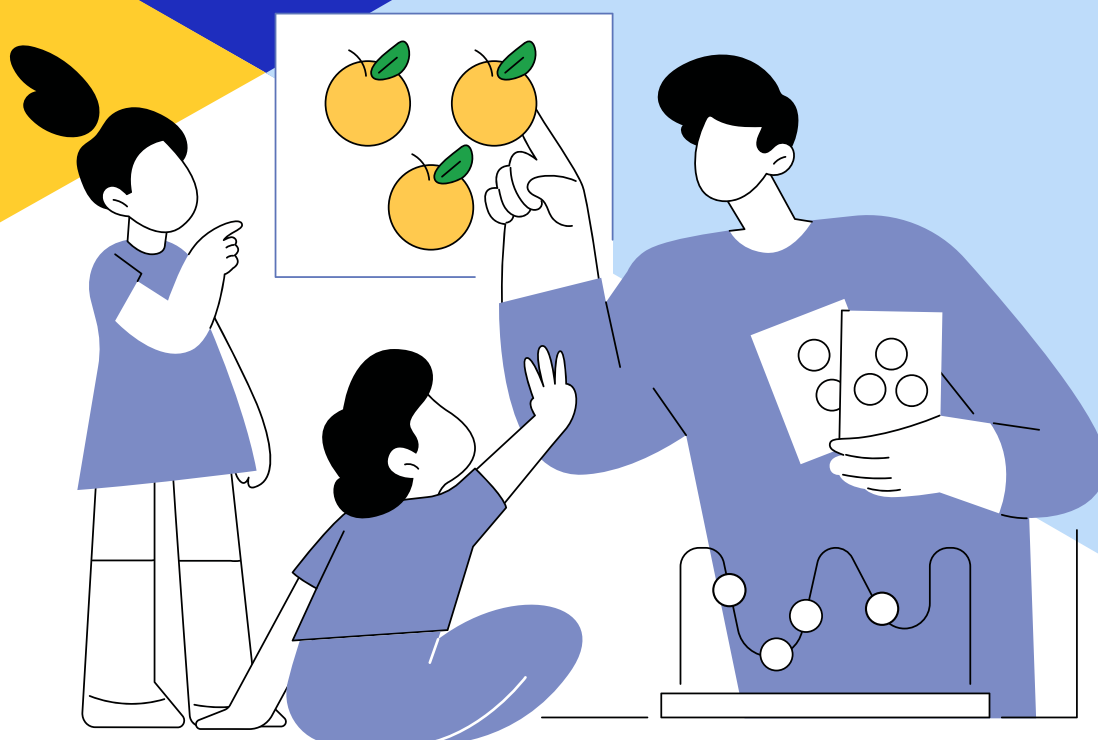




International
Labour
Organization

► Analysis of care system expansion in post-Socialist EU Member States:

lessons learned and good practices for Ukraine



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expansion in post-Socialist
EU Member States:**

lessons learned and good
practices for Ukraine

Contents

▶ Executive Summary	1
▶ 1. Introduction	5
▶ 1.1. Background to the assignment	5
▶ 1.1.1. ECEC offer and uptake in Ukraine	5
▶ 1.1.2. Purpose of the current study	10
▶ 1.2. Methodological approach	11
▶ 2. Ukrainian system of ECEC for children aged 0–3	13
▶ 2.1. Current status of ECEC	13
▶ 2.1.1. Overview of the ECEC legal and policy framework up to 2022	13
▶ 2.1.2. Challenges for alternative ECEC models under the 2001 law	15
▶ 2.2. The new ECEC law: Main objectives and change	17
▶ 2.3. Opportunities and obstacles of alternative ECEC models under the new law	22
▶ 2.3.1. Opportunities for introducing alternative ECEC	22
▶ 2.3.2. Obstacles to alternative ECEC	24
▶ 3. Alternative ECEC models in Post-Socialist EU countries	26
▶ 3.1 Enabling factors for the uptake of (alternative) ECEC	26
▶ 3.2. Slovenia	29
▶ 3.2.1. ECEC policy framework	29
▶ 3.2.2. Alternative ECEC and management models	29
▶ 3.2.3. Financing measures	31
▶ 3.3. Estonia	32
▶ 3.3.1. ECEC policy framework	32
▶ 3.3.2. Alternative ECEC and management models	32
▶ 3.3.3. Financing measures	34
▶ 3.4. Latvia	34
▶ 3.4.1. ECEC policy framework	34
▶ 3.4.2. Alternative ECEC and management models	35
▶ 3.4.3. Financing measures	36
▶ 3.5. Other Post-Socialist countries	37
▶ 4. Opportunities for Ukraine	39
▶ 5. Recommendations	42
▶ Annex 1. Research Framework	47
▶ Annex 2. Rapid review of post-Socialist EU Member States	49



► Executive Summary

Introduction

On 23 June 2022, the European Council granted Ukraine candidate status for accession to the European Union (EU). Consequently, Ukraine has initiated procedures to align its legislative and policy frameworks with the EU acquis, which includes the EU Regulations and Directives on employment, parental leave, childcare and gender equality. EU Directive 2019/1158 on work-life balance for carers and parents is particularly relevant in this regard, regulating parental leave for both parents and including a non-transferrable element.

At the time of carrying out this study, Ukraine had already suffered through eighteen months of armed conflict. According to UNHCR, by May 2023, 5.1 million Ukrainians had been displaced internally, while 6.2 million refugees were recorded overall. To ensure economic recovery, Ukraine will need large numbers of workers in the upcoming years, which will include returnees, but also inactive women and labour migrants.

The State Statistics Service of Ukraine noted for 2019 that women's employment rate was low (43 per cent), mainly because of the inactivity of young women (25–39 years of age) with family responsibilities. Some of the main causes of low activity include long maternity leave, combined with the lack of early childhood education and care (ECEC) services for children, particularly those aged 0–3 (in 2022 there were spaces for only 18 per cent of children aged 0–2). At the same time, 6.5 per cent of children in rural areas aged 0–2 attend ECEC compared with 15 per cent of the same age group in urban areas.

To enhance women's voluntary return to the labour market, which will be necessary to support its economic development and recovery, Ukraine needs to expand access to ECEC for mothers. The ILO and the Government of Ukraine have identified the introduction of alternative ECEC models as an opportunity to enhance access to, and uptake of, ECEC services, with the ultimate aim of promoting women's (voluntary) return to the labour market and subsequent contribution to economic recovery. Such expansion should also ensure that all alternative services are of high quality. As already mentioned, this objective aligns directly with the Ukrainian Post-War Recovery Plan.

The current study aims to support the ILO and the Ukrainian Government by providing an overview of alternative ECEC models that have proven successful in the post-Socialist EU Member States and an analysis of which models could fit in the Ukrainian policy and societal contexts. The study focuses in particular on children aged 0–3, among whom enrolment in ECEC is lowest. As a result, this report presents various recommendations for Ukraine concerning which models to take forward (and what changes are needed — if any — to the current policy framework).

Ukrainian ECEC system

The *draft Law of Ukraine on Preschool Education* of 09/2022 initiated by the Verkhovna Rada (Parliament) is a new systemic reconsideration of preschool education and offers an integrated approach to ECEC.

One of the main aims of the new law, and the main changes compared with the previous law, concern more extensive regulation and licensing of alternative forms of ECEC. While the previous law indicated only that *an institution of preschool education shall carry out its activities on the basis of a license to conduct educational activities in the field of preschool education*, the new law provides more details on the license and requirements for such establishment.

Secondly, the new law introduces changes in the modalities of ECEC that can legally exist under the 2022 Draft Law on Preschool Education. The list of modalities is shorter than in the 2001 law, summarized by type (for example, one form of nursery, one form of kindergarten), and with two dedicated modalities of alternative ECEC, namely mobile kindergartens (new) and family kindergartens (adapted from the 2001 law).

The legal changes are related mainly to more detailed regulation of ECEC, including procedures for establishment, management and quality assurance. In particular, the new law provides more detail on the establishment and organization of alternative ECEC. It therefore paves the way for the introduction of alternative forms of ECEC without losing the role of the state in quality assurance.

One barrier related to the new legislation is the absence of provisions detailing the content of different forms of ECEC provision. While the law notes the permitted modalities, with a brief description, these modalities are not further detailed and therefore the roles, responsibilities and requirements are not laid out clearly for potential providers.

The new law also does not allocate clear responsibilities to ministries regarding the 0–3 age group. Meetings and interviews with stakeholders in Ukraine pointed towards ongoing negotiations between the Ministry of Social Policy and the Ministry of Education to determine responsibility for children aged 0–3. At the moment, the Ministry of Social Policy assumes responsibility for the age group 0–1, and the Ministry of Education assumes responsibility for children aged 3 and above. Therefore, ages one and two in particular are currently not assigned to the responsibility of either ministry.

Examples of alternative childcare in post-Socialist EU Member States

In countries with successful strategies regarding private ECEC paid paternal leave is between one and one and a half years. This creates demand for ECEC for children above 1 year old because parents run out of financial resources and consequently want to return to work. Accordingly, the system for meeting this demand is created where municipalities are obliged to provide a place for a child in public institutions.

Another important factor enabling higher enrolment in private ECEC arises from the public sector's obligation to provide a place for children under 3 years of age ("legal entitlement"). As a result of shortages in public institutions, municipalities are forced to search for alternatives and therefore initiate co-funding, subsidizing or other financing mechanisms for either private providers or parents.

The current report provides an overview of how alternative ECEC is regulated and coordinated in Estonia, Latvia and Slovenia, as well as some examples of processes in Hungary, Lithuania and

other countries. Analysis of post-Socialist countries' ECEC systems shows, in general, that the private sector starts to grow when the problem of women's low participation in the labour market is addressed in a multi-pronged manner. First, by trying to change cultural norms by transforming maternity leave into parental leave and shortening it, and finally, by ensuring that municipalities are obliged to provide a place for children under 3 years of age. Private ECEC should be operating as part of a well-functioning, high quality public ECEC system, which has defined collaboration strategies between public and private providers.

Opportunities and recommendations for Ukraine

Examples from other countries demonstrate that alternative ECEC functions most effectively and equitably in countries that already invest heavily in public ECEC and have legal entitlements. As a result, alternative ECEC serves to plug the gaps of the public system and the government is largely able to provide vouchers or reimbursements for alternative services to avoid inequality.

Currently, the military conflict in Ukraine prevents Ukraine from investing extensively in the ECEC sector to meet needs and guarantee legal entitlements. Therefore, in order to support women's voluntary return to the labour market, interim solutions are needed that the government can, at a later point, take over. Such solutions include, for example, public-private partnerships for alternative ECEC.

The current report recommends the following steps to align Ukraine's legal and policy frameworks with the EU *acquis* and to implement interim solutions to expand access to ECEC for children aged 0–3 in a short period of time.

1. Simultaneous transformation of the parental leave system, and an explicit legal guarantee of ECEC from the age at which parental leave ends.

- a. **Set a clear age limit** in legislation from the point when the right to preschool education is guaranteed by the state.
- b. **Ensure the legal foundation for guaranteed access to ECEC through private provision**, although supported by the state. This would require an expansion of Article 8, specifying that where public provision does not meet demand, the state can ensure the right to ECEC through a place in private ECEC. The laws of Estonia, Latvia and Slovenia provide examples.
- c. **Create bylaws with detailed models of alternative** ECEC which can be co-financed by the state under the previous two points.

2. Ensure that all alternative ECEC providers are required, or strongly incentivized, to be licensed by law.

- a. Conduct **research and gather statistics** about illegal or nonregulated providers; establish a monitoring system of the illegal market in all forms of ECEC.
- b. Assign licensed preschool institutions the status of **"social enterprise"** to create tax benefits.

- c. Following Recommendation 1, **ensure that the government can co-fund private ECEC provision only if it is provided by a licensed ECEC institution.**
- d. **Review current procedures for obtaining a license** and apply a more diversified approach, reflecting the scale and type of ECEC services.
- e. Based on the type of ECEC, explore **opportunities to provide more government support to obtain a license.**

3. Introduce suitable (co-)financing mechanisms to ensure access to private ECEC for all families, for example, public-private partnerships.

- a. **Assess other legal and financial instruments** to identify the best financing model for Ukraine, allowing for a diversified approach by region.
- b. **Launch incentives and advocacy campaigns for the use of ECEC** for children aged 0–2, also by better understanding the barriers to women using ECEC for this age group.
- c. **Provide support and incentives to nannies and small-scale rural providers to get licensed** so that both the provider and the families can make use of financing mechanisms. For example, the Latvian grandmother-childminder example can be used in the post-war Ukrainian context, in which many single mothers will need additional support and grandmother care can be an option. In this case, not only would family ties be strengthened, but grandmothers would also enjoy the satisfaction of paid work.

4. Pilot new modalities of alternative ECEC in selected regions in an effort to find out whether, and how, it can be mobilized to address urgent gaps in ECEC availability.

- a. Identify the **region/locality** most suitable for the ECEC model. For example, work-based ECEC is most suitable for larger companies, potentially in more urban areas. At the same time, small-scale home-based ECEC is more relevant in suburban or rural areas where there is insufficient demand to set up a kindergarten or nursery.
- b. Identify a **suitable municipality with at least some resources** (finance, premises, staff, materials) to offer as part of the PPP, and which has a dedicated interest in continuing the collaboration after the pilot.
- c. Design a clear **monitoring framework** for the pilot that includes:
 - i. objectives, with a view towards larger-scale rollout;
 - ii. responsibilities of different parties (ILO, municipality, partners) in the pilot;
 - iii. tools and indicators to measure what constitutes “success”;
 - iv. tools to prepare checklists regarding what aspects of the pilot should be regulated by law.
- d. Closely collaborate with the relevant Ministry (once identified) to discuss lessons learned from the pilot and jointly **develop bylaws** for alternative ECEC models based on the results.

► 1. Introduction

1.1. Background to the assignment

1.1.1. ECEC offer and uptake in Ukraine

As noted by the **ILO**, women are overwhelmingly responsible for *care work*¹ globally. They carry out on average three times more *unpaid care work*² than their male counterparts and represent the majority (65 per cent) of the global care workforce³.

“Early childhood education and care refers to any regulated arrangement that provides education and care for children from birth to compulsory primary school age.”⁴

European Commission

As an EU Candidate State, Ukraine aims to align its legislative framework with the EU *acquis*, which includes the EU Regulations and Directives on employment, parental leave, childcare and gender equality. In particular, **EU Directive 2019/1158 on work-life balance for carers and parents** is relevant. It is also in line with ILO labour standards and provides additional protection for workers. It stipulates that each parent is entitled to a minimum of four months’ parental leave, two of which are paid and non-transferable. It also grants working fathers (or equivalent second parents recognized by national law) at least 10 working days of paternity leave around the time of childbirth.

In addition, all employees who provide personal care or support to a relative or household member are entitled to at least five working days of carer’s leave per year. In addition, working parents with children under the age of 8 and carers can request flexible working arrangements. This Directive builds on previous legislation, including the Pregnant Workers Directive 92/85/EEC, which established maternity leave rights and protection for pregnant workers, and Directive 2010/41/EU, which provided maternity leave and maternity allowance for self-employed women and spouses/partners of self-employed men.⁵

¹ According to the ILO, care work can be defined as “consisting of activities and relations involved in meeting the physical, psychological and emotional needs of adults and children, old and young, frail and able-bodied” (ILO, 2018).

² According to the ILO, “unpaid care work is caring for persons or undertaking housework without any explicit monetary compensation. The majority of unpaid care work in nearly all societies takes place within households, most often provided by women and girls” (ILO, 2018).

³ Laura Addati, Umberto Cattaneo, Valeria Esquivel and Isabel Valarino (2018) Care work and care jobs for the future of decent work, https://www.ilo.org/global/publications/books/WCMS_633135/lang-en/index.htm

⁴ See: <https://education.ec.europa.eu/education-levels/early-childhood-education-and-care>

⁵ ILO (2023) Regional report for the Western Balkans and Moldova on care policies for workers with family responsibilities.

Summary of EU *acquis* on care policies

Pregnant Workers Directive 92/85/EEC of October 1992:

- A right to paid maternity leave of 14 weeks (starting two weeks before childbirth).
- A right to paid time off for prenatal check-ups.
- Prohibition of dismissal due to pregnancy or maternity leave.
- Pregnant women are not obliged to work night shifts.

Work-Life Balance Directive 2019/1158/EU of June 2019:

- Paternity leave or partner's leave of 10 working days of paid leave around childbirth.
- Remuneration for paternity leave must be at least as high as remuneration for maternity leave, unless parental leave lasts at least six months for each parent and the parent is entitled to remuneration of at least 65 per cent of net income (can be subject to a ceiling value).
- Individual right of each employed parent to four months of parental leave.
- Two months of parental leave must be paid and non-transferable from one parent to another (quota).
- Parental leave can be used until the child reaches 8 years of age.
- Right to request flexible working arrangements for all working parents with children up to the age of 8 and carers.
- Workers providing personal care or support to a relative will be entitled to five days of leave per year.

Directive 2010/41/EU of July 2010 on the application of the principle of equal treatment between men and women in self-employment:

- Maternity leave of at least 14 weeks for female self-employed workers and female spouses and life partners of self-employed workers, accompanied by a sufficient maternity allowance.

In December 2022, EU Member States adopted a **Council Recommendation** on early childhood education and care, namely the Barcelona targets for 2030. As part of the European Care Strategy, these Barcelona Targets updated the old 2002 targets for ECEC as follows.

The new Barcelona Targets are:

- at least 45 per cent of children below the age of three shall participate in early childhood education and care, with specific targets for Member States that have not reached the 2002 goals;
- at least 96 per cent of children between the age of three and the starting age of compulsory primary education should participate in early childhood education and care⁶.

⁶ Barcelona Targets for Early Childhood Education and Care: a chance to create foundations for lifelong learning and well-being (2023), <https://epha.org/barcelona-targets-for-early-childhood-education-and-care-a-chance-to-create-foundations-for-lifelong-learning-and-wellbeing/>

Internationally, ILO Conventions and Recommendations set universal baselines to ensure fair treatment of employees, with a particular emphasis on policies related to leave for caregiving and support services. One of them is **ILO Convention No. 156**, known as the Workers with Family Responsibilities Convention (1981), which Ukraine has already ratified. The Convention defines «workers with family responsibilities» as individuals caring for dependent children or immediate family members. It applies to all types of workers across various economic sectors, safeguarding their right to work without discrimination and conflict between employment and family duties. The convention prohibits discrimination based on marital status or family responsibilities, promotes the development of diverse ECEC services, and encourages public education on gender equality in the workplace. It also calls for vocational guidance and training to help these workers remain integrated in the workforce.⁷

The most recent maternity protection standard is ILO Maternity Protection Convention No. 183 (2000), although Ukraine has not yet ratified it. This convention guarantees a minimum of 14 weeks of maternity leave, including compulsory leave after childbirth and provisions for illness or complications related to pregnancy. It applies to all employed women, regardless of their employment type, and sets out guidelines for maternity benefits, ensuring a woman's financial well-being during maternity leave. The convention also addresses employment protection and non-discrimination for pregnant and breastfeeding women, guaranteeing their right to return to the same or equivalent position and access to breaks or reduced work hours for breastfeeding. Additionally, the corresponding Maternity Protection Recommendation No. 191 suggests extending maternity leave to 18 weeks to allow for adequate rest and recovery.⁸

The State Statistics Service of Ukraine noted for 2019 that women's employment rate was very low (43 per cent), mainly because of the inactivity of young women (25–39 years of age) with family responsibilities. Partially, women's low employment is linked to childcare policies. Women are entitled to 18 weeks (70 days before and 56 days after birth) of fully paid maternity leave (during which they receive 100 per cent of their wage from the social security system), while fathers (or a grandparent or other adult relative caring for the child, if their mother or father is a single parent) can only take 14 days of unpaid (or funded by employer) paternity leave.⁹ After maternity leave ends, any mother, father or grandparent has the option to take parental leave until the child reaches three years of age. In most cases it is taken by women and only 2 per cent by men. This paid leave is supported by social security and covers 100 per cent of the caregiver's average income. Alternatively, social security provides childcare assistance if all eligible family members decide to pursue employment instead.¹⁰

In total, on 1 January 2022, Ukraine had 1,205,183 children aged 0–3 (inclusive of children aged 3) and 870,952 children below 3.¹¹

⁷ ILO (2023) Regional report for the Western Balkans and Moldova on care policies for workers with family responsibilities.

⁸ ILO (2023) Regional report for the Western Balkans and Moldova on care policies for workers with family responsibilities.

⁹ See: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008009/lang--en/index.htm

¹⁰ Christina Marfice (2023) The complete guide to offering employee benefits in Ukraine at Rippling Blog.

¹¹ UkrStat Statistical Publication: Resident Population of Ukraine by Sex and Age, as of 1 January 2022.

TABLE 1. TOTAL NUMBER OF CHILDREN IN UKRAINE BY AGE GROUP AND AREA

Age group	Up to 1 year	1 year	2 years	0–2 years total	3 years	0–3 years total
Area						
All	270,884	292,596	307,472	870,952	334,231	1,205,183
Urban	171,143	185,775	199,916	556,834	218,602	775,436
Rural	99,741	106,821	107,556	314,118	115,626	429,747

Source: Ukraine Statistics Service, 2022.

In 2022, there were a total of 13,875 ECEC institutions in Ukraine, with available places for 1,047,083 children, although 934,355 children were actually enrolled.¹² The number of institutions, available places and enrolled children is far higher in urban areas than in rural areas, and the available places for children aged 3 and above is five times higher than for children aged 0–2 (namely 889,439 compared with 157,644).¹³ This shows that **there are fewer formal ECEC places for children aged 0–2 than the actual number of children at that age (157,644 places for 870,952 children, in other words, for only 18 per cent of children aged 0–2).**

Statistics for 2022 indicate large differences in ECEC enrolment by age and area of residence. Only 12.6 per cent of children aged 0–2 attended ECEC compared with 77.2 per cent of children aged 3–4. At the same time, 6.5 per cent of children aged 0–2 in rural areas attend ECEC compared with 15 per cent of the same age group in urban areas.¹⁴ However, this data covers attendance of public or private licensed ECEC and not informal childcare.

TABLE 2. NUMBER OF CHILDREN IN PRESCHOOL EDUCATIONAL INSTITUTIONS BY AGE, 2022

Age group	Up to 1 year	1–2	2–3	3 and above
Area				
All	71	7,971	99,172	827,141
Urban	65	6,048	80,762	624,389
Rural	6	1,923	18,410	202,752

Source: Statistics Service of Ukraine, 2022.

¹² State Statistics Service of Ukraine, 2022.

¹³ State Statistics Service of Ukraine, 2022.

¹⁴ State Statistics Service of Ukraine, 2022.

At the time of this study, **Ukraine had suffered through one and a half years of armed conflict.** According to UNHCR, by May 2023, 5.1 million Ukrainians had been internally displaced, while 6.2 million refugees were recorded overall.¹⁵ The ILO estimates that the war has led to a loss of 15.5 per cent of pre-war employment, with higher losses in eastern Ukraine. Businesses of all sizes have relocated to western Ukraine and abroad or have partially or completely ceased operations. At the same time, it is estimated that over 5 million displaced persons have already returned, with the Kyiv region being one of the most popular destinations.¹⁶

Interviews with ILO constituents in Ukraine show that employers are worried about labour supply for the upcoming years. First, many working-aged men have been conscripted to the army. In a post-war context, many men may suffer from disabilities (mental and physical) or may have died. Besides the substantial responsibility falling to the state and employers to facilitate employment for persons with disabilities, stakeholders also recognize the huge need for women to fill labour shortages, both now and in the future.¹⁷

However, a second challenge named by constituents is the outflow of high-skilled women to Europe during the war. There is a reasonable likelihood that these women (and their children) will become integrated in terms of education and employment, and decide not to return to Ukraine.¹⁸ At the same time, the women who do return with their children need adequate ECEC in order to contribute to the labour market.

The role of women in stimulating the economy during the war, filling labour market shortages now and in the post-war context, and supporting the rebuilding of Ukraine after the war is well-recognized by the government, trade unions, and employers. Employer representatives indicate that businesses are now more than ever recognizing the need to create a working environment that facilitates women's employment. Therefore, there is a strong need to ensure that women who choose to enter employment have the possibility to do so. This requires an expansion, and redesign, of the current ECEC system.

The Ukrainian platform "*Ukraine Recovery Plan*"¹⁹ presents 17 national programmes envisaged for the post-war recovery. The Plan includes an allocation of US\$ 5 billion to improve the education system, with a particular project called "*Alternative early childhood and preschool education (home-based centre)*".²⁰ In the Working Group Document for Education, the National Council for the Recovery of Ukraine from the Consequences of the War noted the following challenges regarding ECEC that need to be addressed in the upcoming years²¹:

- ▶ existing infrastructure does not fulfil the need for quality early childhood and preschool education;
- ▶ lack of qualified pedagogical staff;

¹⁵ See: <https://www.unrefugees.org/emergencies/ukraine/>

¹⁶ See: <https://www.ilo.org/budapest/what-we-do/projects/ukraine-recovery/lang-en/index.htm>

¹⁷ Interviews with ILO constituents and stakeholders, 18–21 September 2023.

¹⁸ Interviews with ILO constituents and stakeholders, 18–21 September 2023.

¹⁹ See: <https://recovery.gov.ua/en>

²⁰ See: <https://recovery.gov.ua/en/project/program/improve-education-system>

²¹ See: <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/eng/education-and-science-eng.pdf>

- ▶ the content of early childhood and preschool education and the educational environment do not comply with the EU Council Recommendation on High Quality Early Childhood Education and Care Systems and the principles of inclusion;
- ▶ the system of management and financing of early childhood and preschool education are not efficient.

In this regard, the Working Group proposed several goals (with different deadlines) to address the most pressing challenges²²:

1. Ensure equal access to quality early childhood and preschool education for all children from 1 to 6 (7) years.
2. Provide early childhood and preschool education with sufficient highly qualified and motivated pedagogical staff members.
3. The content and system of scientific and methodological support for early childhood and preschool education is in accordance with the EU Council Recommendation on High Quality Early Childhood Education and Care System.
4. The system for monitoring and evaluation of the quality of early childhood and preschool education allows for effective and efficient improvements in the quality of education and educational policy.
5. The system of management and financing of early childhood and preschool education at the regional and state levels is coordinated and efficient.

Under Goal 1, the Working Group designed a specific task, namely the *introduction and support of an alternative form of early childhood and preschool education*. Subtasks include²³:

- A.** *Analysis of international experience in implementing models of alternative forms of education*
- B.** *Development of legislative regulation of alternative forms of early childhood and preschool education* (in particular, home-based centres, multifunctional centres)
- C.** *Introduction of a pilot grant support for the development of alternative forms of early childhood and preschool education*, in particular, a home-based centre (grant for equipment with mandatory supervision).

1.1.2. Purpose of the current study

The ILO and the Government of Ukraine have identified the introduction of alternative ECEC models as an opportunity to enhance access to, and the uptake of, ECEC services, with the ultimate aim of supporting women's (voluntary) return to the labour market and subsequent contribution to Ukraine's economic recovery. Simultaneously, this expansion should ensure that all alternative services are high quality. As shown above, this objective aligns directly with the Ukrainian Post-War Recovery Plan.

The current study aims to support the ILO and the Ukrainian government by providing an overview of which alternative ECEC models have proven successful in the post-Socialist EU Member States and an analysis of which models could fit in the Ukrainian policy and societal contexts. The study focuses in particular on children aged 0–3, among whom enrolment in ECEC is lowest.

²² See: <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/eng/education-and-science-eng.pdf>

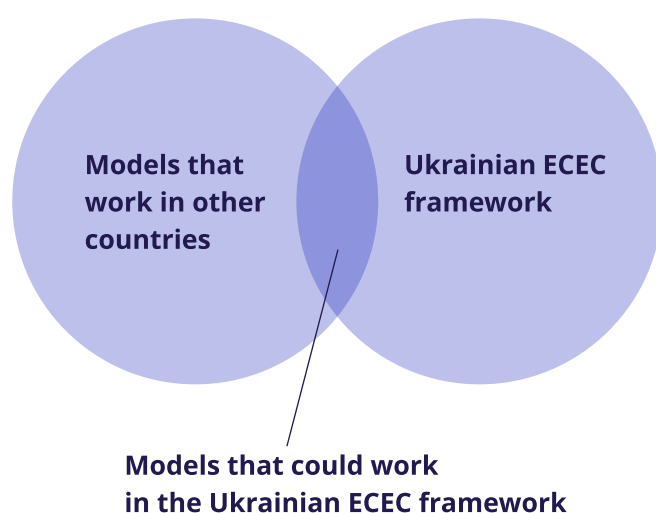
²³ <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/eng/education-and-science-eng.pdf>

As a result, this report presents various recommendations for Ukraine on which models to take forward (and what changes are needed — if any — to the current policy framework).

1.2. Methodological approach

The current assignment aimed to identify **what pathways for alternative ECEC services could function in the existing policy framework of Ukraine**, based on lessons learned from other post-Socialist countries. In this regard, this study answers the following research questions:

1. What alternative ECEC models for children aged 0–3 worked, which did not work, and why in post-Socialist countries in the EU?
2. Does the current Ukrainian legal and policy framework facilitate the introduction of alternative ECEC models, and what opportunities and barriers exist in this regard?
3. Considering the two questions above, which of the successful models identified in other post-Socialist EU states could be replicable in the Ukrainian context?



A detailed operationalization of the three research questions is presented in Annex 1.

During the first two weeks of the project, the research team conducted a *rapid assessment of ECEC systems in Post-Socialist EU countries*: the team conducted a quick review of which countries introduced formal models for alternative ECEC services. These countries subsequently formed the scope of the research.

The results of the rapid assessment are presented in Annex 2. The countries that were selected for further research include:

- Croatia
- Estonia
- Latvia
- Lithuania
- Slovenia

Additionally, there are some countries in which alternative forms of ECEC were introduced, but where this did not contribute to extensive coverage. These countries have been added to investigate potential barriers to introducing alternative forms of ECEC.

- **Hungary**, because different types of alternative nursery care are legally available;
- **Poland**, because there is a legal option of opening a nursery or a kids' club for corporations, and home-based ECEC provision (by day-care providers or nannies) is also regulated;
- **Czechia**, because children's groups can be established by employers (private, public and state organizations) for their employees, and by various non-profit entities (municipalities, regions, church organizations, benevolent corporations etc.);

After preparing short case studies for each country (exploring the policy context, implementation, successes and challenges related to alternative ECEC for children aged 0–3), the research team selected three countries whose models seem most suitable for Ukraine. Three interviews were carried out in each country to better understand the circumstances and enablers that influenced the model's success. The selected countries include:

- **Estonia**
- **Latvia**
- **Slovenia**

Simultaneously, the research team analysed the legal and policy framework for ECEC in Ukraine, with a particular focus on the new ECEC law (December 2022) that is currently under revision. This analysis identified the potential barriers as well as opportunities that existing laws offer for the introduction of alternative ECEC.

► 2. Ukrainian system of ECEC for children aged 0–3

2.1. Current status of ECEC

2.1.1. Overview of the ECEC legal and policy framework up to 2022

Since 1996, Ukraine has legally guaranteed the right to free and accessible education, including ECEC. According to the Market Systems Analysis (MSA) conducted in 2022,²⁴ as well as earlier ECEC assessments,²⁵ **the ECEC sector is generally well-regulated and governed by several key legal documents**, including:

- the Constitution of Ukraine, providing the right to free and accessible (preschool) education
- the Law on Preschool Education of 2001 (*currently being reviewed for replacement by a new law*)
- the Law on Education
- the Regulation on Preschool Institutions
- the Law on Protection of Childhood

Preschool institutions are categorized as follows in legal terms:

TABLE 1. PUBLIC AND PRIVATE FORMS OF ECEC

PUBLIC (MUNICIPAL)	INSTITUTIONAL ²⁶	LICENSED AND REGISTERED PRIVATE ECEC	NON-LICENSED, BUT REGISTERED PRIVATE ECEC	NON-LICENSED AND UNREGISTERED ECEC	BABYSITTER / DOMESTIC WORKER
State-provided, free, following state curricula, monitored by local authorities	Neither private nor public, institution decides prices, state-owned, following state curricula, monitored by local authorities	Private, licensed by state, following state curricula, decides its own prices, monitored by local authorities	Private, no regulated curricula, decides its own prices, not publicly monitored	Formally considered illegal, decides its own prices and curricula, not publicly monitored	Not regulated, decides own prices and curricula, not publicly monitored

Source: ILO (2022) Building a pathway for economic reconstruction: A rapid market assessment of construction, childcare and e-commerce in Ukraine.

²⁴ ILO (2022) *Building a pathway for economic reconstruction: A rapid market assessment of construction, childcare and e-commerce in Ukraine*.

²⁵ V. Putcha, M. Neuman, O. Zaplotynska and N. Sofiy (2018) *Supporting the Early Childhood Workforce at Scale: Preschool Education in Ukraine*.

²⁶ “Institutional” (“vidomchi”) establishments are neither private nor public. They are the property of, for example, institutions, authorities or organizations. For instance, if a ministry has a kindergarten on their balance sheet, it is categorized as “institutional”.

Current legislation allows for both licensed and non-licensed private ECEC, although the latter does not guarantee provision of educational services based on the minimum standards of the national educational programme. The MSA concluded that obtaining a license under the 2001 law was not complicated, but the frequent interaction with local authorities might have deterred private institutions from licensing.²⁷

Additionally, the 2001 law provides for **various types of ECEC**, including alternative forms such as family-type ECEC (a full list is provided in Table 4 in Section 2.2.1). However, the 2001 law did not include bylaws regulating the implementation of such forms. As a result, it is unclear how the “family-type” ECEC functioned in practice (if at all). Combined with the lack of licensing mentioned above, only sporadic and anecdotal evidence is available on the implementation of alternative ECEC under the 2001 law.²⁸

Currently, under the 2001 law, the following public bodies are the **main responsible entities for designing and implementing ECEC legislation and policies**:

- *The Verkhovna Rada (the parliament) is the legislative body that defines education policy.*
 - The Cabinet of Ministers of Ukraine (CMU) is the highest central executive body that forms and implements education policy through:
 - the Ministry of Education and Science as the central executive body that forms and implements policy and performs a supervisory function;
 - the Ministry of Social Policy as the executive body in charge of the provision of ECEC for vulnerable groups (children with disabilities);
 - other specialized central executive bodies, such as the State Education Quality Service;
 - local government, the local executive bodies that implement policy at local level through their education departments.
- *The Verkhovna Rada Education, Science, and Innovation Committee (the Committee) has legislative, organizational and supervisory functions.*

A large proportion of responsibilities are allocated to local authorities. The following table presents the division of responsibilities between central and local government.

²⁷ ILO (2022) Building a pathway for economic reconstruction: A rapid market assessment of construction, childcare and e-commerce in Ukraine.

²⁸ Interviews with ILO constituents and stakeholders, 18–21 September 2023.

TABLE 2. DIVISION OF RESPONSIBILITIES BETWEEN PUBLIC AUTHORITIES

CENTRAL GOVERNMENT	LOCAL AUTHORITIES
• Develops legal regulations for preschool education system • Develops and approves state standards for financial and material support of children and technical equipping of preschools • Defines priorities for preschool education system • Develops and approves the basic preschool education component (standard) • Determines the certification procedure for pedagogical employees in preschool education system • Compiles lists of obligatory learning, didactic, correctional, program and methodology materials, textbooks, literature, etc.	• Develops necessary infrastructure for public preschool institutions • Forecasts and ensures development of preschool institutions based on community demands • Licenses private preschools so that they have the right to provide educational services in preschool education • Certifies preschool educators • Controls implementation of preschool education and adherence to requirements of basic preschool education component and state inspection in preschools • Organizes research and methodological materials for preschool education, implementation of best practices and new teaching technologies • Accounting for preschool-age population

Source: 2001 Law on Preschool Education.

2.1.2. Challenges for alternative ECEC models under the 2001 law

Availability of qualified ECEC teaching staff. Because of the impractical initial education at universities, low salaries and low social status afforded to preschool teachers the job is not attractive and insufficient qualified professionals are trained. According to the Law on Preschool Education 2001, a higher degree in teaching and/or professional pedagogical qualifications obtained at a TVET institution or a college are required to become a preschool teacher in Ukraine. In reality, according to 2015 data, most (59 per cent) preschool teachers graduated from universities, and around 40 per cent graduated from pedagogical colleges. It is notable that students pursuing a higher degree receive a solid theoretical foundation, but lack practical training and possess limited knowledge of innovative pedagogical practices and techniques to support children with special educational needs.²⁹

Most working preschool teachers are of pre-retirement age, and the challenge of recruiting young, motivated, educated and creative specialists threatens progressive staff shortages in the future.³⁰ The situation is particularly concerning in rural areas, as graduates have little incentive to take up

²⁹ V. Putcha, M. Neuman, O. Zaplotynska and N. Sofiy (2018) *Supporting the Early Childhood Workforce at Scale: Preschool Education in Ukraine*. Washington, D.C.: Results for Development.

³⁰ J. Peeters (2018) *Improving the quality of ECEC services in Ukraine*. VBJK. Gent.

the allowances awarded for relocation. Attractive employment alternatives and a growing presence of private kindergartens, which can offer higher pay, make the situation even more unfavourable for public preschool educational institutions.

The MSA found a **lack of clear mandates for different agencies** regarding their legal responsibilities. The lines of reporting between different agencies and allocation of law-making and supervisory functions are not well-defined in current legislation and agencies are not sufficiently coordinated. This has created confusion about agency mandates and which government policies and regulations indeed govern the sector.³¹

Additionally, other ministries may have overlapping responsibilities (as noted in the MSA with regard to children with special educational needs), which create additional hurdles for implementing agencies and for ECEC institutions themselves.

Access to preschool education. Although, according to the Law on Preschool Education, preschool education is free in Ukraine, and the quality of education in preschools is rising with the incorporation of technology, many institutions are closing because they lack financial resources and other provisions. The Ministry of Education has also warned of the consequences of the current conflict in this regard. Many families have left the country or at least the region and the birth rate has declined significantly. Therefore, they expect that in the upcoming two to three years, there will be almost no children aged 0–3 in some regions.³²

There is a huge difference in budget allocations for educational resources between regions, but also within regions, with significantly lower spending in rural areas. A Ministry of Education respondent noted that the diversity of regions and their needs should also be considered in the design of improved financial models. As the Ministry explained, *“we cannot compare the Kyiv city community to a community somewhere in Ivano-Frankivsk or Volyn region. There are subsidized regions and those that are financially self-sufficient. It depends on the community’s capacity”*.³³

ECEC institutions in rural areas suffer from resource shortages with regard to teachers’ salaries and teaching materials. As a result, children do not enjoy the same preschool education opportunities, depending on where they grow up. Parents have had to give up preschool education in some rural areas because of the long distances between home and preschool, and only short, half-day ECEC programs are available.

Access to preschool education is also a problem in major cities and safer regions. In overcrowded urban preschool educational areas, the kindergarten occupancy rate for all preschool children (0–6/7 years old) was 105 children for every 100 vacancies. The highest demand is for children over 3 years of age. Therefore, more and more parents start applying immediately after a child is born in the hope of securing a place before the child turns three, which could become an issue given that supply is barely increasing.³⁴ Another group that indicated limited access to preschool education

³¹ See: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/briefingnote/wcms_863011.pdf

³² Interview with the Ukrainian Ministry of Education, 22 August 2023.

³³ Interview with the Ukrainian Ministry of Education, 22 August 2023.

³⁴ ILO (2022) *Building a pathway for economic reconstruction: A rapid market assessment of construction, childcare and e-commerce in Ukraine*; ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe.

were parents of children with special needs, highlighting the lack of resources for teachers, practice-based training and very little attention paid to the integration of disadvantaged children.³⁵

Social stereotypes about parenthood. While both parents are entitled to parental leave until the child reaches three years of age, deeply ingrained gender norms and social expectations often burden women with the primary responsibility of childcare. This has resulted in the social stigmatization of mothers who choose not to spend the first free years of a child's life with them, putting substantial pressure on women to embrace this role. Additionally, it perpetuates the social belief that a mother's care is more valuable than ECEC provided by preschool educational institutions at an early age.

2.2. The new ECEC law: Main objectives and changes

The a *new draft Law on Preschool Education* of 09/2022 initiated by the Verkhovna Rada reconsiders preschool education at systemic level and offers an integrated approach to ECEC.

In general, **the new law is structured more effectively and clearly, and covers some important aspects not mentioned in the previous Law**, such as (i) parents' participation, (ii) teacher training, and (iii) the roles of all participants of the education process. The new regulatory document anticipates and ensures stakeholder engagement, quality assurance and evaluation, and is more flexible, better adjusted to Ukraine's current needs. Some of its most important changes, taking into consideration the introduction of alternative ECEC, are discussed below.

One of the main aims of the new law, and the main change compared with the previous law, is related to more **extensive regulation and licensing of alternative forms of ECEC**. While the previous law indicated only that *an institution of preschool education shall carry out its activities in possession of a license to conduct educational activities in preschool education*, the new law provides more details on the license and requirements for such establishments.

TABLE 3. PROVISIONS ON LICENCING IN THE 2001 LAW AND THE 2022 DRAFT LAW

RULES ON LICENSING IN THE 2001 LAW	RULES ON LICENSING IN THE 2022 DRAFT LAW
Article 11. Institutions of preschool education and their powers An institution of preschool education shall carry out its activities in possession of a license for that purpose, issued in accordance with the procedure established by legislation. Article 41. Liability for violations of legislation on preschool education 2. Non-fulfilment of licensing conditions by pre-school education institutions may be grounds for revocation of their license.	Article 43. Licensing of educational activities 1. Institutions of preschool education, other legal entities with preschool units, and individual entrepreneurs may carry out educational activities in preschool education only on the basis of a corresponding license issued by the licensing authority in accordance with the Law on Licensing of Economic Activities, taking into account the specific requirements determined by this Law and in accordance with the licensing conditions for provision of preschool education. 2. A legal entity whose main activity is the provision of preschool education acquires the status of a preschool educational institution after obtaining the requisite license.

³⁵ V. Putcha, M. Neuman, O. Zaplotynska and N. Sofiy (2018) *Supporting the Early Childhood Workforce at Scale: Preschool Education in Ukraine*. Washington, D.C.: Results for Development.

RULES ON LICENSING IN THE 2001 LAW	RULES ON LICENSING IN THE 2022 DRAFT LAW
	3. The licensing conditions for conducting educational activities shall contain an exhaustive list of mandatory requirements for the establishment and conduct of preschool educational activities with regard to personnel, educational, methodological, informational and material and technical support, accessibility of premises where educational activities are carried out, and an exhaustive list of documents attached to the license application. The licensing conditions may not include requirements pertaining to the quality of educational activities, the quality of education of students, and a definition of the licensed volume. The licensing conditions for provision of preschool education apply to every place where educational activities are performed, including branches and preschool units, except for educational activities carried out at a child's place of residence. Control of licensees' compliance with license conditions shall be carried out by the licensing authorities within the scope of their powers. 4. The license may be revoked on the grounds and in the manner prescribed by the Law on Licensing of Economic Activities. 5. Grounds for license renewal, in addition to the grounds specified by the Law on Licensing of Economic Activities, also include: 1) reorganization of legal entities that have a license to conduct educational activities by merger, accession or transformation; 2) a change of the name of a preschool educational institution, other legal entity and/or preschool unit, as well as individual entrepreneurs. A license to conduct educational activities may be renewed without undergoing the licensing procedure again. In the case of reorganization of legal entities holding licenses to conduct educational activities through merger, accession or transformation, the license shall be reissued on the basis of the existing licenses of these legal entities.

Secondly, the new law introduces **changes in the modalities of ECEC** that can legally exist under the 2022 Draft Law on Preschool Education. The list of modalities has been shortened compared with the 2001 law, but is summarized by type (for example, one form of nursery, one form of kindergarten), and there are two dedicated modalities of alternative ECEC, namely mobile kindergartens (new) and family kindergartens (adapted from the 2001 law).

TABLE 4. ECEC MODALITIES REGULATED IN THE 2001 AND 2022 LAWS

FORMS OF ECEC IN THE 2001 LAW	FORMS OF ECEC IN THE 2022 DRAFT LAW
Institution of preschool education (nursery) for children aged one to three years, where care is provided for them, as well as their development and upbringing in accordance with the requirements of the Basic Component of Preschool Education	Nursery school — a form of organization of preschool educational activities for children aged three months to three years
Institution of preschool education (kindergarten) for children aged from one to six (seven) years, where care, development, upbringing and education are provided in accordance with the requirements of the Basic Component of Preschool Education	Kindergarten — a form of organization of preschool educational activities for children aged two to six or seven, and for children with special educational needs — up to seven or eight years of age
Institution of preschool education (kindergarten) for children aged three to six (seven) years, where their development, upbringing and education are ensured in accordance with the requirements of the Basic Component of Preschool Education	Special kindergarten — a form of organization of preschool educational activities for children aged two to seven or eight with problems with hearing, vision, speech, musculoskeletal system, intellectual development, mental retardation
Compensatory type of preschool educational institution (nursery school) for children with special educational needs aged two to seven (eight) years. Institutions of preschool education (kindergarten) of a compensatory type are divided into special and sanatorial	Mobile kindergarten — a form of organization of preschool educational activities with the use of or on the basis of mobile transport at children's place of residence in areas where there are no preschool educational facilities
Baby home — an institution of preschool education in the health care system for the medical and social protection of orphans and children deprived of parental care, as well as for children with physical and/or intellectual disabilities from birth to 3 years of age (for healthy children) and up to 4 years of age (for sick children)	Family kindergarten — a form of organization of educational activities by parents at the family's place of residence in a private residential building with the simultaneous provision of preschool educational services to other children
A residential institution of preschool education (children's home) ensures the development, upbringing, education and social adaptation of orphans and children deprived of parental care of preschool and school age, who are in family relations and are supported by the state	Centre of pedagogical partnership — a form of organization of preschool educational activities for children from birth with the mandatory participation of their parents
Family-type institution of preschool education (nursery school) for children aged two months to six (7) years, who are in family relations and whose care, development, upbringing and education are provided in accordance with the requirements of the Basic Component of Preschool Education	Child development centre — a form of organization of preschool educational activities for children (including those who receive preschool education from other educational entities or in a family) under separate partial (model partial) programmes and/or receive separate psychological, pedagogical, correctional and developmental services
Preschool educational institution (nursery) of a combined type for children aged one to six (seven, eight) years. They may include general development, compensatory type, inclusive, family, walking, where preschool education is provided taking into account children's state of health and their mental, psychological and physical development	

Source: 2001 Law on Preschool Education and the 2022 Draft Law on Preschool Education.

The new law also provides for **opportunities to draw on public funds for the provision of ECEC services** for private providers (when public provision does not meet demand). This is new development compared with the previous law, in which only PPPs were mentioned, generally speaking. According to the new law, when a local authority is unable to provide a communal institution it must provide, at the parents' request, a list of state, communal or corporate institutions offering free places in the territory where they live. The law also mentions the possibility of full or partial compensation (at the expense of public funds and according to the procedures approved by local public authorities) for parents whose children attend private or corporate institutions. Local public authorities also have the option of purchasing relevant educational services from private or corporate institutions through public procurement or in another way to ensure financing of children's preschool education according to the «the money follows the child» principle.

Although the new law does not specify teachers' qualifications, they are defined under occupational standards. The new law mentions that a teacher should have an appropriate pedagogical education and/or professional pedagogical qualification. According to the 2017 Law on Education No. 2145-VIII, pedagogical education is higher, professional pre-tertiary or professional (vocational) education in a pedagogical major. The new law thus does not differ from the old one in this regard.

Regarding teachers' certification and professional training, the new law refers mainly to the Law on Education. Several points are highlighted, however. First, all pedagogical workers are obliged to improve their qualifications. Second, the required hours of professional development are defined: *“The total number of academic hours for the professional development of a pedagogical worker within five years may not be less than 120, of which at least 10 per cent of the total must be aimed at improving knowledge, skills and practical skills in terms of working with children with special educational needs. The volume of annual professional development of a pedagogical employee may not be less than 24 academic hours”* (Article 46). Lastly, it is mentioned that the pedagogical council, based on proposals made by pedagogical employees, *“shall formulate and approve an annual plan for the in-service training of pedagogical employees for the next calendar year, which determines the type, form, subjects of in-service training, number of hours and terms of their in-service training”* (Article 46).

Regarding the coordination of ECEC, and alternative ECEC, Law No. 8030 aims to improve several essential procedures related to management and establishment, quality assurance processes and monitoring of ECEC services. While the previous Law made only limited reference to these issues, in the new law a separate chapter is devoted to quality assurance and specific articles focus on monitoring. The legal changes of relevance to alternative ECEC include the following:

MANAGEMENT

- The new draft Law of 2022 covers broader aspects of ECEC management, drawing a clear distinction between the management of preschool establishments and the management of preschool education as such (Chapters VII and IX, respectively).
- Chapter VII of the new law, “Administration of pre-school educational institutions”, covers broader aspects of ECEC management not touched on in the previous Law, and draws a clear distinction between the founder of a preschool establishment and its director. Namely, it specifies the **rights and obligations of the founder of a preschool educational institution, with more focus on the responsibilities**

of ECEC administration. It also extends the list of functions from representing the institution and acting on its behalf, to appointing employees, organizing the educational process, ensuring the certification of pedagogical workers, and contributing to public control over the preschool institution's activities (**Articles 37–38**).

- The new law mentions a new body, the preschool education board of trustees. It may be established by decision of the founder of a preschool educational institution for one or more such institutions for a period determined by the founder. The pedagogical council and the board of trustees are empowered to manage and administer educational processes; participate in the formation of a development plan for the preschool educational institution and monitor its implementation; promote efforts to attract additional funding; initiate an institutional audit; coordinate the professional development of pedagogical workers; analyse and evaluate the activities of both the preschool institution itself and its head; and submit to the founder **proposals to encourage** the head of the preschool educational institution (Articles 39–40).

QUALITY ASSURANCE

- Quality assurance in preschool education is covered by a new Chapter VIII of the new law. The Chapter describes an internal system of quality assurance for preschool education (for preschool establishments), a system of external quality assurance for preschool education (state bodies and tools), a system of quality assurance covering the activities of governing bodies, and institutions to provide external quality assurance for preschool education (methods to ensure that state bodies have sufficient expertise).
- A detailed process for ensuring higher quality in ECEC is described, including the components of the preschool education quality assurance system, development of state standards, educational activities, licensing procedures, institutional audits, certification of teaching staff and improving their qualifications. A definition and explanation are provided of state standards, an indispensable element of education. State standards also cover the responsibilities of actors in the ECEC system and they should be reviewed not less than once every seven years (Articles 41–46).

MONITORING

- While monitoring is mentioned only once in the previous Law, with regard to the “medical care of children”, the new draft Law emphasizes monitoring and quality assurance throughout. The provisions are applicable to all establishments (public and private). Examples of new provisions include: “tools for monitoring and evaluating the quality of pupils’ education”; “features of the organization, provision and implementation of the educational process”; “monitoring of pupils’ state of health, treatment and prevention and control measures”; “external monitoring of the quality of education and/or educational activities in accordance with legislation”; and “monitoring of the quality of preschool education and the quality of educational activities”.

- The role and mandate of state and local bodies in the preschool sphere are presented in more detail, with a separate supplementary article on state monitoring, which may take two forms: institutional audit and unscheduled visit (Article 49).
- While in the previous Law the issue of institutional audits is touched upon briefly, the new draft Law includes a special article “Institutional audit”, which covers fully and in detail the monitoring procedure for institutional audits, the responsible parties, the right of the founder of the establishment to object to negative conclusions within 10 business days of the date of publication (objections must be considered within 20 business days of the date of publication) and actions to be taken in case of the preschool educational institution’s failure to comply with legislative requirements. In other words, the body that conducts the institutional audit decides the terms for eliminating violations by the preschool educational institution, which may not exceed one year (Article 44).

This section has demonstrated that the recent legal changes mainly involve more detailed regulation of ECEC processes, including procedures for establishment, management, and quality assurance. In particular, the new law provides more detail on the establishment and organization of alternative ECEC. It thus paves the way for the introduction of alternative forms of ECEC, without eliminating the role of the state in quality assurance. The following section presents the opportunities and obstacles of alternative ECEC in relation to the new law.

2.3. Opportunities and obstacles of alternative ECEC models under the new law

The following sections present the opportunities and obstacles to which the 2022 draft Law gives rise with regard to ensuring the expansion of ECEC access for the 0–3 age group.

2.3.1. Opportunities for introducing alternative ECEC

As already mentioned, the new law of 2022 aims to further facilitate and regulate alternative ECEC provision. Besides the requirements related to licensing (for example, sanitary and building standards), the law does not specifically prohibit particular forms of alternative or private ECEC. In fact, state authorities and local governing bodies are obliged to *ensure equal conditions for the development of preschool educational institutions under all forms of ownership*.

The new law provides additional opportunities for public procurement or public funding for private ECEC as well. The law states that *“if there is demand and a shortage of places for preschool education in state and municipal educational institutions, their founders may, at the expense of public funds and in accordance with the procedures approved by them, purchase relevant educational services from private or corporate educational entities through public procurement.”*

The current PPP law provides an opportunity for educational PPPs, although the requirements are strict, tying PPPs to specific public spaces and buildings. Moreover, the guidelines for establishing of partnerships are long (565 pages) and complicated. The current law discourages preschool

institutions from exercising this opportunity. Therefore, although the new preschool education law provides a basis for PPP funding, separate action should be taken regarding the regulation of PPP for educational institutions.³⁶

The law also leaves sufficient room for private providers to expand their educational programmes, teach in their chosen language of instruction, establish their own staff salaries (in line with the Labour Code), and establish their own procedures for enrollment, expulsion and transfer of children. They are also allowed to set their own rates. This may open up opportunities for the establishment of alternative ECEC, but may also make it more difficult for some families to access it.

The new law also gives kindergartens the right to arrange for medical provision by medical staff hired as preschool educational institution employees, without obtaining a license to conduct economic activities related to medical services. This is regarded as a convenient solution to enable expansion of the services of private preschool educational institutions and to simplify their business, but there is also the risk that ECEC institutions may provide poor-quality medical care.³⁷ Therefore, although this measure may facilitate the introduction of alternative ECEC, it should be closely monitored.

In an interview with the Ministry of Education it emerged that **the Working Group on Education under the National Council for the Recovery of Ukraine from the Consequences of the War is currently exploring potential changes to the funding of preschool education.** At the moment, all ECEC is financed from local budgets, without state budget allocations. These local budgets were already considered too small, and the current military situation has reduced them even further. Therefore, the Working Group is reviewing several potential models to improve ECEC financing.³⁸

In addition, the new law will be implemented in a changing context that provides other opportunities to expand ECEC:

Changing gender norms concerning women. The changing situation with regard to gender stereotypes in Ukraine is promising. While the belief is still strong that women are primarily responsible for childcare — pedagogical staff are almost exclusively women (98.7 per cent) and in only 15 per cent of families does the father take care of the children — women are becoming more and more career-driven and active in the labour market.³⁹ In a survey conducted by the Centre of Economic Strategy, 44 per cent of women reported combining childcare responsibilities with either part-time or teleworking jobs instead of leaving the labour market altogether. About 95 per cent of respondents indicated a potential increase in their income if they had access to ECEC, and three in five parents would like to exercise this opportunity.⁴⁰

Interviews with stakeholders in Ukraine indicated that employers' perceptions of female employees are also shifting as a direct consequence of the war. They recognize that the **employment of women**

³⁶ Kostiantyn Padalka (2023) Internal working document (legal analysis) on the laws, by-laws and administrative procedures that regulate public-private partnership, and on its implementation schemes applicable to the preschool education and childcare sector in Ukraine.

³⁷ See: <https://nus.org.ua/news/vr-prjnyala-zakon-pro-doshkilnu-osvitu-chomu-z-nym-shhos-ne-tak-ta-yaki-ye-zagrozy/>

³⁸ Interview with the Ukrainian Ministry of Education, 22 August 2023.

³⁹ ILO (2022) Building a pathway for economic reconstruction: a rapid market assessment of construction, childcare and e-commerce in Ukraine. ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe.

⁴⁰ J. Peeters (2018) Improving the quality of ECEC services in Ukraine. VBJK. Gent.

is a **crucial means** of combating labour shortages and contributing to economic growth.⁴¹ As this requires an expansion of ECEC, it could signal that society may become more open to working mothers in the near future, out of necessity.

Strong parental commitment. A growing interest in ECEC and private kindergartners' enrolment rates reflect parents' increased motivation to ensure preschool education for their children. Public preschool institutions, which are used much more widely, retain decent general satisfaction rates. However, the quality of the educational programme, which was among the key factors when choosing public ECEC services, and the modern approaches and teaching techniques employed by teachers in private preschools make them a more popular choice among the parents who can afford them.⁴²

2.3.2. Obstacles to alternative ECEC

Given that alternative ECEC providers need to obtain a preschool license, they face the same requirements and potential obstacles as public institutions. Namely, providers need to comply with the maximum occupancy regulations, sanitary and building requirements, and minimum standards for teaching staff. The MSA already noted that many private providers struggle to comply with the requirements concerning the premises where ECEC services are to be provided. This aspect has not been addressed in the new law.

Under the new law, licensing procedures are more detailed and specific, providing an exhaustive list of mandatory requirements for the establishment and conduct of educational activities at the level of preschool education in relation to personnel, educational, methodological, informational and material and technical support, and accessibility of premises. But while the legal provisions for licensing have been clarified, there is no evidence that issues related to the stringent building requirements have been resolved or addressed.

In this regard, an article analysing the new law concluded that *"new small kindergartens will find it more difficult to obtain licenses in accordance with the requirements and will seek help from existing private kindergartens to become their branches. Thus, new 'forms of organization of educational activities' will be able to exist only under the umbrella of existing preschool educational institutions. This will complicate the emergence of independent providers."*⁴³ While this is merely an assumption at this stage, stakeholders we interviewed pointed out that licensing/certification procedures should not be the same for big kindergartens and small nurseries. However, it can be expected that a one-person company providing family-type ECEC services for 5–10 children may face disproportionate costs in complying with building regulations compared with a larger institution.

It should be emphasized that, while these requirements may pose an obstacle to the establishment of private ECEC, **licensing requirements exist to ensure quality and children's safety**. Therefore it is no solution simply to remove or dilute requirements. Rather potential ECEC providers should be given more support.

⁴¹ Interviews with ILO constituents and stakeholders, 18–21 September 2023.

⁴² ILO (2022) Building a pathway for economic reconstruction: A rapid market assessment of construction, childcare and e-commerce in Ukraine; ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe.

⁴³ See: <https://nus.org.ua/news/vr-pryjnyala-zakon-pro-doshkilnu-osvitu-chomu-z-nym-shhos-ne-tak-ta-yaki-ye-zagrozy/>

Another barrier related to the new legislation is the **absence of provisions detailing the content of different forms of ECEC provision**. While the article notes the permitted modalities, with a brief description, these modalities are not further detailed and therefore the roles, responsibilities and requirements of potential providers are not laid out clearly.

Furthermore, **the new law also does not allocate clear responsibilities to ministries regarding the 0–3 age group**. Confusion regarding the responsibilities of different entities was already noted by the MSA under the 2001 law and the 2022 draft Law does not seem to have clarified things. Meetings and interviews with stakeholders in Ukraine pointed towards ongoing negotiations between the Ministry of Social Policy and the Ministry of Education to determine responsibility for children aged 0–3. At the moment, the Ministry of Social Policy assumes responsibility for the age group 0–1, and the Ministry of Education is responsible for those aged 3 and above. Therefore, children aged one and two in particular are currently not assigned to the responsibility of either ministry.⁴⁴

Lastly, as Chapter 3 will also demonstrate, there is often a **causal relationship between the length of parental (especially maternity) leave and the uptake of ECEC**. As long as the mother benefits from paid leave, she is unlikely to go back to work. As presented in Section 1.1.1., parental leave in Ukraine lasts three years, and therefore covers the entire period from birth to three years of age. As long as the mother has this length of leave, she is unlikely to return to work.

⁴⁴ Interviews with ILO constituents and stakeholders, 18–21 September 2023.

► 3. Alternative ECEC models in Post-Socialist EU countries

Alternative ECEC (any form of ECEC not provided under the official public system) in Post-Socialist EU countries usually includes private nurseries and kindergartens (in some countries they are called kids' clubs or childcare centres). There are also childminders, working on their own (home-based), or in separate (not home-based) or public premises, who take care of small groups of children. Also, individual home-based care (by nannies) is regulated in countries that allow ECEC in carers' own homes or in parents' homes. Finally, in a few countries work-based ECEC is also regulated, although it is not yet common.

A review of legislation and policies on alternative ECEC in post-Socialist countries shows that **private ECEC is usually well regulated by the state**. Latvia, Slovenia and Estonia can be considered as good examples because they have a strong policy framework, and a legal foundation is ensured for alternative types of ECEC. Legislation in Latvia, Slovenia and Estonia provides detailed requirements for the establishment and management of alternative ECEC. Providers need to comply before obtaining a license. Moreover, in all these countries local municipalities are obliged to provide places for children under 3 years of age.

3.1. Enabling factors for the uptake of (alternative) ECEC

Duration of paid parental leave

In the countries with successful strategies for private ECEC paid parental leave is between one and one and a half years. This situation creates demand for ECEC for children above 1 year old because parents run out of money and consequently want to return to work. Accordingly, municipalities are obliged to provide places for children in public institutions in order to meet this demand.

In Estonia and Slovenia, parental leave was gradually shortened. First, a legal entitlement was introduced for children younger than 3 years of age. Then parental leave was shortened (this was concurrent with the introduction of a legal entitlement in Slovenia), which eventually created demand and led to the exploration of cooperation with the private sector.

TABLE 5. DURATION OF PAID PARENTAL LEAVE

COUNTRY	MATERNITY LEAVE (DAYS)	PATERNITY LEAVE (DAYS)	PARENTAL LEAVE (DAYS)	TOTAL
Estonia ⁴⁵	60 to 100 days (40 days can be added to parental leave)	30	475 if the mother was employed; 515 if the mother was not employed	536–606 days (~1.5 years–1 year and 8 months)

⁴⁵ Estonian government information portal: eesti.ee

COUNTRY	MATERNITY LEAVE (DAYS)	PATERNITY LEAVE (DAYS)	PARENTAL LEAVE (DAYS)	TOTAL
Slovenia ⁴⁶	105	30	130 for each parent. The mother may transfer 100 days of her entitlement to the father, while the father may transfer all 130 days	365–395 (1 year–1 year and 1 month)
Latvia ⁴⁷	112–140 depending on the health condition of the mother (included as part of parental benefits)	10 (included as part of parental benefits)	395 (of which 270 days can be used until the child is one year old, and the benefit amount is 60% of previous earnings) or 578 days (of which 450 days can be used until the child is one and a half years old, and the benefit amount is 43.75% of previous earnings). Both include a non-transferable part of 60 days.	395–578 (~1 year and 1 month–1 year and 7 months)

However, this is not successfully coordinated in all post-Socialist countries. In Poland,⁴⁸ paid parental leave (together with maternity leave) is granted for a maximum of one year. Municipalities are not obliged to provide places for children under 3 years of age.⁴⁹ Most childcare is organized in private settings because there is a shortage of public places. At the same time, private providers are not funded by the state.

In Hungary funding mechanisms for private providers were introduced in 2017 due to a shortage in public institutions for children under 3 years of age, and paid parental leave can be granted for up to three years.⁵⁰ Therefore, enrolment in private ECEC has been growing since 2017, albeit slowly.⁵¹

Obligation to provide a place in a ECEC facility

The most important factor enabling higher enrolment in private ECEC arises from the public sector's obligation to provide a place for children under 3 years of age. Due to shortages in public institutions, municipalities are required to search for alternatives and therefore to provide co-funding, subsidies or other financing mechanisms for either private providers or parents.

⁴⁶ Slovenian government information portal: gov.si

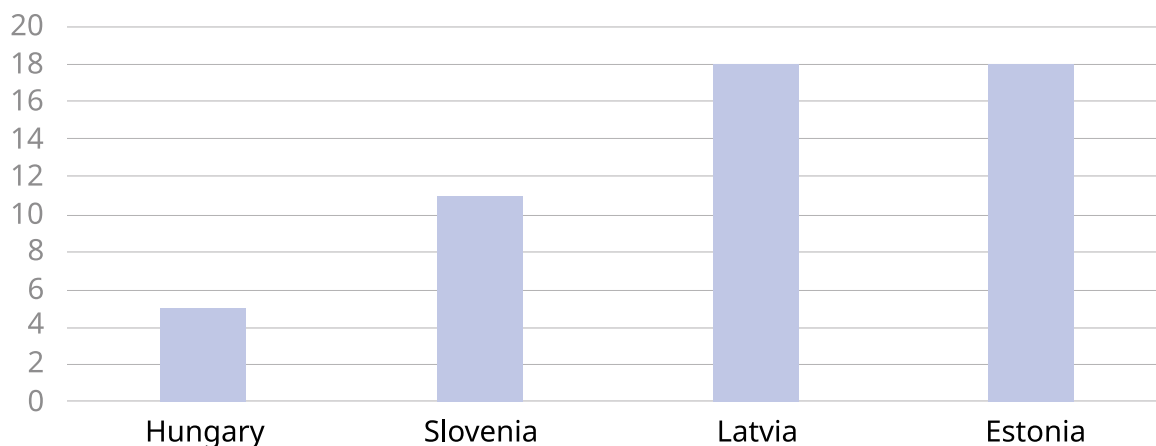
⁴⁷ Webpage of the State Social Insurance Agency of the Republic of Latvia, consultation with representatives of the Latvian Ministry of Education and Ministry of Welfare.

⁴⁸ Website of the government of the Republic of Poland.

⁴⁹ Eurydice Poland.

⁵⁰ Eurydice Hungary.

⁵¹ OECD (2022) "5. Early childhood education and care for children under age three in Hungary", in *Reducing the Gender Employment Gap in Hungary*, <https://www.oecd-ilibrary.org/sites/c2c32cbb-en/index.html?itemId=/content/component/c2c32cbb-en#>

FIGURE 1. AGE OF LEGAL ENTITLEMENT TO A PLACE IN PUBLIC ECEC (MONTHS)

Source: Eurydice

Because of this obligation, some challenges regarding paying for private ECEC (which may deter many families) are (at least partially) resolved as the state is required to cover private ECEC to various extents.

Cultural norms

According to the UNICEF report,⁵² cultural norms regarding institutional ECEC strongly affect the enrolment of children under 3 years of age. This is evident from some of the post-Socialist countries analysed in this study. In Estonia and Slovenia, however, 20 per cent and 30 per cent of the population, respectively, think that pre-school children suffer when their mother goes out to work. In Hungary, Poland, Croatia, Romania and Slovakia the proportions are between 36 per cent and 50 per cent. In all the latter countries the ECEC enrolment of children under 3 years of age does not reach 20 per cent.

Importance of the education component

In all the post-Socialist EU countries under observation except Poland, early childhood provision includes both elements, care and education. According to OECD data, in 2019 Poland was the only post-communist OECD country that provided the majority of services outside the scope of ECEC.⁵³ The lack of high-quality early childhood and educational services might thus prevent mothers from paying for ECEC because it has no additional value to offer on top of original parental care.

Overall analysis of post-Socialist countries' ECEC systems shows that the private sector tends to grow when the problem of women's low labour market participation is addressed across the board. First of all, by trying to change cultural norms by transforming childcare leave into (shortened) parental leave, and by imposing on municipalities an obligation to provide places for children under 3 years

⁵² UNICEF (2021) Where do rich countries stand in the childcare?

⁵³ OECD (2021) "How do early childhood education systems differ around the world?", in Education at a Glance 2021: OECD Indicators, Paris, OECD Publishing.

of age. Private ECEC should operate as part of a well-functioning, quality public ECEC system. This has characterized collaboration strategies between public and private providers.

3.2. Slovenia

3.2.1. ECEC policy framework

Early childhood education and care (ECEC) in Slovenia is overseen by the Ministry of Education and operationalized at local level by local public authorities (LPAs), specifically, municipalities.⁵⁴ Slovenia's commitment to comprehensive ECEC is underscored by its historical trajectory since 1987, when the entitlement of **a full-day place in an early childhood centre was extended to all children from the age of 11 months onwards**.⁵⁵

Slovenia's efforts to improve accessibility and affordability are evident in commendable participation rates. In the 2022/2023 school year the **participation rate was 78 per cent among children under 3 years of age**, of whom **93 per cent attended public kindergartens**, reflecting the strong public sector involvement. **Private kindergartens were attended by only 6.6 per cent** of children below 3 years of age participating in ECEC.⁵⁶

3.2.2. Alternative ECEC and management models

Home-based ECEC

Slovenia's approach to alternative ECEC encompasses **home-based ECEC establishments**. These are required to **register with the Ministry of Education** to ensure compliance with defined standards. To attain childminder status, a person must have completed **upper secondary technical or general education and have acquired a relevant supplementary vocational qualification, and/or meet the requirements for educational staff**.⁵⁷ However, childminders are not qualified to carry out preschool education — they provide only care. Registered home-based childcare establishments are permitted to care for a maximum of six children. Childcare provided by a childminder can be organized at the provider's home, but not at the child's home. In the 2022/2023 school year, 334 childminders were registered with the Ministry.⁵⁸

Kindergarten and private preschool teachers have the option of arranging provision of the preschool education programme through a family-based education and care setup at the teacher's home. Regulations regarding rooms and equipment are the same as for kindergartens. The setting up of such a service must be approved by the municipality. Municipal approval is given when there are fewer public kindergarten places than the number of enrolled children. Kindergartens choose service providers through a public application process. Once selected, kindergartens enter into agreement with these providers, outlining their respective rights, responsibilities and necessary provision. The fees parents pay for these services are also regulated. However, in 2022/2023 there

⁵⁴ Eurydice Slovenia, Government of Slovenia website.

⁵⁵ I. Schreyer and P. Oberhuemer (2017) "Slovenia – Key Contextual Data", in P. Oberhuemer and I. Schreyer (eds) Workforce Profiles in Systems of Early Childhood Education and Care in Europe, www.seeepro.eu/English/Country_Reports.htm

⁵⁶ Statistical Office of the Republic of Slovenia.

⁵⁷ Kindergarten Act.

⁵⁸ Eurydice Slovenia, Government of Slovenia website.

were only 22 children in four classes receiving ECEC in a family-based setup.⁵⁹ There is also an option for private preschool teachers to organize home-based preschool education independently, but this is extremely rare. Only one preschool teacher was registered to provide such services in the 2022/2023 school year.

The policy accommodates short-term care by **qualified childminders** who, while not fully qualified to implement the national educational programme, may **provide caregiving**. These childminders, holding a childcare qualification, are also required to **register with the Ministry of Education**. They step in when children require brief periods of care.⁶⁰

Part-time support at home represents another facet of the alternative ECEC framework. Staff with **an upper secondary vocational qualification** and a minimum of five years' work experience may provide this service. The provision caters to families seeking flexible caregiving arrangements.⁶¹

Slovenia's policy addresses the physical environment of alternative childcare settings in detail. Residential premises used for ECEC must adhere to the Rules on Norms and Minimum Technical Conditions for Kindergarten Space and Equipment. Specific guidelines ensure the separation of playrooms from family living spaces, appropriate equipment, child-friendly toilet facilities, and adherence to safety standards.⁶²

The **monitoring of home-based ECEC** and **educational services** is carried out by state inspectors. An inspector may, without prior notice or permission, enter the premises of a preschool guardian, in which preschool children are being cared for, in order to check whether they meet the prescribed conditions regarding norms and standards for space and equipment with regard to the number of children and the persons providing care.⁶³ According to local ECEC experts,⁶⁴ however, in many cases state inspectors visit such places only after they receive complaints from parents, or when the service provider is newly established. More regular monitoring is performed in private kindergartens in Slovenia (especially in those following the national curriculum) when external experts conduct an evaluation of private ECEC services.

Work-based ECEC

According to the Kindergarten Law, there is a regulated possibility for public kindergartens to form **partnerships with private entities** in order to provide ECEC services for the children of a company's employees⁶⁵. Kindergarten premises can be established within the facilities of private partners, who operate under a municipality's jurisdiction and enter into a formal agreement with the municipality to implement a preschool programme, provided that the facilities meet the required standards and conditions for kindergarten space and equipment. The municipality and the private partner outline their mutual arrangement in an agreement, which may include granting priority admission to children of the private partner's employees in the kindergarten established under the public-private partnership. The **law governing public-private partnerships** applies

⁵⁹ Eurydice.

⁶⁰ See note 55.

⁶¹ See note 55.

⁶² Ministry of Education website.

⁶³ Kindergarten Act.

⁶⁴ Interviews with ECEC experts in Slovenia.

⁶⁵ Kindergarten Act.

to the organization of a public kindergarten on the premises of a private partner. Kindergartens that operate on such premises are subject to the regulation on the autonomy of school premises, as stipulated by the law governing the organization and financing of education.⁶⁶ The Ministry of Education named several examples of work-based ECEC, one of them in operation since 1975.⁶⁷ However, according to the interviews with other local ECEC experts this is rather an exception – in practice, work-based ECEC is rare.⁶⁸

3.2.3. Financing measures

The average cost of a day programme in a public kindergarten for children up to 3 years of age is 512 euros (€). This is based on monthly household income and income bracket, **taking into account affordability and socio-economic inclusivity**. It is a percentage of the total programme cost. Parents on the lowest incomes do not pay anything; parents on the highest incomes pay 77 per cent of the programme price. Parents receiving social assistance benefit in cash do not pay, as set out in the rules on social care. Parents with two children attending kindergarten concurrently do not have to pay for the youngest child, or for any additional children attending kindergarten concurrently. Moreover, families of **children enrolled in private kindergartens** providing an officially recognized programme are entitled to the **same financial assistance as the families and children enrolled in public kindergartens**.⁶⁹

Slovenia's proactive stance on ECEC is commendable, but under the current circumstances the growing demand for these educational services is putting them under strain. Many municipalities now face difficulties in providing sufficient places to meet local needs.⁷⁰ This has prompted a collaborative approach in **municipalities, which, when unable to accommodate children in public kindergartens, must share the cost with private ECEC providers**.⁷¹ **To address the needs of children awaiting placement in public kindergartens, a subsidy equivalent to 20 per cent of the programme price is extended to the child's guardian for the use of private ECEC**. The subsidy is provided by the municipality where the child's parents have permanent residence, or at least one parent, together with the child, has permanent residence.⁷² Generally, private kindergartens not teaching the national curriculum also receive financial support from municipalities, equivalent to 85 per cent of the cost of public kindergartens, minus the fees parents would typically contribute if their child were enrolled in a public kindergarten.

According to the Kindergarten Act, if no kindergarten is available to offer public services in the area where the parents live permanently, or if there are no open slots in the appropriate kindergarten, and the number of children the parents want to enroll is sufficient to constitute a standard group, the local community will begin the process of creating more openings at a public kindergarten, or will put out a tender to grant a concession within a 30-day timeframe.

⁶⁶ Kindergarten Act.

⁶⁷ Information provided by the Slovenian Ministry of Education.

⁶⁸ Interviews with ECEC experts in Slovenia.

⁶⁹ Eurydice.

⁷⁰ See note 55.

⁷¹ Eurydice Slovenia, Government of Slovenia website.

⁷² Ministry of Education website.

Slovenia's commitment to inclusivity extends to children with long-term illnesses. The policy acknowledges their unique needs by providing options for support at home. This proactive approach ensures that **children who are unable to attend ECEC establishments because of health constraints can still access educational support.**⁷³

3.3. Estonia

3.3.1. ECEC policy framework

ECEC governance and system management is distributed between the national and regional levels. This reflects a multi-level governance model with responsibilities shared between (i) the Ministry of Education and Research for integrated early childhood education and care institutions (kindergartens) for children aged 18 months to 7 years, and (ii) the Ministry of Social Affairs for childcare centres for those under 4 years of age.⁷⁴ This makes the Ministry of Social Affairs responsible for the childcare element of ECEC. Home-based provision is regulated by the Social Welfare Act as part of childcare services.

In 2018 it was decided that responsibility for all ECEC institutions — childcare/playgroups and family day care – should be transferred to the **Ministry of Education and Research**, unifying the ECEC system in Estonia. According to our interview with a representative of the Ministry of Education, Estonia started this transition, first of all, in order to address the issue of insufficient childcare places, especially where the private sector plays a role. The new legislation seeks to eliminate differences between acts governing preschool ECEC institutions and social welfare, unifying requirements for kindergartens and childcare. Estonia has also focused on improving the quality of early childhood education, emphasizing child-centred approaches, integration of various teaching and learning fields, and enhancing teacher qualifications. The goal is to create consistency in quality between kindergartens and childcare facilities, ensuring that professionals with the right competencies are involved in child development and communication with parents. This shift toward a unitary system aims to provide clarity and equal standards for all providers, ultimately benefiting both parents and local governments.⁷⁵ However, the transition is still ongoing and is planned to be fully implemented by 2025 January. Until then the ECEC system in Estonia is partially unified under the overall responsibility of the Ministry of Education and Research.

3.3.2. Alternative ECEC and management models

Private providers

According to the Private Schools Act, **non-state providers** of education from pre-school to secondary level may include commercially registered (public or private) companies, foundations or non-profit organizations. The provider must meet the minimum capital requirements, have an appropriate name for the school and apply for a licence from the Ministry of Education and Research.

⁷³ See note 55.

⁷⁴ I. Schreyer and P. Oberhuemer (2017) "Estonia — Key Contextual Data", in P. Oberhuemer and I. Schreyer (eds) *Workforce Profiles in Systems of Early Childhood Education and Care in Europe*, http://www.seeepro.eu/English/pdfs/ESTONIA_Key_Data.pdf

⁷⁵ Interview with a representative of the Estonian Ministry of Education.

Obtaining a licence is conditional on meeting the requirements regarding the statutes of the private kindergarten, the curriculum to be taught, a development plan, certificates certifying the qualifications of the head of the kindergarten, the teaching staff and the management body, and information on the premises, furnishings and other property needed to carry out activities in a kindergarten. Compliance with health, fire safety and rescue criteria, as well as school health care provision is also necessary (these requirements are also specified in additional education laws). Furthermore, the number of children in a class or group in a private kindergarten must follow the group sizes established by the Pre-school Child Care Institutions Act, although they may be determined by the board.⁷⁶

The Estonian Parliament makes decisions on the organization and development of the education system, the Government attends to the implementation of education reforms and the Ministry of Education is responsible for research and management, including **quality assurance**, funding plans, national curricula and the professional education/training of teachers at all levels of the education system. At the local level, the regional administration (county governor) is responsible for **monitoring** teaching and learning activities and the municipalities for providing and organizing places in ECEC provision.⁷⁷

The Ministry of Education and Research annually prepares an overview of external evaluation of the education system. Since 1 September 2006 internal assessment (self-assessment, evaluation) of preschool ECEC institutions has been **obligatory**.⁷⁸ Interviews confirmed that private day-care providers are also monitored by the Ministry of Education and Research with regard to safety and hygiene conditions. However, because they do not yet follow the national curriculum (because the childcare element is still under the responsibility of the Ministry of Social Affairs) the quality of education and care is not monitored.⁷⁹

Home-based childcare

Home-based provision is regulated by the Social Welfare Act as part of childcare services. Childcare services can be provided at the child's home, the babysitter's home, care facilities, and so on. Local governments can also use the premises of ECEC institutions, schools, and day centres. The requirements for childcarers include:

- qualification as a childcarer in accordance with the Professions Act, or
- at least secondary or vocational education, work experience with children, and suitable personal characteristics, to be assessed by the employer;
- at least 16 hours' first aid training during the preceding 36 months.

A babysitter may care for up to five children at a time in the children's home and up to ten children in other premises (including their own home). If the childcare service is provided outside the children's

⁷⁶ UNESCO (ND) "Non-state actors in education", report, <https://education-profiles.org/europe-and-northern-america/estonia/~non-state-actors-in-education#Multi-level%20regulations>

⁷⁷ See note 74.

⁷⁸ European Commission (ND) *Estonia. Quality assurance in ECEC*, <https://eurydice.eacea.ec.europa.eu/national-education-systems/estonia/quality-assurance> (last update 23 November 2023); Tiia Õun (2007) *System of early education/care and professionalisation in Estonia*, https://ifp.bayern.de/imperia/md/content/stmas/ifp/commissioned_report_estonia.pdf

⁷⁹ Interview with ECEC expert in Estonia; interview with a representative of the Ministry of Education and Research.

home the premises have to comply with the health protection requirements for childcare services established on the basis of the Public Health Act, as well as the requirements of the Building Code. The service provider has to hold an activity license.⁸⁰ However, according to the local ECEC expert, the use of this type of service is not very common in Estonia; parents tend to choose other options, namely public or private kindergartens, where the places are funded by the municipality.⁸¹

3.3.3. Financing measures

The bulk of ECEC provision in Estonia is **public/municipal**. Although participation is not compulsory, all children are entitled to attend a preschool institution from the age of 18 months to 7 years of age. In order to address the insufficient supply of places, Government Action Plan 2011–2015 made it possible for municipalities to obtain additional funding to create new places. In this way, a home-based place may be offered instead of a place in a centre, particularly in the case of children under 3 years of age, or private ECEC settings may be offered a subsidy to provide additional places.⁸²

Since 2014, it has been Estonian national policy that local governments — that is, town and rural municipalities — are obliged to provide all children from the age of 18 months to 7 years of age who permanently reside in their catchment area the opportunity to attend a local preschool ECEC institution. This obligation includes children with special educational needs, such as physical, speech or intellectual disabilities.⁸³ Responsibility for funding private providers in case of a shortage of public places was thus transferred to municipalities.

3.4. Latvia

3.4.1. ECEC policy framework

In Latvia, ECEC is an autonomous function of local governments. The central government has powerful steering mechanisms at its disposal, such as legislation and discretionary funding, to motivate and enable local authorities to deliver agreed outcomes. The legal foundations for ECEC institutions, **whether public or private**, are laid down in the Education Law, the General Education Law, the Law on Local Governments, Regulations Regarding the State Guidelines for Pre-school Education and Sample Pre-school Education Programmes and the regulations approved by the institution's founder, as well as various other regulatory enactments regarding health and safety that are also used for external evaluation purposes.⁸⁴

In Latvia, ECEC is provided in two types of preschool educational institution: kindergartens and preschool educational groups in schools. The majority of children attend kindergartens (almost 85 per cent in 2018/2019). About 15 per cent of children attend pre-school groups at primary schools, and a tiny proportion of children (0.5 per cent in school year 2018/2019) attend preschool groups established at interest-related educational institutions and youth centres, at vocationally-oriented

⁸⁰ <https://eurydice.eacea.ec.europa.eu/national-education-systems/estonia/home-based-provision>

⁸¹ Interview with an ECEC expert in Estonia.

⁸² See note 74.

⁸³ OECD (2020) "Early Learning and Child Well-being in Estonia", report, <https://www.oecd-ilibrary.org/sites/24d65b83-en/index.html?itemId=/content/component/24d65b83-en>

⁸⁴ <https://www.oecd-ilibrary.org/sites/9789264250628-5-en/index.html?itemId=/content/component/9789264250628-5-en>

educational institutions or at continuing vocational education and training institutions.⁸⁵

In compliance with the Law on Local Governments it is a duty of every local government to ensure that children residing in the territory of the municipality have the opportunity to attend preschool education. The founders of preschool educational institutions are local governments for public preschools, or private (physical or legal) entities for private preschools. Decisions on the foundation, reorganization or closure of an institution should be made in coordination with the municipality's board of education and the Ministry of Education and Science.⁸⁶

Since 2001, the Law on Education has stipulated that pre-school education is mandatory in Latvia from the age of 5, but since 2013 the same law states that municipalities have the responsibility to provide a place in an ECEC institution to all children from the age of eighteen months.

3.4.2. Alternative ECEC and management models

Monitoring of private educational institutions

Private pre-school educational institutions are supervised by the State Education Quality Service, the Health Inspectorate and the State Inspectorate for the Protection of Children's Rights. The most careful evaluation is performed on heads of institutions. A performance review is conducted of the heads of educational institutions, including private educational institutions, at least once every six years by the State Education Quality Service in accordance with the procedure established by the Cabinet of Ministers. Additionally, every year the education authorities must provide a self-assessment report and publish it on their website. The self-assessment report is examined by experts from the National Service for Quality in Education.⁸⁷

Home-based ECEC

There is a separate regulation on childminders in Latvia, namely Requirements for Providers of Child Supervision Services and Procedures for Registration of Providers of Child Supervision Services. According to the Requirements, such services shall be provided by a state or local authority, or a legal or natural person registered as a service provider. It can be provided at the child's place of residence or another appropriate place outside their home. The childminder has a duty to follow a preschool educational programme if the ECEC continues from the age of 18 months until the mandatory start of basic education. Methodological assistance is provided by a local government preschool educational institution or a preschool education advisory centre. The qualifications for a childminder are as follows: secondary vocational pedagogical education, higher pedagogical education or a professional qualification as a nanny; it is also possible to attend an in-service training programme in the field of ECEC (not less than 40 hours of full-time study). Regarding registration, a childminder can be registered as an individual or enter into an employment contract or fixed term contracts with the state, a local government institution or a legal person registered as a provider, a cooperative society, association, foundation, partnership or religious organization. As regards monitoring and evaluation, ECEC providers are supervised by the Health Inspectorate and the State Inspectorate for the Protection of Children's Rights.

⁸⁵ <https://eurydice.eacea.ec.europa.eu/national-education-systems/latvia/early-childhood-education-and-care>

⁸⁶ EURYDICE database: Latvia; <https://eurydice.eacea.ec.europa.eu/national-education-systems/latvia/early-childhood-education-and-care>

⁸⁷ Information provided by a representative of the Latvian Ministry of Education.

Grandmothers may also become childminders as the relevant regulations are not very strict. Childminders must pass a special course and register in the system. They also pay tax on their earnings. Additionally, parents can obtain a grant from the municipality for a registered childminder. Using a grandmother as a childminder is attractive to lone mothers, especially those with more than one child and unable to afford private ECEC. In that case, a grandmother can take care of her grandchildren and perhaps some other children and also be paid.⁸⁸

Work-based ECEC

Recently an experiment was conducted by local researchers in Latvia within the framework of the project «Provision of flexible childcare services for employees working non-standard working hours». The experiment included providing ECEC service during non-standard working hours. In the first stage the services were fully funded by the project budget. In successive project stages, however, the amount needed from the employer (or other involved parties — employees or municipalities) increased. The employers were motivated by the idea that this investment would increase their employees' job satisfaction and quality of work. The experiment was conducted from June 2016 to January 2018, in Riga, Jelgava and Valmiera. The experiment revealed that while parents initially expressed satisfaction and came to expect such provision, the employers failed to recognize its advantages as this investment. **Employers were more willing to cooperate if the municipality was involved**, with the latter ensuring ECEC services to the employees while the company contributed furniture or toys. Therefore, the experiment found that without state or municipal involvement or funding "flexible childcare services will continue to develop as fragmented practices that are personal initiatives of individual people or companies. In this case, parents will have limited access to flexible childcare services after the project ends".⁸⁹

3.4.3. Financing measures

Private, fee-based ECEC institutions have grown in numbers in recent years in response to shortages of public ECEC places. These institutions are found mainly in larger towns and cities, where such shortages are acute. The high cost of private ECEC services and the lack of municipal support have restricted access to ECEC until recently. In 2011, access to ECEC became a legal entitlement from the age of eighteen months. Subsequent policy measures have aimed to expand and diversify the ECEC services available (financially and territorially) to families in all parts of the country.

In 2013 the Latvian government initiated a **pilot project offering parents financial support from central government to enrol their children in private ECEC**. The project was launched on 1 September 2013 with the goal of providing financial support for parents needing childcare support for children aged 18 months to 4 years who do not benefit from public ECEC (from the age of 5, municipalities have a legal obligation to provide pre-school education). Funding was provided until the end of 2015 in order to solve the problem of long waiting lists for public kindergartens and to help parents return to work while providing safe conditions for children.

⁸⁸ Interview with ECEC expert in Latvia.

⁸⁹ Interview with ECEC expert in Latvia. Māris Brants, Ilze Mileiko, et al. (2018) Research Project "Providing a Flexible Childcare Service for Employees Who Work Non-Standard Working Hours". Evaluating the Sustainability of Experimental Interventions (Data Collection and Analysis) and Flexible Childcare Provision. (In Latvian). Project documentation: <https://www.lm.gov.lv/lv/petijums-elastiga-bernu-uzraudzibas-pakalpojuma-nodrosinasana-darbiniekiem-kas-strada-nestandarta-darba-laiku>

As a result of this pilot responsibility to part fund private providers in response to the shortage of public places was fully transferred to local government. Since 2016, municipalities that are unable to provide children in their administrative territory with a place in a public ECEC institution are **required to part fund a private ECEC place** (parents are provided with an allowance ranging from €70 to a maximum of €260 per month, with higher payments mainly in city areas such as Riga, where private ECEC fees are higher).⁹⁰ A partial contribution for private kindergarten or childminder services is paid to parents.⁹¹ However, although private kindergartens are more expensive than public ones, municipal grants are capped at the price of a public kindergarten place. In the case of childminders, municipal contributions are symbolic, at around €100, according to the local ECEC expert.⁹²

3.5. Other Post-Socialist countries

In contrast to Latvia, Slovenia and Estonia, in the majority of post-Socialist countries, ECEC systems are split between two or more ministries, usually dividing responsibilities for children under 3 and for children above that age, or based on type of premises (kindergartens vs home-based care) or type of service provided (education vs care).

Countries such as Poland, Czechia, Croatia and Hungary also have regulations on alternative ECEC services, although usually they do not specify the qualifications of ECEC providers or the details of the education programme. Also, the public ECEC sectors in most of these countries' are facing difficulties because of a lack of funding and underdevelopment. This leads to a shortage of places, especially for children under 3 years of age.

The lack of initiative with regard to this age group is probably due to the absence of any obligation to provide places in public institutions (except in Hungary). As a result, there is no co-funding or other financing scheme for private ECEC in these countries (in Hungary it was introduced in 2017).

In Hungary, the state provides financial support to families unable to secure municipal nursery places, contributing up to HUF 40,000 (€102) towards fees for private family or workplace daycare. Also, financial support for employer-based ECEC services was introduced, amounting to an annual HUF 1,391,150 (€3,396) per child in 2022, more than thirteen times the 2017 support. Support can also be provided as a tax-free benefit. Expenses are deductible from corporation tax.⁹³

However, workplace nurseries are a relatively new option in Hungary. They were included in legislation in 2017, but since then only 13 companies have taken the opportunity to open such a nursery, accommodating 131 children. Companies in Hungary do not need

⁹⁰ OECD (2016) Early childhood education and care in Latvia, in Education in Latvia: Reviews of National Policies for Education, https://www.oecd-ilibrary.org/sites/9789264250628-en/1/2/2/index.html?itemId=/content/publication/9789264250628-en&_csp=99498763de5faf2e2dc9075b7ec61c73&itemIGO=oecd&itemContentType=book

⁹¹ Interview with ECEC expert in Latvia.

⁹² Interview with ECEC expert in Latvia.

⁹³ OECD (2022) "5. Early childhood education and care for children under age three in Hungary", in Reducing the Gender Employment Gap in Hungary, <https://www.oecd-ilibrary.org/sites/c2c32cbb-en/index.html?itemId=/content/component/c2c32cbb-en#>

to provide childcare services themselves; they have the option of contracting out to an external provider, for example, paying for places in an existing childcare centre.⁹⁴

There is another example of a government initiative to ease the financial burden for parents choosing alternative ECEC services. In Lithuania between 2019 and 2021, a permanent resident could deduct payments for the care of minor children (adoptees, foster children) up to the age of 18 when the services were provided by a person registered in Lithuania.⁹⁵ However, the initiative was planned as a temporary solution to tackle informal service provision during the transition from operating under a business license to registered individual activity.

Finland, although not a post-Soviet country, is a good example of the voucher system. The voucher experiment for private ECEC providers in Finland started in 1995, with 33 municipalities out of 450, and later on was launched at the national level. During the experiment, participating municipalities paid subsidies to the private ECEC provider chosen by families, the amount of the subsidy varying by municipality. The experiment was expanded nationwide because it increased parents' choices, meeting their needs and raising satisfaction. However, participation in private ECEC services increased only for children above 3; for the 0–2 age group, the experiment showed no significant impact. Nevertheless, introducing a private ECEC voucher in Finland significantly and positively impacted private provision and labour participation, as well as creating conditions for competition in ECEC services between ECEC providers and incentivizing new ECEC entrepreneurs to enter the market. Additional measures should be introduced to ensure successful implementation of the voucher system for earlier age groups as well.

⁹⁴ See note 93.

⁹⁵ National Tax Inspectorate (VMI).

► 4. Opportunities for Ukraine

Expansion and improvement of ECEC services for children aged 0–3 is a clear priority for the Ukrainian government, as reflected in its post-war recovery plans and its recent ECEC legal reforms. This aligns with the noted gap in available ECEC services, which currently cover only 18 per cent of this age group (despite the existence of a legal entitlement to ECEC). When designing national or regional-level models for alternative ECEC, however, the diversity of regions and regional needs for ECEC should be carefully considered.

The post-war recovery plan specifically emphasizes **alternative ECEC models** as a potential solution. The government is thus clearly tasked with exploring international success stories and piloting support for the development of alternative forms of early childhood and preschool education. The new ECEC law — in its draft form — does not pose significant barriers to the establishment of ECEC services by private organizations, provided that it is supplemented by explicit and comprehensive by-laws.

A key concern regarding private ECEC in Ukraine, and worldwide, however, is that it may be costly and inaccessible to certain population groups. Therefore, the state should carry the responsibility of ensuring that all children have equal access to ECEC. If alternative ECEC models are introduced instead of expanding public ECEC, such models should be accompanied by financing models and financial support for poorer families.

Furthermore, the consequences of the ongoing war are also affecting the ECEC sector. Regional diversity in terms of local resources for ECEC already existed before the war, but this discrepancy may grow as people continue to relocate to safer areas (resulting in an “oversupply” of children aged 0–3), while less safe regions face both a declining birth rate and an exodus of inhabitants (future “undersupply”).

At the same time, future ECEC models need to take into consideration the return of refugees and internally displaced persons to areas that are currently abandoned, and allow for the rapid establishment of ECEC models to help the returned population to rebuild. Therefore, solutions regarding alternative ECEC need to be highly sensitive to regional needs and variations.

Alternative ECEC models have been introduced successfully in a number of post-Socialist EU countries, as measured by increasing enrolment rates. These models have it in common that the establishment of **alternative ECEC is regulated and subject to licensing**, and the state still allocates **sufficient resources to the public ECEC sector**. The countries with less successful alternative ECEC models also have, overall, less successful ECEC systems (again, as measured by enrolment). In the countries with high enrolment, the state (for example, at municipal level) plays an active role in monitoring the quality and management of both public and private institutions.

At the same time, (alternative) ECEC systems in the successful countries were introduced while simultaneously maternity leave was reduced and shared **parental leave** imposed in alignment with the EU Directive on Work-Life Balance for Parents and Carers. The example countries have a **legal entitlement to ECEC** which starts at the end of parental leave (on average around 1.5 years). Where there is a low uptake of ECEC for children aged 0–3, parental leave is also longer (see the example of Finland's voucher system, which did not increase ECEC for children below 3 years of age).

In countries with a strong ECEC system, alternative ECEC is accompanied by a **financial model that ensures its accessibility for the wider population**. Various financial models are applicable, for example vouchers, allowances, subsidies or reimbursements paid directly to the parents or private provider, as well as tax deductions. Research shows that a legal entitlement is an important facilitator: if a child has a legal right to a place in ECEC, but no public places are available, the state provides financial support to the parents or fully covers enrolment in private ECEC.

In this regard, the project “Money Follows the Child” in Kyiv is a best-practice example. If no place is available at a municipal preschool institution, parents can choose a private one and Kyiv City Council will reimburse some of the costs (the part equivalent to what a public institution would spend on one child).⁹⁶

Given Ukraine’s legal and broader socio-economic context, **best practices established in Slovenia, Latvia and Estonia lend themselves to being replicated there without significant changes to the current legal and policy framework**.

The main changes and interventions needed in Ukraine include, first, the simultaneous enforcement of the **legal entitlement for children** aged 0–3 to a place in an ECEC service, and the **transformation of the parental leave system** to better align with the EU Directive. The current coverage (18 per cent) will need to be expanded significantly through the establishment of public services, but the best-practice countries demonstrate that alternative ECEC can fill the gaps as well. Legal entitlement assigns a clear responsibility to the state to ensure sufficient places in ECEC institutions, which aligns with the Government’s political priorities with regard to ECEC.

In the successful post-Socialist EU countries, first, the public sector is well developed and then the alternative ECEC services are connected to it to offer support in case of need. In Poland, for example, where alternative services are regulated but not linked to the public sector through collaboration and financial mechanisms, it has not been successful. Because Ukraine’s ECEC system is currently under transition, efforts should be made to follow the example of successful countries and connect alternative services to the public sector.

Secondly, the law already allows for the establishment of private services, although the **licensing requirements** are considered strict (mainly in terms of building requirements and interactions with local government). As a result, many ECEC providers in Ukraine are currently operating with (or without) registration, but without being licensed as official ECEC institution. As a result, they are not monitored and do not follow state guidelines and curricula. The expansion of alternative ECEC services should break with this trend, as it reduces the Government’s ability to ensure quality ECEC.

While the licensing requirements may not be disproportionate objectively (considering the importance of ensuring children’s safety and the need for quality ECEC), the Ukrainian Government can introduce support mechanisms or simplified procedures to help registered private providers to obtain a license. Potentially, private ECEC providers could be incentivized to become licensed by assigning them a special status (for example, social enterprise), which could provide both the provider and users with tax benefits. Tax benefit systems have also been applied in other post-Socialist countries, namely Hungary and Lithuania.

⁹⁶ Interview with a representative of the Ukrainian Ministry of Education, 22 August 2023.

Third, this study confirms the overall global trend that private ECEC provision may be more expensive than the (usually) free public service. To ensure equal access to ECEC for all Ukrainian families, the introduction of alternative services to complement public services must be accompanied **with a suitable financial model**. In this regard, various opportunities are possible for Ukraine, given that the law does not limit the funding mechanisms possible for ECEC (except those “prohibited by law in general”).

First and foremost, more budgetary resources should be allocated to municipalities to invest in public ECEC, as well as in the monitoring of alternative ECEC. Currently, municipal budgets are insufficient even to establish sufficient public ECEC. Under the current allocation of funds, it would not be possible for municipalities to ensure the quality of new, alternative services.

Once municipalities have sufficient resources to invest in (public) ECEC, various opportunities exist for them to support alternative ECEC as well, for example through public–private partnerships, or simply by investing resources in monitoring and supporting the implementation of private ECEC.

► 5. Recommendations

Complex legal changes are not required in the ECEC law (given the pending adoption of the new law) in order for Ukraine to implement new forms of alternative ECEC. The various models deemed successful can be integrated within the legal system overall.

However, to ensure a successful and equitable expansion of ECEC services, the following interventions and legal adjustments are recommended.

1. Simultaneous introduction of a transformation of the parental leave system, and an explicit legal guarantee of ECEC from the age at which parental leave ends.

The successful country examples demonstrate that women are encouraged to return to the labour market by a shorter and shared parental leave system, combined with legal entitlements and strong state involvement in providing public or private ECEC services. Another enabling factor is a cultural understanding that a woman's resort to ECEC does not indicate she is a bad mother.

As Ukraine is now an EU candidate state, it needs to ensure legislative alignment with the EU *acquis*, including the Directive on Work-Life Balance for Parents and Carers. In this regard, **it is recommended that Ukraine align its parental leave legislation with the *acquis* in terms of shared responsibilities, possibly using the examples of Estonia, Latvia, and Slovenia.**

Given the major shortage of ECEC places, the reduction and transformation of parental leave cannot take place in a silo. Therefore, a system to ensure the availability of ECEC needs to be in place before parental leave is reduced to ensure sufficient coverage for children at the age parental leave ends.

The Ukrainian laws on ECEC provide for a **legal entitlement to it**. The law states that *“Ukraine guarantees the right to receive preschool education and creates opportunities for its realization, taking into account the individual characteristics, needs and capabilities of each child. Every child, regardless of the grounds for their stay in Ukraine, is guaranteed free preschool education in state and communal educational institutions at the expense of the state and local budgets.”*⁹⁷

However, Article 8 of the new law does not specify the age at which entitlement applies. Children may enter public nurseries from the age of three months, but it is not specified whether the legal entitlement also starts from this age. No age groups are noted for the two alternative forms of ECEC mentioned in the law (family-type and mobile forms). Therefore, the age group for which the legal entitlement applies should be specified in detail.

The analysis of former Socialist EU Member States shows that legal entitlement is a key factor influencing the high uptake of ECEC — especially alternative ECEC — combined with relatively shorter durations of parental leave. Legal entitlement means that if no public places are available, the state must facilitate (for example, co-finance) a child's placement in alternative services.

The new Ukrainian law already indicates that children have the right to free preschool education *as provided for by state and local budgets*. However, in contrast to the laws of some other former Socialist

⁹⁷ Article 8 of the new draft Law on Preschool Education of 09/2022.

states in Europe, the law does not explicitly declare that the right to free preschool education can also be guaranteed through private preschool education.

To ensure the effective application of the right to free preschool education, the following steps should be taken:

- ▶ *Set a clear age limit* in legislation from when the right to preschool education is guaranteed by the state.
- ▶ *Ensure the legal foundation for guaranteed access to ECEC through private provision*, although supported by the state. This would require an expansion of Article 8, specifying that where public provision does not meet demand, the state can ensure the right to ECEC through a place in private ECEC. The laws of Estonia, Latvia, and Slovenia can function as examples in this regard.
- ▶ *Create bylaws with detailed models of alternative ECEC* which can be co-financed by the state under the previous two points.

2. Ensure that all alternative ECEC providers are required, or strongly incentivized, to be licensed by law.

The previous ECEC law allowed for a wide range of legal ECEC forms besides public ECEC, including licensed providers (who follow the public curriculum and are monitored by the state), but also registered, non-licensed providers, who can provide care but not educational activities. In reality, it is unknown how many non-registered ECEC providers exist (which are illegal), but it is believed to be considerable.

State monitoring and oversight is crucial to ensure that ECEC is implemented in accordance with the relevant minimum standards. In the previous law, such monitoring occurred only in the case of licensed providers, who were required to comply with the (minimum) standard educational programmes and sanitary requirements. Unlicensed (but registered) providers were not permitted to provide “educational services” but still existed as an ECEC provider.

Furthermore, the new draft Law includes various articles describing the possibilities for private preschool educational institutions (licensed as preschool institutions) to receive public funds. The latter enables the government to design financial measures to enhance equal access to preschool education in case of alternative ECEC offers. Therefore, if Ukraine wants to expand the offer of alternative services, it is important that this encourages an increase in *licensed* providers and does not further increase the number of non-licensed providers.

Potential steps in this regard include:

- ▶ Conduct research and *gather statistics about illegal or nonregulated providers, and establish a monitoring system* of illegal activities in all forms of ECEC.
- ▶ *Assign licensed preschool institutions the status of “social enterprise”* to create taxation benefits.
- ▶ Following Recommendation 1, *ensure that the government can only co-fund private ECEC provision which is provided by a licensed ECEC institution.*
- ▶ *Review current procedures for obtaining a license* and apply a more diversified approach, reflecting the scale and type of ECEC services.

- ▶ Based on the type of ECEC, explore opportunities to provide more government support for obtaining the license.

3. Introduce suitable (co-)financing mechanisms to ensure access to private ECEC for all families, for example, public-private partnerships.

As per Recommendation 1, the legal entitlement to ECEC is currently insufficiently enforced given the lack of public places. Small adjustments in the law, following the examples of other post-Socialist countries, can ensure that “legal entitlement” can form the ground for the provision of ECEC services by private providers, facilitated by government. Currently, many Ukrainian families perceive the price of private ECEC as a barrier to non-public ECEC provision. Therefore, the expansion of ECEC using private/alternative provision should be accompanied by co-financing methods that ensure equal access.

The new ECEC law clearly allows the government to purchase (with public funds) *relevant educational services from private or corporate educational entities through public procurement, in case of bigger demand for public ECEC places than are available*. While this is not the same as co-financing private ECEC to meet the requirement of legal entitlement, this statement does form the basis for the government to ensure sufficient places in response to demand.

A partnership in which the government can provide ECEC or cover (part of) the expenses of a private ECEC provider can lower costs for parents, and therefore ensure greater access to ECEC for families from different socio-economic backgrounds.

The introduction of PPPs can be most effective and useful in supporting work-based ECEC. In this case, the government provides the ECEC content, but the employer provides the premises. This requires:

- ▶ *The removal of education from the list of areas covered by the Law on Public-Private Partnerships and instead the introduction of a separate law or regulations on PPP in education that would be more flexible and less complicated than the general PPP Law.*⁹⁸
- ▶ *A detailed description of this PPP model, with the responsibilities of both public and private actors well explained.*
- ▶ *An information campaign, for example, through employer organizations, to present the benefits of work-based ECEC to employers and highlight the requirements that should be met to establish work-based ECEC through a PPP.*
- ▶ *Further research on family perspectives towards work-based ECEC through a PPP to try to find out whether families would actually make use of such services and under what circumstances.*

However, the introduction of work-based ECEC may not be possible for all companies, especially small businesses in rural areas who lack the space to set up ECEC. Therefore, there is not a single solution to Ukraine’s issues in this regard, considering that the lack of ECEC places is most urgent in rural areas.

⁹⁸ K. Padalka (2023) Report (legal analysis) on the laws, by-laws and administrative procedures that regulate public-private partnerships, and on implementation schemes applicable to the preschool education and childcare sector in Ukraine.

In the case study countries, the funding issue was usually addressed by **providing financial support for families using private ECEC** in case public ECEC is not available. A subsidy or voucher's value is calculated based on the estimated cost per child in public ECEC, and/or on family income.

This is already possible by law, which provides some flexibility based on regional needs and variations. It has already been implemented once in Kyiv, and this model of (co)financing may be easiest to implement for Ukraine.

However, Finland's experience should be taken into consideration as well, which showed the strong effects of the voucher system on the enrolment of children aged 3–6, although less so on children aged 0–2 because of the generous parental leave system. Therefore, introducing such a system would require the following steps:

- ▶ *Assess other legal and financial instruments* to identify the best financing model for Ukraine, allowing for a diversified approach by region.
- ▶ *Launch incentives and advocacy campaigns* for the use of ECEC for children aged 0–2, also by obtaining a better understanding the barriers for women using ECEC for this age group.
- ▶ *Provide support and incentives to nannies and small-scale rural providers to become licensed* so that both the provider and families can make use of financing mechanisms. The Latvian grandmother/childminder example can be used in the post-war Ukrainian context, where many single mothers will need additional support and grandmother care can be an option. In this case, not only would family ties be strengthened, but grandmothers would achieve some sort of self-realization through paid work.

4. Pilot new modalities of alternative ECEC in selected regions to try to understand whether, and how, alternative ECEC can be mobilized to address urgent gaps in ECEC availability.

The review of the ECEC systems of post-Socialist EU Member States has shown that alternative ECEC models can work effectively to support the availability of ECEC where public supply is insufficient. The most common models found in these countries include:

- ▶ Various forms of **home-based or family-type ECEC** with qualified providers who either visit the child's home or host multiple children in their own home.
- ▶ **Work-based ECEC** where an employer provides ECEC services for their employees at company premises.

The assessment of ECEC uptake in various post-Socialist EU Member States has shown that various factors contribute to the successful use of these models. As already mentioned, use is often related to the length of parental leave and the state's overall investment in ECEC. Therefore, the government and the ILO should test such models first to find out the contextual factors that may influence the uptake of either model.

Furthermore, the pilot can provide valuable information for the development of bylaws for dedicated ECEC modalities. Therefore, the factors influencing the results should be carefully noted and considered when drafting laws.

To design the pilot, the following steps are recommended:

- ▶ Identify the **region/locality** most suitable for the ECEC model. For example, work-based ECEC is most suitable for larger companies, potentially in more urban areas. At the same time, small-scale home-based ECEC is more relevant in suburban or rural areas where there is insufficient demand to set up a kindergarten or nursery.
- ▶ Identify a **suitable municipality with at least some resources** (finance, premises, staff, materials) to offer as part of the PPP, and which is committed to continue the collaboration after the pilot.
- ▶ Design a clear **monitoring framework** for the pilot that includes:
 - a. objectives, with a view towards larger-scale rollout;
 - b. responsibilities of different parties (ILO, municipality, partners);
 - c. tools and indicators to measure what constitutes “success”;
 - d. tools for preparing checklists regarding what aspects of the pilot should be regulated by law.
- ▶ Closely collaborate with the relevant Ministry (once identified) to discuss lessons learned from the pilot and jointly **develop bylaws** for alternative ECEC models based on the results.

► Annex 1. Research Framework

In line with the overall framework and research questions presented in Section 1.2, the research team developed the following more detailed research questions.

TABLE 6. RESEARCH FRAMEWORK

RESEARCH SECTION	RESEARCH QUESTIONS
1. Alternative childcare models in Post-Socialist EU countries for children aged 0–3	1.1 Which Post-Socialist EU countries have introduced forms of alternative childcare? What forms were introduced?
	1.2 What legal and policy frameworks have been introduced to facilitate the introduction of alternative childcare services?
	1.3 What trends are visible in the uptake of alternative childcare services, and did the introduction of legal and policy frameworks affect supply and demand?
	1.4 Was the introduction of alternative childcare services deemed a success or not, and why?
	1.5 What factors supported the successful introduction of alternative childcare services, and can these factors be recreated in other contexts?
	1.6 What factors hindered the successful introduction of alternative childcare services and can these factors be avoided in other contexts?
2. Ukrainian system of childcare for children aged 0–3	2.1 What current laws and policies govern the establishment, management, quality and monitoring of childcare services?
	2.2 What restrictions on establishing childcare services exist in the current legal and policy framework, particularly regarding private and alternative services?
	2.3 What opportunities does the current framework provide for the introduction of alternative childcare services?
	2.4. What specific needs regarding the expansion of childcare services have arisen in the current war, and future post-war context?
	2.5. To what extent is childcare accessibility a priority in post-war reconstruction strategies? What actions and objectives are foreseen?
3. Potential models for Ukraine	3.1 What factors enabling or facilitating the successful adoption of an alternative childcare model are present in Ukraine, or can be created?
	3.2 What factors hindering the successful adoption of an alternative childcare model are present in Ukraine, or can be avoided/mitigated?
	3.3 What models can be introduced within the current childcare restrictions and opportunities provided by the legal and policy framework?
	3.4 Which models best align with Ukraine's post-war needs and priorities in the field of childcare?

RESEARCH SECTION	RESEARCH QUESTIONS
4. Concluding chapter	Considering the restrictions, opportunities, success factors and barriers, which models are most likely to succeed in the Ukrainian context?
5. Recommendations	What system-level steps would need to be taken to facilitate the introduction of the selected models?
	What would be the next steps for an ILO intervention?

► Annex 2. Rapid review of post-Socialist EU Member States

The following table indicates in a few sentences the current childcare model for children aged 0–3 and indicates whether the legal and policy framework facilitates alternative forms of childcare. In other words, (i) is it legal to set up alternative childcare, and (ii) does this happen in practice?

TABLE 7. RESULTS OF THE RAPID REVIEW

COUNTRY	BRIEF DESCRIPTION OF THE CHILDCARE SUPPLY MODEL FOR CHILDREN 0–3	AVAILABILITY AND MODEL OF ALTERNATIVE FORMS OF CHILDCARE FOR CHILDREN 0–3
Bulgaria	– ECEC is provided in nurseries, kindergartens and primary schools. Nurseries are independent organizations. They provide upbringing, education and training for children from 3 months to 3 years of age. They fall under the responsibility of the Ministry of Health.⁹⁹ – Since 1 April 2022, all children in Bulgaria can attend nursery and kindergarten completely free of charge.¹⁰⁰ – Kindergartens may include nursery groups for children from 10 months to 3 years of age. These groups are under the joint responsibility of the Ministry of Health and the Ministry of Education and Science. If there is a shortage of nursery groups in the relevant municipality and if there are available places, children may start kindergarten at 2 years of age.¹⁰¹	– Child day-care services (nurseries) are available in both public and private formats, however parents tend to choose private nurseries only if there are insufficient places in public ones.¹⁰²
Croatia	– Although policies on ECEC in Croatia, for example, the Preschool Education Act (2013) or the National Curriculum for ECEC (2014), are decided at national level and ECEC is under the responsibility of the Ministry of Science and Education, the establishment and funding of kindergartens is under the jurisdiction of local authorities (counties, cities and municipalities).¹⁰³	– Kindergartens can be started privately and funded by individuals or other organizations, such as religious communities.¹⁰⁴

⁹⁹ Eurydice database.

¹⁰⁰ Now that kindergarten is free of charge: laying the foundations for future pre-school policy change in Bulgaria, <https://www.frontiersin.org/articles/10.3389/feduc.2023.1191355/full>

¹⁰¹ Eurydice database.

¹⁰² Early childhood development in Bulgaria. A study of the systems supporting early childhood development, the interaction and cooperation between them and with parents, <https://www.issa.nl/sites/default/files/u327/Executive%20Summary%20ECD%20in%20Bulgaria%20-%20English%20version%20edited.pdf>

¹⁰³ Eurydice database.

¹⁰⁴ Understanding family-school relationships in Croatia. Policy context: early childhood education and care in Croatia, https://ebrary.net/227806/education/understanding_family_school_relationships_croatia

Croatia	– ECEC delivered in kindergartens and other legal entities falls under the overall responsibility of the Ministry of Science and Education. – ECEC is provided by kindergartens and other legal entities that have established educational programmes for children aged 6 months to primary school age (under the age of 7 years) in accordance with the provisions of the Act on Preschool Education and Care. – ECEC is divided into three educational cycles, based on children's ages: (i) children aged 6 months to 1 year; (ii) children aged 1–3 years; (iii) children aged 3 years to the start of primary education (under the age of 7 years). – A kindergarten can be established by the Croatian authorities, local and regional self-government units, religious communities and other legal and natural persons.¹⁰⁵	– In addition to kindergarten, children can also participate in other pre-primary and preschool programmes provided in other legally recognized institutions, both public and private: primary schools and playgroups in libraries and other health, social, cultural and sports organizations.¹⁰⁶ – A small number of children attend home-based provision, which falls under the responsibility of the Ministry of Labour and Pensions, Family and Social Policy.¹⁰⁷ – Private kindergartens owned by individuals can also exist, including various alternative kindergartens (Montessori, Waldorf, Agazzi).¹⁰⁸
Czechia	– Children's groups provide non-profit childcare services for children from 6 months until compulsory schooling (6/7 years of age). – Children's groups are regulated by the Ministry of Labour and Social Affairs under the terms of the Act on Children's Groups. – Pre-primary education is provided in nursery schools designated for children from 2 to 6 years of age.¹⁰⁹ – Until March 2012 nurseries belonged to healthcare facilities falling under the competence of the Ministry of Health.¹¹⁰	– Care for children from birth until 3 years of age can also be provided in childcare facilities for children under 3 years of age, established according to the Trade Licensing Act. – Children's groups can be established by employers (private, public and state organizations) for their employees, by various non-profit entities (municipalities, regions, church organizations, benevolent corporations etc.), and in groups of up to 4 children also by childminders.¹¹¹ – In 2013 the Ministry of Health decided that there is no need to provide childcare services (taking care of healthy children and their comprehensive development) as a form of health care and all nurseries had to change their legal status.

¹⁰⁵ Eurydice database.¹⁰⁶ Eurydice database.¹⁰⁷ Eurydice database.¹⁰⁸ How to enroll kids in kindergarten (vrtić) in Croatia (updated in 2023), <https://www.expaticroatia.com/kindergarten-vrtic/#types>¹⁰⁹ Eurydice database.¹¹⁰ Early Childhood Education and Care: Czech Republic, <https://familyandjob.eu/early-childhood-education-and-care-czech-republic/>¹¹¹ Eurydice database.

Czechia	– Since April 2013 a nursery may be operated as a professional business facility. Service providers are required to meet certain standards, such as the professional competence of the entrepreneur and qualifications for nurses, as well as specific hygiene requirements and other legal conditions. – In 2014 a new law was introduced on providing child care services in so-called “child groups” on a non-commercial basis and as an alternative to the official preschool educational system in the Czech Republic. Child groups are designated for children from 1 to 6 years of age.
Estonia	– The division of responsibilities between the state, local government and schools is clearly defined. At the level of legislative and administrative power, parliament, the Government of the Republic of Estonia, and the Ministry of Education and Research administer the education system. The Ministry is responsible for developing and adopting national curricula, educational standards, national development plans and state supervision, among other responsibilities. At the local level, municipalities and towns are primarily responsible for ensuring access to general education from preschool to upper secondary education, compulsory school attendance, and maintaining preschool institutions and schools.¹¹² – Since 2014, Estonian national policies have established that local governments — that is, town and rural municipalities — are obliged to provide all children aged 1.5 to 7 years old who permanently reside in their catchment area the opportunity to attend a local preschool childcare institution.¹¹³ – Kindergartens are supervised by the Ministry of Education and Research, while childcare institutions are supervised by the Ministry of Social Affairs.¹¹⁴ – A guaranteed place at kindergarten is available to all children between the ages of 18 months and seven. – Local governments have the duty to ensure all children aged 1.5 to 7 years residing in their catchment area and whose parents so wish an opportunity to attend preschool.

¹¹² OECD (2020) “The context of early learning Estonia”, Chapter 2 in Early Learning and Child Well-being in Estonia, <https://www.oecd-ilibrary.org/sites/24d65b83-en/index.html?itemId=/content/component/24d65b83-en>

¹¹³ See note 112.

¹¹⁴ Eurydice.

¹¹⁵ See note 112.

Estonia	- Kindergarten attendance among children aged 1.5 to 3 years is 81% (Estonian Education Information System 2020). - In both preschools and childcare services, parents cover the enrolment fee and the cost of meals. The fee differs by the age of the child and depends on the administrative costs of the institution and other aspects, but it may not amount to more than 20% of the minimum wage.¹¹⁶ The Estonian Social Insurance Board and the local government provide financial support for education, transport, and any extracurricular activities.¹¹⁷ - Parents are free to choose the preschool institution or childcare provider they prefer. - Estonia's provision of preschool education is predominantly public. Municipal preschool institutions represented 90% of the total number of childcare institutions in the 2018/19 academic year.¹¹⁸	
Hungary	- ECEC comprises two stages and is bi-sectoral (social care and education). - The first stage is the provision of non-compulsory institutional care for children aged 0–3 years, either with full fees or subsidized by the state — nursery. - The second stage is mandatory for all children (with the possibility of exemptions) from the age of 3 to school age, and it is free of charge – kindergarten. - Nurseries are supervised by the Ministry of Culture and Innovation, whereas kindergartens, as part of the public education system, fall under the responsibility of the Ministry of the Interior. - All forms of formal care for children under the age of 3 are considered nursery care and must be provided within that framework. - Since 1 January 2017, daycare for children has been provided in two forms: centre-based provision (nurseries and mini-nurseries) and non-centre-based (family and workplace nurseries).¹¹⁹	- Nurseries may provide a “residential service”, up to 24 hours of continuous care for children whose parents are temporarily unable to take care of them. The service can also be provided during weekends and holidays, but its duration may not exceed 10 days of care per child within a school year. - Another institutional service is the “playgroup”. In playgroups, children and parents can play together — with the help of the person providing nursery services.¹²⁰ - Alternative forms of childcare include: - mini-nurseries — institutions providing professional nursery care and education in smaller groups, and under simpler rules on personnel, materials and operations; - workplace nurseries — a daycare service maintained by an employer primarily for the children of employees.

¹¹⁶ Eurydice database.

¹¹⁷ Expat Guide (ND) Raising children and childcare services in Estonia, <https://www.expats.com/en/guide/europe/estonia/16505-childcare-in-estonia.html>

¹¹⁸ See note 112.

¹¹⁹ Eurydice database.

¹²⁰ Eurydice database.

Hungary	Nurseries are the most common providers of childcare for children under the age of 3. In the system of nursery care, “nursery” refers to the traditional institution that provides daycare in accordance with the national core programme of nursery education and care. In addition to basic care, nurseries can support families by providing special advisory services, temporary childcare, a residential service and other childcare services.¹²¹	Early childhood education and care services (like all other levels of education) also have private providers, and are funded mainly through fees paid by parents.¹²²
Latvia	- Since 2011, all children in Latvia have had a legal entitlement to ECEC from the age of 18 months.¹²³ Integrated ECEC is available to children from 18 months to 7 years of age. - The Ministry of Education and Science is responsible for ECEC. - All institutions and programmes fall under the responsibility of the Ministry of Education and Science.¹²⁴ The founders of preschool educational institutions are local governments (for public preschools) or physical or legal entities (for private preschools). - The majority of children attend preschool educational institutions (kindergartens) — almost 85% in 2018/2019.	- Private provision has grown in recent years, particularly in larger cities. - The legal foundations for ECEC institutions, whether public or private, are laid down in the Law on Education, the Law on General Education, the Law on Local Governments and the regulations approved by the institution's founder, as well as various other regulatory enactments regarding health and safety. - Private institutions can be founded by people or legal entities such as foundations and non-governmental organizations (NGOs). - Latvia also has family day carers, commonly referred to as “child-minders”, who are qualified private persons offering child-minding services. They are registered in the Register of Child-Minder Services that is also managed by the SEQS. Registered child-minders are required to have certain qualifications and are supervised by the State Inspectorate for the Protection of Children's Rights. - Parents who are forced to enrol their children in private ECEC due to a shortage of public places can obtain co-financing from the local government and/or central government.¹²⁵

¹²¹ Eurydice database.

¹²² OECD (ND) Starting Strong IV. Early Child Education and Care. Data Country Note. Hungary. Available at: <https://web.archive.org/2016-12-09/422954-ececdncn-hungary.pdf>

¹²³ OECD (2016) “Early childhood education in Latvia”, in Education in Latvia, <https://www.oecd-ilibrary.org/sites/9789264250628-5-en/index.html?itemId=/content/component/9789264250628-5-en>

¹²⁴ See note 123.

¹²⁵ See note 123.

Lithuania	- In Lithuania, early childhood education and care (ECEC) provision is divided into two parts. The first is non-obligatory pre-school education. This is for children from birth until they begin pre-primary education (at around 6 years of age). The second part of ECEC provision is a compulsory year of pre-primary education. - State and municipal kindergartens, and private ECEC settings provide pre-school education.¹²⁶ - Preschool education is supervised by the Ministry of Education, Science and Sport. - Partly financed by the state and LPAs with a parental contribution of around €100.¹²⁷ - 101 places per 100 children attending preschool educational institutions in 2022.¹²⁸	- Publicly regulated ECEC cannot be offered in a provider's home. - Nannies may obtain a business licence, but there is no control mechanism. - Some companies have opened childcare spaces in the workplace for small groups of children who are taken care of by nannies.¹²⁹ - Some ministries and the government have opened child playrooms where children are taken care of by one of the parents working at the institution.¹³⁰
Poland	- The childcare system is supervised by the Ministry of Family and Social Policy. - Provided mainly by private providers, but public services also exist. - Recent reform expanded the coverage of public creches in the majority of municipalities. - Public ECEC services are cheaper, but a parental contribution of up to PLN 600 is required.¹³¹ - 116 places per 100 children (including private) attending care facilities in 2022.¹³²	- Nurseries and kids' clubs can be established and managed by LPAs, individuals, corporations and organizational units (including NGOs). - Home-based care is provided by either day-care providers for a small number of children (employed by LPAs or self-employed) or nannies (employed on the basis of a written contract for home-based provision agreed with the parents).¹³³

¹²⁶ Eurydice.

¹²⁷ Website of the Ministry of Education, Science and Sport on preschool education.

¹²⁸ Lithuanian Official Statistical Portal.

¹²⁹ Delfi (2020) Child care in the office: a luxury that employees of several Lithuanian companies already have, <https://www.delfi.lt/darbas/darbo-aplinka/vaiku-prieziura-biure-prabanga-kuria-jau-turi-keliu-lietuvos-imoniu-darbuotojai-84689471>

¹³⁰ 15 min (2018) "A children's room has been opened in the government", <https://www.15min.lt/verslas/naujiena/kvadratinis-metras/vyriausybeje-atidarytas-vaiku-kambarys-971-970460>. Republic of Lithuania Ministry of the Interior website: The Ministry of the Interior takes care of the well-being of employees — a children's room has been opened, <https://vrm.lrv.lt/lt/naujienos/vrm-rupinasi-darbuotoju-gerove-atidarytas-kambarys-vaikams>

¹³¹ Eurydice Poland, Ministry of Family and Social Policy. ACT of 4 February 2011 on care for children under the age of 3.

¹³² Statistics Poland.

¹³³ Ministry of Family and Social Policy. ACT of 4 February 2011 on care for children under the age of 3.

Romania	- The Ministry of Education, the Ministry of Health, and the Ministry of Labour and Social Protection coordinate the ECEC system for children up to 3 years of age. - Early childhood education and care (ECEC) (for children from birth to the age of 6) is part of school education and includes pre-preschool education (for children aged 0–3) and preschool education (for children aged 3–6). - Pre-preschool education is delivered in crèches, kindergartens and day-care centres. - Day-care centres are the responsibility of the Ministry of Labour and Social Justice and are overseen by town halls and child protection departments (they offer care and protection services for children from birth to the age of 18). - Public services are free of charge with a parental contribution for meals (up to €4 per day) when children attend for longer periods (10 hours/day) or weekly ECEC programmes. - Attendance at ECEC services for children under 3 years of age (crèches) is very low (only 6.8% in 2020¹³⁴), especially in rural areas.¹³⁵ - Above 50% of children up to 3 years of age received informal childcare for at least one hour a week in 2019.¹³⁶	- It is possible to initiate and organize educational alternatives in the preschool education system, with the approval of the Ministry of Education. - Educational alternatives are less common in crèches (for children up to 3 years of age), given that crèches are not yet fully under the coordination of the Ministry of Education. - No publicly regulated ECEC provision is delivered in a provider's home.¹³⁷
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¹³⁴ Eurochild (2022) (In)visible children. Report on children in need across Europe.

¹³⁵ Eurydice Romania.

¹³⁶ UNICEF (2021) Where do rich countries stand on childcare? <https://www.unicef-irc.org/publications/pdf/where-do-rich-countries-stand-on-childcare.pdf>

¹³⁷ Eurydice Romania.

Slovakia	– Childcare facilities for children under 3 years of age are not a formal responsibility of any of the ministries. – Provision of formal childcare for children under 3 years of age relies on municipalities and private providers.¹³⁸ – Preschool education for children under 3 years of age is provided in nurseries. – Parents need to pay for nurseries, although they are entitled to a parental childcare allowance (up to €280 per month).¹³⁹ – Only 6.3% of children under 3 years of age are enrolled in ECEC. – Above 60% of children below 3 years of age were taken care of solely by parents in 2019. – Around 40% of children below 3 years of age received informal childcare for at least one hour a week in 2019.¹⁴⁰	– Child groups are a form of childcare provided to small groups of children (up to four) in a domestic environment. Providing care in a child group is authorized on condition of registration in the social services registry kept by the relevant higher territorial unit.¹⁴¹
Slovenia	– The Ministry of Education is in charge of ECEC. – Children are entitled to a kindergarten place from the age of 11 months. – Kindergartens fall under the responsibility of LPAs (municipalities). – If a child does not get a place in a public kindergarten, the municipality must co-fund the cost of a private ECEC provider. – The average price of a daily programme in a public kindergarten for children up to 3 years of age is €512. The parental payment is based on monthly household income and income bracket. There are also options to reduce payments.¹⁴² – 78% of children below 3 years of age were participating in pre-school education in the school year 2022/2023.¹⁴³	– Home-based care of preschool children can be provided by childminders. They have to be entered in the register of childminders at the Ministry of Education. In the 2022/2023 school year, 334 childminders were registered with the Ministry.¹⁴⁴

¹³⁸ ESPN Flash Report 2018/60. Improving access to formal childcare for children under three in Slovakia. <https://ec.europa.eu/social/BlobServlet?docId=19998&langId=en>

¹³⁹ Eurydice Slovakia.

¹⁴⁰ See note 136.

¹⁴¹ Eurydice Slovakia.

¹⁴² Eurydice Slovenia, Government of Slovenia website.

¹⁴³ Republic of Slovenia. Statistical Office.

¹⁴⁴ Eurydice Slovenia, Government of Slovenia website.

