment

Looking at the situation through the SDG 4 benchmark lenses, increasing early childhood education participation is a target in 117 countries, primarily in Africa and Asia. Yet this comes often without a legal framework to make pre-primary education compulsory (UNESCO, 2023a).

Globally about half of countries do not offer free provision of pre-primary education, and three quarters of countries do not make it compulsory (UNESCO, 2023a).

A recent review of legal frameworks in 193 countries found that 63 countries adopted legal provisions for free pre-primary education, and 51 countries adopted compulsory pre-primary education (UNESCO, 2021c). And in 2022, 88 out of 186 countries with available data still did not have any legislation committing to either free or compulsory pre-primary education (UNESCO, 2023a).

Ghana, the first sub-Saharan African country with compulsory pre-primary education, passed legislation in 2007 to include two years of kindergarten in compulsory basic education starting from age 4. The Early Childhood Care and Development Policy issued by the Ministry of Women and Children's Affairs in 2004 provides a framework for the guidance of all stakeholders who are supporting the survival, protection and development of the children in Ghana in their early years. In April 2022 the Department of Basic Education in South Africa announced plans to introduce two years of compulsory early childhood development for all children before entering the formal school system in grade 1 in order to improve literacy and gauge school readiness (Lehana, 2022). In Ethiopia, the introduction of the National Policy Framework for Early Childhood Care and Education in 2010 promoted O-Class or pre-primary classes attached to government primary schools (Kim et al., 2022) resulting in an increase of the gross enrolment ratio from 4% in 2010 to 29% in 2015 and a decline in the share of private enrolment from 95% to 18%. Similarly, the United Republic of Tanzania, recorded large increases in pre-primary gross enrolment ratio rose from 33% in 2014 to 42% in 2019 and reduction in private enrolment (from 7% to 5%) after the introduction of free preschool in 2014.

## Several factors affect participation

Participation increases with age, reaching its highest level the year before primary school entry, the focus of SDG global indicator 4.2.2: in this group, the indicator averaged 76% globally in 2021-2022. In Sub-Saharan Africa shares ranged from 15% in Djibouti to over 95% in the Seychelles in. While some countries have registered fast progress, others such as Benin and Cameroon have stagnated.

Many studies have acknowledged that children from more advantaged households are more likely to get better quality services than their disadvantaged peers unless public policies foster access to improve developmental outcomes. In an ideal world, ECCE would help to level the playfield and provide equal opportunities for all. In reality, the extent to which early childhood care and education fulfills its aims depend largely on features such as geographical distribution of services, quality of caregivers,

the cost of services, and who is benefitting (Lauwerier et al., 2013; Ünver and Nicaise, 2016). As the Global Education Monitoring Report 2020 on Inclusion and Education (UNESCO, 2020) shows, even when inclusion is enshrined in legislation and policies, implementation may lag behind and discrimination may undermine a large part of the benefits expected. It is often the case that the most disadvantaged families and children are left behind (Ünver and Nicaise 2016; UNESCO 2020).

For example, among Sub-Saharan countries with data over the period 2016-2022, poorest children are at large risk of exclusion. The average net attendance rate is 40% among the poorest quintile while it is 84% among the largest quintiles (Figure 1). But also other factors such as geographical location, health and disability conditions affect participation (UNESCO, 2021b).

**Figure 1: The poorest children are at large risk of exclusion**
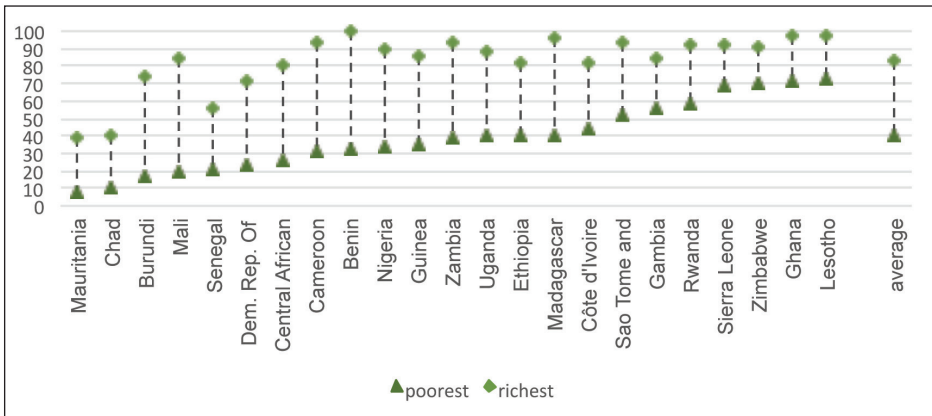


*Note: y-axis net attendance rate one year before the official primary entry age, by wealth, selected countries, 2016–2022*

*Source*: UIS database as in (UNESCO-UIS, 2023a)

## Non-state actor provision is prominent in ECCE

Standardized, comparable data on care and education services for the youngest children do not exist for many countries, especially in comparison with other education levels. This is due to the variety and, often, the informality of some types of provision.

In high-income countries, non-state actors (especially faith-based organizations and charities) have dominated care and education services for the youngest children. For instance, private institutions in 33 high-income countries accounted for 57% of total enrolment for children under 3 in 2018. In Germany about one third of providers for children under 3 were Catholic or Protestant church programmes (Blome, 2018; Strehmel, 2019). Another third were NGOs. Only 3% of providers were in the for-profit sector (European Commission/EACEA/Eurydice, 2019). Often, NGOs and religious organizations are also usual ECCE providers in rural areas.

In 33 middle-income countries, 19% of children under 3 are enrolled in early childhood educational development programmes; non-state actors account for 46% of enrolment, with national shares ranging from less than 2% in Azerbaijan, the Russian Federation and Ukraine to 100% in Dominica and Turkey, albeit at low enrolment levels.

Overall, low- and middle-income countries' governments seldom sponsor childcare, which is considered unaffordable in light of other budget pressures (Penn, 2022). In Gambia, early childhood care and education primarily for ages 3 – 6, is mainly provided by non-state actors (69% of centres, 74% of total enrolments), and is categorized into state centres, grant-aided centres (community-run and funded by the state), *Madrassas* run by religious organizations and 'private' centres (which are in this context run by private individuals, organizations or NGOs). The latter are the largest ECCE provider accounting for 56% of total enrolments. *Madrassas* come second with 19% of total schools and enrolments. However, according to the Education Sector Policy 2016-30, the state plans to introduce universal access to ECCE through strong links with NGOs and communities.

In many countries communities help to deliver ECCE often serving those most in need. In Uganda, 7% of ECCE centres are community-based ((Uganda Ministry of Education and Sports, 2018). Yet, community-based programmes differ in structural characteristics. A comparison in a sample of non-state ECCE provision in major cities in Kenya, Nigeria and United Republic of Tanzania found that the student-teacher ratio in community-based ECCE provision was the lowest in Nigeria (11.7) but not in the United Republic of Tanzania. In general, the costs of community-based programmes were found to be low in Kenya and the United Republic of Tanzania, while in Nigeria there was little variation between provider fees (Baum, 2021).

Some governments also partner with NGOs, unions, faith-based organizations, communities and other types of non-state actors to run childcare centres. The government of Ghana makes loans available to private schools for the purposes of upgrading

infrastructure; such opportunities provide incentive for private entrepreneurs to invest in education (Pesando et al., 2020).

Informal arrangements with relatives such as grandparents and siblings or with friends, neighbours, babysitters or nannies may also be the only option available. In Chad and the Democratic Republic of the Congo, half of children under 5 had been left alone or with a sibling in the week prior to the survey. The use of siblings as care-givers can hamper the older sibling's schooling and right to play, and siblings' inexperience can have negative implications for the young child's learning and well-being (Gromada et al., 2020).

Between 2000 and 2022, the share of private institutions in total pre-primary education enrolment increased from 28.5% to 36%. Shares range from less than 1% in Eastern European countries, including Belarus, the Republic of Moldova and Ukraine, to more than 95% in many countries, notably including Small Island Developing States in the Caribbean (e.g. the British Virgin Islands) and the Pacific (e.g. Samoa) (**Figure 2**).

**Figure 2: The share of private institutions in early childhood enrolment is high**
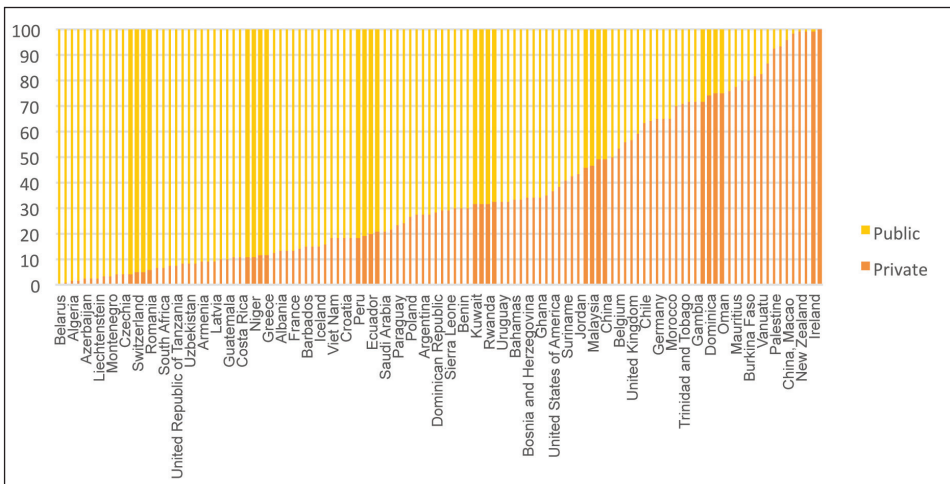


*Note: y-axis: Proportion of children enrolled in private institutions, pre-primary education, 2021*

*Source:* (UNESCO-UIS, 2023b)

Yet the trend in private pre-primary enrolment varies across regions. In 2022, Oceania had the highest share of private institutions in total enrolment at 53%, followed by Eastern and South-Eastern Asia at 50%. By contrast, less than 1 in 5 children in  Latin America and the Caribbean were enrolled in private pre-primary institutions. In Sub-Saharan Africa and in Northern Africa and Western Asia about 1 in 3 children are enrolled in private pre-primary institutions with differences across countries. In Kenya, for example, 22.5 % of the learners enrolled in the pre-primary private schools (Kenya Ministry of Education, 2020).

## Official administrative data seldom capture unofficial non-state providers

Analysis of household surveys suggest that in six of seven sub-Saharan African countries the share of non-state enrolment is underestimated by administrative data (Baum, 2021; Baum et al., 2018; King et al., 2020)  with differences between sources averaging 20 percentage points. In Malawi, the share of private institutions in the pre-primary education enrolment ratio was 7% according to administrative data but 63% according to household survey data in 2016-17. Unregistered providers pose concern about quality, governance, regulation, and equity (UNESCO, 2021a).

Non-state provision has mainly addressed demand in urban areas, where such services tend to be more commonly available, and from richer households which can afford them. For instance the probability of attending private preschool was significantly higher for urban than for rural children in five countries including Ghana, Nigeria, South Africa and Uganda (Baum, 2021; UNESCO, 2021a). A study exploring the public and private options available at the ECCE level, along with the  preferred and actual choice of preschools in an urban informal settlement in Zambia found strong demand for ECCE among the urban poor. Such a large demand overwhelms low-fee private (LFP) preschool options due both to an insufficient number of public preschools as well as parents' relative preference for the LFP options (Okitsu et al., 2023). In Burkina Faso, the non-State sector contributes mainly to the development of preschool in large localities through the construction of pre-school infrastructure. Yet, preschool education primarily present in urban areas, remains at the early stage (in 2016, the gross pre-school enrolment rate, all types of school combined, was 3.5%).

Depending on contexts, private arrangements within urban areas may be the only option. For instance, in the three urban regions of Ethiopia in 2019/20: Addis Ababa (104%), Dire Dawa (31%) and Harari (45%), the gross enrolment ratio in private

kindergartens is much higher than the national average (10%) (Ethiopia Federal Ministry of Education, 2020).

But where ECCE services exist, different factors drive family's choice. One of the most important is cost. Affordability of ECCE services is a concern. Analysis based on the GEM report PEER profiles on non-state actors[18] (PEER GEM Report, 2021) suggests that globally subsidies for tuition fees and non-tuition fees for families with children enrolled in non-state schools exist in 47 and 54 countries, respectively.

Families spend 9.4% of their annual budget on private pre-primary education in Ghana (compared with 5.1% for those whose children attend public pre-school) and 4.9% in Ethiopia, on average. These costs are unaffordable for the poor households (UNESCO, 2021a; Baum, 2021). As a share of annual consumption, the cost averages 6% for the richest and 17% for the poorest in Ghana; the equivalents in Ethiopia are 4% and 21% (UNESCO, 2021a). Non-state pre-primary fees may vary by type of provider. In Morogoro, United Republic of Tanzania, the annual fee, in purchasing power parity terms, is US$444 in for-profit, US$302 in faith-based, US$253 in community and US$246 in NGO schools. Tuition varied by school registration and approval status, class size, pupil/teacher ratio and percentage of certified teachers. Children from the richest 20% of households were 2.5 times more likely to attend private provision than their peers in the poorest 20% (Baum, 2021).

Another feature driving selection of ECCE services by families is proximity. In Maputo, Mozambique, the large share of pre-primary schools separate from primary schools is due to parents' preference for the proximity of pre-primary school (Härmä, 2016). Public childcare is absent also in informal settlements (Caddy, 2017). For instance, in Mukuru slum of Nairobi the vast majority of providers (94%) were private offering services within walking distance, on average (Bidwell and Watine, 2014). A study of suburban locations in metropolitan areas of sub-Saharan Africa found that families, on average, could choose between three (in Lagos, Accra, and Johannesburg) and five (in Nairobi) pre-schools within walking distance. For parents in these neighbourhoods, proximity (in Accra, Nairobi, and Johannesburg) and quality of the centre (e.g. teacher qualifications, motivation and in Lagos) were important reasons (Bidwell and Watine, 2014). Indeed, quality, or at least how families perceive it (e.g. teacher qualifications, motivation, curriculum quality), also plays an important role in selection.

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[18] The PEER profiles are developed by the GEM Report team at UNESCO and cover policies and legislation related to the theme of the Global Education Monitoring Report or other themes central to SDG 4. On non-state actors there are 211 profiles. They can be found here: education-profiles.org.

## The quality of non-state providers is highly variable

Quality refers to structural and process factors linked to positive child outcomes (UNESCO, 2021a). Structural factors are inputs, such as educator/child ratios, class or group sizes, teacher qualifications, materials, physical environments and infrastructure, safety, and attention to water, sanitation and hygiene. Process factors are related to learning and include activities children engage in, stimulation and staff-child interactions, all of which are difficult to measure (UNESCO, 2016). The challenge for policy-makers is to set standards and ensure they are met and to minimize variation in quality between types of providers and within each provider type.

Whether non-state providers deliver services of good quality remains an open question with sometimes contradictory results. A survey of 37 pre-schools in Addis Ababa, Ethiopia, found that private pre-schools, which were in the majority, performed better overall but neither private nor public pre-schools met standards (Admas, 2019). In Ghana, private pre-schools had better facilities (Pesando et al., 2020). In Kenya, despite differences between public and private centres were not significant, water, sanitation and play facilities were better in public centres while private providers did not meet government service standard guidelines (Sitati et al., 2016). In Nigeria, for-profit private schools had higher pupil/teacher ratios (Baum, 2021)

Concerning teacher certification for non-state ECCE, 87% of countries have this in place at the global level. Out of 163 countries, the majority are upper-middle (42) and high-income (57) countries (UNESCO, 2021a). The latter tend to have regulations on educator qualifications, certification and working conditions.

Teacher certification in community schools varies. In the United Republic of Tanzania community-based schools were found to have 100% certified teachers, while they were lower in Kenya (76%) and Nigeria (25%). Compared to other types of non-state provision, community-based provision tends to have limited qualification requirements and to include volunteers from the community who have good networking capacities to support programme quality. Teachers in community-based programmes also face issues of low pay and late payments (Baum, 2021).

In many low- and middle-income countries, private ECCE educators tend to be less prepared and have fewer professional development opportunities than their public-sector peers. Only 8% of private but 75% of public kindergarten teachers undertake the Ghana Education Service's training programme (Ghana Ministry of Finance, 2019), as there are no minimum requirements for private ECCE teachers (Wolf et al., 2018). In Zambia, private pre-school teachers increasingly are certified

by unaccredited private colleges, while teachers in public pre-schools must be certified through the Zambia Pre-schools Association (Edwards et al., 2019).

Research on teaching practices is scarce relative to high-income countries. In Ghana, public pre-schools scored higher for 'praising children for positive behaviours, stimulating classroom interactions, promoting cooperative learning, and using specific tools to facilitate learning' (Pesando et al., 2020). There may be differences within the private sector. In Kenya, approved private pre-schools scored significantly higher than unapproved schools on teacher–student interaction indicators, such as wait time between activities, teachers' responses to children's questions, teachers' use of open-ended questions and helping students work through problems (Baum, 2021).

The use of English as medium of instruction in non-state pre-schools is also a source of tensions. In Ghana, most public and private pre-schools reported English and a local language in their instruction, while 22% of private schools but no public schools reported teaching exclusively in English (Wolf et al., 2018). In Zambia, the pre-primary curriculum with English as a medium of instruction, diverge from the government's play-based and mother-tongue based curriculum. Yet urban poor parents view investing in low-fee private preschools as strategy 'to 'transform' their children into 'modern' citizens, eventually exiting from their stigmatized lifestyle and marginalized social status' (Okitsu et al., 2023).

## Non-state provision of ECCE challenges governance and regulation

ECCE involves a complex set of services that most countries struggle to govern well, especially for children under 3. Governance of ECCE may in fact be led by the education ministry, another ministry (e.g. social policy or women's affairs) or an agency, sometimes linked to the president's office. Analysis of governance and regulations in 211 education systems based on the GEM report PEER profiles (PEER GEM Report, 2021)_ suggests that the ECCE portfolio rests with the education ministry in less than 1 in 3 countries (29%). For example, in Morocco, the Ministry of Social Development, Family and Solidarity works alongside the Ministry of National Education, Vocational Training, Higher Education and Scientific Research for the development of preschool and for the integration of students with disabilities into other levels. In addition,  the Ministry of Youth and Sports is working to improve and develop the level of educational and social services provided to children between three months and six years. In Malawi, early Childhood Development is under the Ministry of Gender Child Disability and Social Welfare (MoGCDSW). District, city, and town

councils implement early childhood development policy through local district social welfare offices in coordination with the local community. ECD implementation and orientations are coordinated and managed by the IECD Coordinators in the MoGCDSW and in the local district social welfare. In Seychelles, the Ministry of Education does not regulate child minding services; however, a number of guidelines for childcare operations have been developed by the Public Health Division of the Ministry of Health, the Small Enterprise Promotion Agency (SEnPA) and the Ministry of Community Development and Youth (PEER GEM Report, 2021).

This split governance framework can create differences in care and learning objectives for children within each system with many services focused on 'care' for children up to three years of age and 'education' from three years of age and older (Deloitte, 2021). For instance, in Botswana responsibilities are shared among the Preschool Development Committee (ages 0 – 4) and the Ministry of Education and Skills Development (ages 4 – 6).

Further to this fragmentation, the range and number of actors active in ECCE and the volume of non-state provision complicate both governance and regulation. Yet good governance and regulation arrangements can improve access, equity and quality and prevent the emergence of parallel systems linked to type of provider and parental ability to pay. For example, engaging community-level stakeholders, including parents, which happen in many lower-income countries can support governance at the local level (Vargas-Barón et al., 2019). (Box 2)

### Box 2. Including parents in the management of ecce structures can support governance at the local level

Parents are also another type of non-state actors. Several countries, including Côte d'Ivoire, Lesotho, Morocco, Niger, Togo and Tunisia, expected ECCE centres to include parents in their decision-making through management committees or elected representatives (PEER GEM Report, 2021).

In Ivory Coast school Article 28 of Law No. 95-696 stipulates that cooperatives are set up to promote relations between the school and the environment and to enable pupils to be open to their socio-economic environment. The new article 17 of Law No. 2015-635, amending Law No. 95-696, stipulates that parents are associated through their representatives with the consultation and management bodies established at the level of educational institutions and the national consultation bodies. Finally, the

Autonomous service for the promotion of private education (SAPEP) is responsible for the administrative and pedagogical management of private kindergarten education structures in addition to promoting the quality of teaching and prevention.

In Niger, Order No. 00140/MEBA/DGEB/DPS of 18 November 2005 states that the Association of Educating Mothers is a democratic organization bringing together all mothers or guardians of the same public, private, primary, secondary or pre-school educational institution. It works in collaboration with the Parents' Association. It is responsible for informing parents on what is related to the life and organization of education activities. Article 57 of Law No. 98-12 stipulates that the parents of pupils, through their representatives, participate in the management and animation of schools and in the various "deliberative bodies of schools" (PEER GEM Report, 2021).

In Togo Decree No. 2012-007/PR stipulates that a management committee is set up in each school. The latter aims in particular to develop, implement, support and evaluate development projects; mobilize the actors around the objectives of the project to develop their structure; contribute to the elaboration of local education development plans; develop assistance plans for girls and children from poor families or families with disabilities; and to promote training activities (PEER GEM Report, 2021). The Children's Charter guarantees the establishment of parents' committees in public and private educational establishments. In Rwanda, a private nursery must have a Teachers' council, a Sector education council and a District education council. Communities and parents shall be involved in the management of preschools according to the IECCD Policy (2013). In Morocco, institutions must have a management board. Parents' associations have a duty to ensure transparency and democracy; they are credible interlocutors and partners in the management, maintenance and evaluation of educational establishments. In addition, each local education network is supervised by a management office, composed of the directors of schools and schools connected within the same network, representatives of teachers, parents of pupils and local professional groups. In Tunisia, Article 47 of Framework Law No. 2002-80 stipulates that parents, pupils and associations, through their representatives on school boards, are part of the educational community. The latter assume their tasks in cooperation and complementarity with the institution.

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How non-state actors are governed varies by country. Differences emerge in the coordination and integration of ECCE services in African countries. In Congo, Decree No. 80/402 of 10 October 1980 stipulates that the Teaching and Supervision

Division must promote teaching at the pre-school level in both private and State establishments. In Madagascar, private education at the pre-school level is implemented by the Directorate of Pre-school Education and Literacy (DEPA) of the Ministry of National Education (MEN). A body of the Ministry of Education, the National Office for Private Education (ONEP) was created to manage and facilitate interventions between the State and private institutions, particularly at the pre-school level. In the United Republic of Tanzania, non-state provision for children under 4 is regulated by the Ministry of Health, Community Development, Gender, Elderly and Children and the 2019 Law of the Child Act, while pre-primary education is regulated by the Ministry of Education, Science and Technology and the 1978 National Education Act (PEER GEM Report, 2021).

Faith-based provision can lead to even more fragmented governance. In Mali, the Ministry of National Education is responsible for pre-schools while the Ministry of Territorial Administration and Local Government supervises Koranic schools. ECCE in Somalia is delivered through traditional Koranic schools, integrated Koranic schools, and privately owned kindergartens and nursery schools run by local NGOs and private foundations in large urban centres. The federal Ministry of Education, Culture and Higher Education is responsible for ECCE policy, service standard guidelines, monitoring and evaluation, while the Ministry of Religious Affairs develops integrated Islamic religion-based ECCE curriculum and appoints and supports training of ECCE trainers (PEER GEM Report, 2021)). ECCE in Somalia is delivered through traditional Qur'anic Schools, Integrated Qur'anic schools and privately-owned kindergartens and nursery schools. They are run by local NGOs and private foundations in larger urban centres. The Ministry of Education, Culture and Higher Education of the Federal Government of Somalia develops ECCE policy and service standard guidelines, monitoring and evaluating; in parallel, the Ministry of Religious Affairs develops integrated ECCE Islamic religion-based curriculum and appoints and supports training of ECCE trainers.

Decentralization adds another layer of complexity. In Ethiopia, ECCE governance is sectorial with weak links between education and health ministry plans despite programmes targeting families with young children (Woodhead et al., 2017).

## Regulatory frameworks for non-state actors do not focus enough on equity and quality

Regulation should, as a general principle aim to mobilize all available resources to promote educational development that serves the academic, socioemotional and well-being needs of every learner and educator while also achieving desirable system outcomes related to equity, inclusion, quality, innovation and efficiency (UNESCO, 2021a). As ECCE providers are diverse, regulatory frameworks should aim to define minimum standards and set quality assurance mechanisms to monitor quality and equity of provision (Ponguta et al., 2019; UNICEF, 2019). In this respect the Tashkent declaration highlights that to "ECCE policies, settings, services, programmes and practices should be monitored and evaluated and guided by national standards and regulations that incorporate rights, scientific evidence and the viewpoints of all stakeholders and children » (UNESCO, 2022b).

Findings from PEER information mapping suggests that some areas are comprehensively covered by regulation (PEER GEM Report, 2021) both globally and in Sub-Saharan Africa. Nearly all systems stipulate requirements for entry and operation including registration and licensing. By contrast, few countries regulate aspects such as fee setting that could promote more equitable access (**Figure 3**). Among African countries, for example, in Ethiopia, while non-state ECCE services are free to determine their fees for operation, the federal government plans to introduce cash transfers to non-state providers that will control the fees levied by these services, with the aim to reach more disadvantaged populations. The Education Sector Development Program 2015 – 2020, stipulates also that existing government assistance to non-state providers will be enhanced through additional tax incentives, cash transfers, and provision of learning material, to ensure disadvantaged populations are well represented at this level (which tends to be dominated by relatively wealthier families who can afford fee-paying services).

Analysis also suggests that in a few countries, specific rules concern profit making of the ECCE non state providers. In South Africa the National Integrated Early Childhood Development Policy 2015, allows both for-profit and non-profit organizations to deliver ECCE services. However, for-profit organizations may only qualify for government aid if they have been specifically contracted by the state to provide services to vulnerable groups.

**Figure 3: Regulations for non-state provision of ECCE tend to focus more on administrative requirements than on aspects that could promote equity**
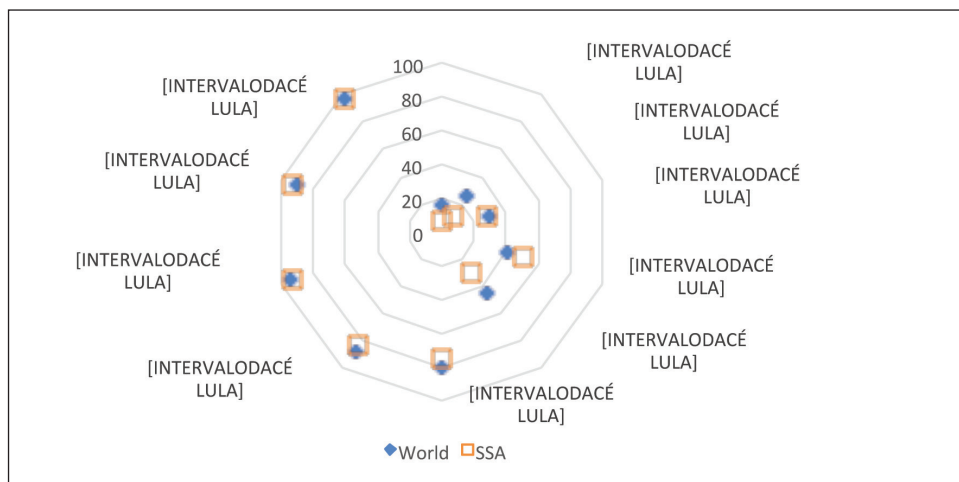


*Note: squares show value in Sub-Saharan Africa; the lozenge marker shows instead global values.*

*Source: Based on PEER profiles on non-state actors in education www.education-profiles.org*

In some instances, countries demonstrate more advanced approaches for regulating, monitoring, and facilitating improvements of private ECCE provision or expanding access (Baum, 2021).

In 2007 Ghana became one of the first countries in Africa to systematically incorporate early childhood education into its efforts towards guaranteeing universal basic education including two-years of pre-primary schooling as a required component of the basic education system (Pesando et al., 2020). Recognizing that the private sector was already delivering a sizable share of early childhood services, Ghana also set some standards such as keeping these services affordable by setting tuition limits for private schools not receiving state subsidies (Pesando et al., 2020).

Many countries lack comprehensive regulatory frameworks or fail to implement them. In Eswatini, the Multi-Sectorial Early Childhood Development and Education Framework 2018–22 contains registration guidelines and minimum standards applicable to all ECCE services, irrespective of ownership, but is yet to be formally adopted (Eswatini Government, 2018; World Bank, 2021)

### *Regulations tend often to focus on administrative requirements*

The majority of regulations for non-state ECCE providers cover registration, approval and licensing. Standards and requirements cover health and safety standards, teacher qualifications and training requirements, group size or pupil/teacher ratios, financing, and zoning and infrastructure standards.

In Mauritania, the Pre-school Education Service of the Ministry of Social Affairs, Children and the Family is responsible for registering and approving public and private kindergartens and pre-schools. Applications for private kindergartens must include a request addressed to the ministry, a morality investigation by police, a criminal record review, a medical certificate and a study of the project describing the building, security, equipment and location, ensuring that it is situated far from traffic crossings and petrol stations, and at least 500 metres from the closest similar facility (PEER GEM Report, 2021).

In Eswatini, individuals, communities, and faith-based providers that wish to establish an ECCE centre must register with the Ministry of Education and Training (MoET) through their Regional Education Office. Both state and non-state providers are required to comply with minimum infrastructure and ratio standards, which include pupil-teacher ratio, classroom size, and toilets (separated by sex). To be considered for registration, applicants must additionally establish a centre committee and have the parents participating in its composition. The MoET initially issues applicants a one-year provisional registration. If the centre is deemed to have met all the required standards and guidelines within one year of operation (following an inspection), the provider is issued a certificate of official registration.

In Ghana, families, the private sector, NGOs, philanthropists, and religious organisations are encouraged to complement and supplement the Government's effort to provide access to ECCE education. The government and private operators can obtain licenses to establish crèches, day care centres, nurseries and kindergartens (PEER GEM Report, 2021)

In Niger, any natural or legal person, fulfilling the conditions specified by Decree No. 96-210/PCSN/MEN may set up a school. The granting of approval is conditional on establishing two separate files addressed to the responsible minister including among others, the criminal record, a certificate of Nigerien nationality and residence, a plan of premises, an estimate of the works and the list of teaching equipment and materials, a commitment to comply with the general rules of public education as well as information on staff and a report by a local commission responsible for verifying school infrastructure standards. The State then conducts a "morality inquiry" of the

applicant and requires the opinion of an accreditation commission. Moreover, only a legal person may apply for the opening of several establishments. Derogations may be granted to natural persons who demonstrate their ability to carry out the planned training measures. Any person over 25 years of age wishing to run a pre-school establishment must also submit an application for authorization which must include a copy of the diplomas obtained; the Brevet d'étude du premier cycle (BEPC) is required, or a recognized equivalent diploma and professional experience of at least five years. The opening of a <u>Koranic or catechism school or a childcare centre</u> must be the subject of a declaration sent by the head of the school to the Prefect of the Department, under cover of the Regional Directorate of National Education (DRE) or the foreign service of the Ministry of the Civil Service and Labour (PEER GEM Report, 2021).

In Tunisia, the Framework Law No. 2002-80 set that the Ministry of Education's authorization is required for the establishment of a private primary school or kindergarten. It is not possible for the same person to set up more than one private educational institution. In Togo, the establishment of private secular and denominational schools is also subject to state approval. A regulatory framework is in place to control the creation and operationalization of schools through Ministerial Order No. 042/MEPS of 20 August 2004 and Order No. 261/MEPS/CAB/SG of 3 September 2014 which set the conditions for being authorized and set up the establishment.

Entry and operation requirements may differ by age (UNESCO, 2021a) and provider type. Certain requirements can be counterproductive. In South Africa, entry requirements act as a disincentive for potential non-state providers to enter and operate officially, but unregistered operation can lead to issues with quality, safety and equity (BRIDGE et al., 2020). The National Integrated policy of 2015 noting that the 'norms and standards do not clearly differentiate between different types of early childhood development programmes' provided for increased power of the local municipalities to strengthen the registration and monitoring system (South Africa Government, 2015).

Non-state providers register as business or commercial entities in some countries. In Lusaka, Zambia, low-fee private centres must register through the City Council and its health and commercial sectors. They can operate as 'commercial enterprises' whose education orientation is not considered (Edwards et al., 2019).

### Not all countries have regulations on teacher accreditation in non-state ECCE

Many countries (87%) have regulations on teacher certification or training for ECCE teachers. Yet only about 40% of countries have regulations on teacher accreditation, with regional shares ranging from 13% in Northern Africa and Western Asia to 69% in Eastern and South-eastern Asia **(Figure 4)**. In Sub-Saharan Africa regulations on teachers' accreditation mechanisms exist only in half countries

**Figure 4: Only 1 in 2 countries have regulations on teacher accreditation in non-state ECCE**
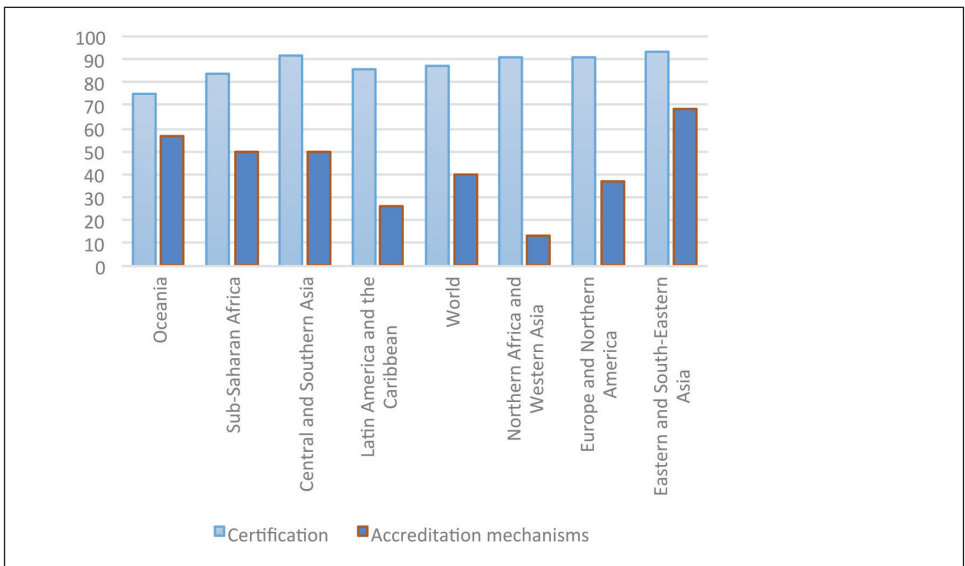


*Source: Based on PEER profiles on non-state actors in education www.education-profiles.org*

In Gambia, all teachers and caregivers in ECCE centres are <u>required</u> to be qualified or trainable in ECCE. The <u>Revised Guidelines for the Opening of Private and Other Schools in the Gambia</u> 1998 additionally state that any centre wishing to enrol one-year-old children is required to employ a qualified nursing assistant. Caregivers in <u>community centres</u> however are often volunteers and may receive ad-hoc payments from community members or philanthropists. In Ethiopia, all teachers in ECCE

services (state and non-state) are required to fulfil the minimum <u>qualification and certification</u> standards (including <u>training in</u> special needs education), while the government funds and provides <u>ECCE teacher training</u> to both state and non-state providers. ECCE centres in Eswatini are <u>required</u> to recruit teachers and caregivers from their surrounding community, all of which must undergo in-service training (if they haven't been previously trained) and fulfil the minimum qualifications listed in the <u>National Curriculum Framework</u> and the National ECCE Guidelines.

### *Quality assurance mechanisms are still not common in ECCE*

Quality assurance mechanisms, such as internal and external inspections, can support state and non-state actors in monitoring and strengthening the quality of non-state provision (Neuman and Devercelli, 2013). Globally the education ministry is responsible for assuring the quality of non-state ECCE provision in 63% countries but in 28% of countries multiple authorities have that responsibility. In Sub-Saharan Arica primary responsibilities in this area rest with the Ministry of education in 71% of countries, while in 1 in 5 multiples authorities intervene. In Sierra Leone, according to the <u>Child Right Act</u> (2007) the council shall inspect the premises, books, accounts and other records of a day-care centre at least once every six months. In South Africa, a data-driven approach was developed to ensure the quality of private ECCE centres. With the use of an application, parents, teachers, principals and administrators can contribute to monitoring and feedback process using real-time data (Consortium for Pre-primary Data and Measurement in Africa, 2020). In Niger, <u>Order No. 0136/ MEN/DEPRI/DETFP</u> of 3 July 2000 provides for the establishment of a commission to verify standards and infrastructures in private educational establishments, particularly in pre-school education.

Child assessment is rarely used. In South Africa, assessment is based on the National Integrated Early Learning and Development Standards and the South African National Curriculum Framework for Children from Birth to Four, which provide key developmental results in six areas: communication, exploration, well-being, identity and belonging, creativity, and knowledge and understanding (PEER GEM Report, 2021). In Sierra Leone, the 2021 <u>Integrated Early Childhood Development (IECD) policy</u> includes the development of a play-based early learning assessment tool based on the Early Learning Standards for assessing progress across the domains of child development (PEER).

Regulations in low- and middle-income countries generally specify minimum standards, including for learning materials. For example, all ECCE services in Eswatini

(state and non-state) are encouraged to follow the <u>Eswatini National Curriculum Framework for General Education</u> 2018 (with specific standards for ECCE) <u>and</u> the Early Learning and Development Standards. The purpose of both these guidelines is to encourage the standardization of curriculum and learning standards across different providers of ECCE in the country. In Ethiopia, the federal government has developed a national <u>kindergarten curriculum</u> (3-year program) and minimum education standards, which is adapted by REBs to guide kindergarten curriculum development at the regional level. According to the <u>National Preschool Inspection Framework</u> 2007, all providers (no matter whether state or non-state) are required to adopt a relevant and participatory curriculum, which is reflective of the child's development, while the <u>Education and Training Policy</u> 1994 requires all kindergartens to use nationality languages as their language of instruction.

In Lagos, Nigeria, where non-state provision is included within the quality assurance system, 56% of private pre-primary schools were inspected by the Quality Assurance Department of the State Ministry of Education. It was also found that pre-primary schools charging high tuition fees were inspected more frequently (68%) than those charging less (48%). In Nairobi, Kenya, community schools are inspected more often than religious, charity, or for profit schools. By contrast, in Morogoro, United Republic of Tanzania, there is higher level of government oversight and no difference in inspections by school recognition status. Diverse provision means that coordinated data collection systems are needed (Baum, 2021).

In Togo, the <u>Education Sector Plan 2020-2030</u> expects to initiate meetings between the founders of private kindergartens and inspections "for a better understanding and application of the texts in force" (p. 53). It also aims to strengthen the mechanisms for supervising private pre-school classes. Strategy S1.3 of <u>the Education Sector Plan 2020-2030</u> states that to ensure the quality of private pre-school institutions, they will be "better supervised with a strengthening of supervision mechanisms and the organization of exchange meetings between the public administration and the founders of private preschool institutions".

### *Sanctions are applied for violation of standards*

The majority of countries, 92% in Sub-Saharan Africa, have regulations to sanction providers that do not comply with government standards. Some include a process allowing providers to redress issues within a certain period; if there is no improvement, their licence can be revoked, or the centre closed.

For example, in Sierra Leone the <u>Child Right Act</u> (2007) states that if the day-care centre is not being managed efficiently in the children's best interest or complying with the requirements for its authorization, the council can suspend the registration/License.

## Strong governance is needed when non-state actors dominate provision

Good governance demands strong coordination, collaboration and cooperation that is horizontal (between sectors) and vertical i.e. responsibilities decentralized to regional and local actors (Britto et al., 2017; Yoshikawa et al., 2018).

To ensure that ECCE policies and services align with other relevant childcare, health and education policies across different government portfolios, ECCE governance frameworks can be supported by a holistic, cross-portfolio office for children (Vargas-Barón et al., 2022)yet until now the number of countries adopting them has not been systematically documented. Numerous global declarations, including Education for All and the Sustainable Development Goals (SDGs. Cross-portfolio offices can support inclusion in ECCE by ensuring that a jurisdiction's ECCE service delivery and policy response around a child is coordinated and consistent. In Mauritius, the Early Childhood Care and Education Authority (ECCEA), which is under the Ministry of Education since its creation in 2008, works with other ministries to provide equal pre-school access to all children, with a focus on those at risk for developmental delays. Poor children from poor households are provided with food, clothing, transportation, pedagogical materials, medical care and psychological support (Denauw and Loizillon, 2021). The government also facilitates access to ECCE through the abolition of fees in public pre-schools, and the extension of the per capita grant for children ages 3 to 5 years attending private pre-school to guarantee access to one or two years of pre-primary education across the country. In Sierra Leone, where Early Childhood Care and Education governance is a multi-ministry intervention including the Ministry of Basic and Senior Secondary Education (MBSSE), Teaching Service Commission, Ministry of Health and Sanitation, Ministry of Social Welfare, Gender and Children's Affairs, and Ministry of Finance and Economic Development, the MBSSE launched the <u>Integrated Early Childhood Development (IECD) policy in 2021</u> for children aged from zero to eight to have access to early childhood development (ECD) services.

The extent to which responsibility for ECCE is integrated into a single comprehensive governance framework across all age levels and actors in early childhood may also support greater consistencies in ECCE policies, curricula, and workforce for children of different age levels (Neuman, 2005 in Deloitte 2021) while also helping to position

ECCE as a public good. Coordination with primary schooling, is an increasing concern as it can facilitate a smooth transition between the two stages. Integration can also promote inclusion 'by minimising the fragmentation of services, reducing the logistical burden for children and families in navigating the ECCE system, which may in turn minimise barriers for children from disadvantaged backgrounds in accessing services (UNESCO, 2021b).

## Conclusion

Early childhood education is crucial for child development and can help to escape poverty and marginalization. Access to all is a pre-requisite to inclusion (UNESCO, 2020). But despite progress made in the provision of ECCE, many children still lack access especially in low-income countries. Even in high-income countries, however, the most vulnerable are more likely to be left behind (UNESCO, 2020, 2021a) as participation is affected by multiple factors such as household's income and wealth, rurality, health status and disability.

Over time and especially where the public sector has lacked resources to provide ECCE services for families and children from birth to school age, non-state actors have responded to demand making their presence prominent in many countries. Ensuring they are meeting standards and not entrenching unequal access at the expense of disadvantaged groups becomes therefore crucial. The pandemic has highlighted the importance of understanding these issues and the need to ensure that all children have access to high-quality ECCE services.

Effective and feasible regulations and governance are critical tools to ensure quality and equity for all young children (Bianchi et al., 2022; D'Addio, 2022b; UNESCO, 2021a). But despite progress in this area more remains to be done especially in low-income countries.

While government efforts to expand public provision in pre-primary education have helped enrolment grow in some contexts, monitoring efforts need to be accelerated for the full range of non-state providers and target populations (UNESCO, 2022b). The national SDG 4 benchmark-setting processes led by the GEM Report and UNESCO-UIS (GEM Report UNESCO and UNESCO-UIS, 2022) aims to make countries accountable for their commitments; this is a crucial step to ensure ensuring access to quality early childhood education for all learners.

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