

Expert report

Antonia Scholz  
Katharina Erhard  
Sophie Hahn  
Dana Harring

# Inequalities in Access to Early Childhood Education and Care in Germany

The Equal Access Study

# Impressum

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Abteilung Kinder und Kinderbetreuung

Nockherstraße 2

81541 München

**Telefon** +49 89 62306-0

**Fax** +49 89 62306-162

**E-Mail** [icec@dji.de](mailto:icec@dji.de)

**www.dji.de**

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**The German Youth Institute (Deutsches Jugendinstitut e.V., DJI) is one of Germany's largest social science institutes focusing on research and development around the topics of children, youth and families, as well as the political and practical areas related to them.**

The German Youth Institute is based in Munich with a branch office in Halle/Saale. Founded in 1963, its supporting organisation is a non-profit association whose members stem from the political and academic spheres, as well as from other associations and institutions dedicated to the support of children, youth and families. Its institutional budget is primarily funded by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), and, to a lesser degree, by the German federal states (Länder). Additional financial contributions are made by the Federal Ministry of Education and Research (BMBF) as part of the Ministry's project funding, and by various foundations, the European Commission and institutions for the promotion of research.

The International Center Early Childhood Education and Care (ICEC) was established at the Department of Children and Childcare at the German Youth Institute in 2012. Conceived as a Joint Research Center, the ICEC bundles empirical research with scientific policy consultation and professional practice. The ICEC supports the international transfer of knowledge, political concepts and experience, thereby enabling Germany to draw on insights from other countries. In this connection, the ICEC is also actively involved in international panels and networks in the field of early childhood education and care (ECEC). The Equal Access Study is a comparative research project carried out by the ICEC from 2017 to 2020. The focus of the study is the accessibility of ECEC services in Canada, Germany and Sweden, with an emphasis on persistent access barriers at the local level of service provision.

The ICEC is funded by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.

Publications within the Equal Access Study:

Volume 1 – Research Concept & Study Design

Volume 2 – Inequalities in Access to Early Childhood Education and Care in Germany

Volume 3 – Inequalities in Access to Early Childhood Education and Care in Sweden

Volume 4 – Inequalities in Access to Early Childhood Education and Care in Canada



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# 1.

## Introduction

This report is part of the *Equal Access Study*, a cross-country comparative research project on the problem of equal access to early childhood education and care (ECEC)<sup>1</sup> in Canada, Germany, and Sweden. The *Equal Access Study* is currently being conducted by the International Centre Early Childhood Education and Care (ICEC) at the German Youth Institute (DJI). This text is part of a series of three country reports<sup>2</sup> and focuses on the issue of (un)equal access to ECEC in Germany. It provides an overview of current ECEC enrolment patterns and discusses the potential link between the institutional framework of ECEC and persisting access barriers for certain groups of children.

Across the international community, ECEC is increasingly understood as a means for ensuring social justice and equal opportunities (Böhme 2017; Lazzari/Vandenbroeck 2012). This shift in perception has led to the widespread notion that especially disadvantaged children *should be* enrolled in early childhood education and care. Despite such high expectations and increasing recognition of ECEC in social policy circles, research from across Europe shows that children from disadvantaged backgrounds are still less likely to take up ECEC services. Consequently, the problem of equal access has moved to the forefront of political debates and is a timely and important matter that needs to be researched (Vandenbroeck/Lazzari 2014). Some of the explanations provided by research have been criticised for overemphasising parental choice as a determinant for low ECEC enrolment (ibid.). At the same time, knowledge about the way institutional frameworks and steering decisions might create, sustain or contribute to existing inequalities is still limited. Similar to a small number of previous contributions, the *Equal Access Study* and this report aim to go some way to further addressing these gaps in research.

This report does not see enrolment patterns in themselves as being indicative of inequalities in access. Instead of questioning parental choices on ECEC enrolment, the authors adopt an approach that looks at structural conditions, potential barriers within ECEC systems and whether or not services are able to respond to the diverse needs of families and children in an increasingly heterogeneous society. Throughout the report, the stance is taken that certain structural premises need to be fulfilled to enable families to make use of services if they wish to do so regardless of their social or cultural background. This text, therefore, provides a detailed overview of the German ECEC context with its socio-historical development, governance structure and regulations. The report raises questions about how

1 The concept of early childhood education and care (ECEC), as used in this report, is based on the definition of day care given in the Child and Youth Service Act that was introduced in Germany in 1991. According to Section 22 of this legislation, ECEC settings should foster the upbringing (*Erziehung*), education (*Bildung*) and care (*Betreuung*) of young children. Both in their organisational and pedagogical directionality they should respond to the needs of children and families (Oberhuemer 2012).

2 The reports on equal access in Canada and Sweden can be accessed under the following link: [www.dji.de/ceec-e](http://www.dji.de/ceec-e)

such aspects might create both opportunities and challenges for (un)equal access. Throughout the report, the authors investigate *which children* are left out and seek answers on *why* this may be the case.

Previous research in the fields of developmental psychology and early childhood education has demonstrated that attendance of ECEC settings is only able to have a positive effect on the cognitive development and educational trajectory of children if they meet high-quality standards (Anders 2013; Barnett 2011). Therefore, the report not only looks at the problem of access in general but also raises questions about access to *high-quality* services.

## 1.1 The case of Germany

Over the last two decades, the German system of early childhood education and care, which comprises different forms of regular ECEC services<sup>3</sup>, has undergone significant changes. Once a marginalised policy area, ECEC has experienced an important upturn and is now at the forefront of political debates and measures. Since 2005 this has led to a quality-oriented, needs-based expansion of the German ECEC system. This development was further backed by the introduction of the universal entitlement in 2013 for all children, starting with their first birthday<sup>4</sup>. In a country like Germany, where (in the former West) formal childcare arrangements have played a subordinate role historically, these changes not only constitute a fundamental shift in paradigm but are also an important prerequisite for more equality in access to early childhood education.

Nevertheless, the question of access equality remains a crucial one as ECEC provision continues to be characterised by a strong discrepancy in the availability of and demand for services. Indeed, Germany still faces a number of challenges, such as the current shortage of qualified ECEC staff required to further the expansion process. Policymakers, in turn, are confronted with the double burden and often ambivalent aims of driving forward both the necessary quantitative expansion of services and the development and assurance of quality ECEC. The fact that there are still not enough (high-quality) ECEC services available to meet the ever-increasing demand begs the question as to which groups of children are currently enrolled

<sup>3</sup> In Germany, publicly funded ECEC services are provided in the form of either day care centres or family-based care.

<sup>4</sup> At the national level these changes were mainly triggered by the Day Care Expansion Act (*Tagesbetreuungsbaugesetz*) and the Childcare Funding Act (*Kinderförderungsgesetz*). Both of these reforms are of crucial significance to the problem of equal access to ECEC and are examined in greater detail in chapters three and four.

in ECEC settings and whether or not all children are afforded equal opportunities to benefit from high-quality early childhood education and care.

Moreover, recent decades have seen major social and demographic changes across industrialised western countries that have resulted in a growing demand for public ECEC provision. Services have been increasingly able to respond to the needs of a diversified society, and this is also visible in the case of Germany. According to the national migration report, Germany is the main immigration country in Europe. By 2015 one-fifth of the country's population had a migration background. Approximately one-third of children below the age of ten have at least one parent with a migrant background (Bundesamt für Migration und Flüchtlinge 2016). Moreover, in recent years the number of people who have sought refuge from war, destruction, and persecution has increased sharply. 2015 was characterised by the highest ever number of people seeking refuge in Germany<sup>5</sup>. While there is currently no reliable data on the exact number of refugee children who entered the country during this period, there are estimates that at least 140,000 refugee children below the age of six had come to Germany by 2016 (Baisch et al. 2017; Schilling 2016). Since refugee families are especially likely to be affected by poverty, these changes also demand further consideration of poverty prevention and the role ECEC could play in this.

But also in more general terms and beyond the situation of newly arrived refugee families, poverty rates in Germany are a crucial reason for taking a closer look at current access conditions. Recent reports and official statistics show that the number of people affected by income-related poverty<sup>6</sup> is on the rise in Germany (Priemer et al. 2016). According to recent statistics, 36 percent of families with children have experienced income-related poverty at one point or another. Longitudinal studies show that more than half of the children who experience poverty live in these circumstances for ten years or longer (Bundesministerium für Arbeit und Soziales 2017; Laubstein 2012). Single parent households, families with a migration background, ethnic minority families and families affected by unemployment have been shown to be affected more frequently by poverty. These numbers demonstrate that early childhood education and care increasingly has to respond to diverse circumstances, needs and values. The problem of (un)equal access should, therefore, be investigated by taking into account the actual structural availability of the services and other, perhaps more subtle, institutional processes and mechanisms, that might lead to the non-intentional exclusion of certain groups of children.

<sup>5</sup> In 2015, 476,649 asylum applications (first and subsequent asylum applications) were registered. This constitutes an increase of 135 percent in comparison to the preceding year (Bundesamt für Migration und Flüchtlinge 2016).

<sup>6</sup> Within the EU, poverty is commonly measured by using relative income poverty lines. This involves working out the average or median of equalised household incomes in a country. A poverty line is then set which is a percentage of that average income.

## 1.2 Research background

Research on differences in ECEC enrolment of diverse groups in Germany has predominantly focused on barriers within families and on the way parental beliefs and values overlap with socio-economic and cultural background. Parental attitudes and preferences of childcare are frequently explored vis-a-vis educational and/or occupational status, work-care ideals of different social groups and migration background. In this section, a brief overview of previous research findings is given and a plea is made for a complementary research perspective on (un)equal access opportunities.

### **Educational/occupational status**

The educational background of parents has been identified as an important factor for parents' aspirations to return to work and whether they are likely to take up ECEC services. Overall, parents with a lower level of education are thought to have fewer chances of being (re-)hired when they interrupt their careers for reasons such as child-rearing<sup>7</sup> (Konietzka/Kreyenfeld 2010). As a result, their prospects for re-entering the labour market are lower than for parents with higher qualifications, and their re-entrance is more likely to be delayed. Research, moreover, suggests that mothers with low levels of education have weaker incentives to return to the labour market and to keep interruptions to employment short. This is thought to be in contrast to the aspirations of better educated mothers, who tend to work in highly specialised jobs and feel that extended periods of parental leave may be detrimental to their career prospects. Generally speaking, they are thought to experience a higher loss of income, to tend to return to work earlier than mothers with lower educational qualifications (Stahl/Schober 2017) and, therefore, make more frequent use of ECEC.

### **Work-care ideals**

Attitudes towards gender roles and the division of paid labour are also frequently cited as important determinants of ECEC enrolment. For example, the work-care ideals of working-class parents have been shown to be more traditional and in conflict with the early use of formal childcare services (Fuchs-Rechlin/Bergmann 2014; Alt et al. 2012; Geier/Riedel 2008). Due to different understandings of motherhood and childcare, an early return to work might be more taxing psycho-

7 In Germany, employees are given a guarantee of being able to return to their job position prior to parental leave for up to three years. However, this is only the case for employees on permanent contracts. Temporary staff and employees on fixed term contracts are not legally protected in the same way.

logically for women with lower educational qualifications (Stahl/Schober 2017). This argument is also widespread in research on the childcare usage of migrant families in Germany who are thought to come from ‘more traditional societies’ and, as a consequence, might be accustomed to childcare values that more strongly correspond with traditional gender roles. Migrant women are thought to be less likely to (re-)enter the labour market after childbirth due to a reluctance to use extra-familial childcare (Burghardt/Kluczniok 2016).

### **Cultural barriers**

‘Cultural barriers’ are a third factor that is frequently thought to influence ECEC enrolment. They are frequently discussed as being interchangeable with migration background<sup>8</sup>. The primary argument here is that migrants tend to have fewer resources related to the German national context such as German language proficiency and knowledge of German culture (Becker/Biedinger 2016). This may lead to a lack of information about (access to) the German ECEC system. The latter may be especially problematic as social networks may play a crucial role in the exchange of information on how to successfully secure a childcare place. In any case, migrant families are more likely to have social links to other migrant families, again leading to fewer opportunities to benefit from informal channels of information (Burghardt/Kluczniok 2016; Becker 2007).

Additionally, it is argued that the educational values of migrant families tend to differ from those of the majority population (Stichs/Rotermund 2017; Becker 2007). Some research suggests that migrant parents tend to have higher expectations of ECEC as an educational institution. They tend to be more sceptical about the benefits of play for young children’s cognitive development and future educational attainment (Alt et al. 2016; Lokhande 2013). Additionally, migrant parents may experience difficulties in seeking out ECEC centres that adequately support their wish to promote knowledge of the family language, cultural heritage or religion.

### **Expansion of the research perspective**

In recent years, there has been some heated debate about the perspective of parental choice and critical voices in the field have started to point out that childcare usage patterns are also down to structural constraints (Pavolini/van Lancker 2018). Parents from certain social and cultural milieus have been shown to be at a disadvantage when it comes to meeting their requirements for publically organised childcare in Germany (Alt et al. 2012). The discussion of existing literature shows that most

<sup>8</sup> For a summary of mechanisms that may lead to ethnic disparities in attendance and choice of ECEC, see Becker (2007).

work on the matter of (un)equal access to ECEC adopts a perspective of parental choice within certain framing conditions<sup>9</sup>. However, the direction of causality may also be reversed and it has to be borne in mind that the choices parents make are not unrestricted. As briefly mentioned above, parental decisions are frequently shaped by information asymmetries and structural constraints such as the scarcity of ECEC places in general or in certain neighbourhoods (Mierendorff et al. 2015). Parents with lower qualifications or migrant families may face higher obstacles to obtaining a place in ECEC for their child and, therefore, refrain from returning to the labour market. Consequently, investigating potential structural barriers to equal access to ECEC as something that might be promoted through political actions and structures within ECEC systems themselves might be an important extension to the currently predominant demand-driven perspective on this subject matter.

Such an extended perspective acknowledges that the social location of families interacts with certain structural constraints. This means that the system might work for some groups of parents but not for others. For example, the geographical proximity of available ECEC places may play a more significant role for families from a lower socio-economic background, since they are less mobile across city districts (Hogrebe 2016). At other times, the kinds of structural constraints this report is interested in might be subtler, not readily observed and only indirectly linked to the organisation of ECEC provision. For instance, families from a low socio-economic background are more likely to live in municipalities with a very tight financial budget and, therefore, fewer possibilities to invest in ECEC provision. In other words, in municipalities where investment in ECEC would be especially important, it is even more restricted (Bundesministerium für Familie, Senioren, Frauen und Jugend 2013).

A recent local study conducted in Munich is another example of the need to include structural aspects in research on equality of access to ECEC. The study shows that public transport discounts available to newly arrived refugee families are only applicable at certain times throughout the day, and do not include the peak times at which children are usually taken to and picked up from ECEC settings. Parents experience this as a stumbling block to their children's attendance in ECEC (Cholewa et al. 2016).

Parental employment may not be the only reason for the differential enrolment of children of parents with lower and higher educational levels. Alternative or additional obstacles for less well educated parents may be ECEC fees, lack of knowledge on how to apply for ECEC, or access criteria indirectly favouring better educated parents. For example, in Germany, many providers/municipalities give priority to

<sup>9</sup> Parents, in line with their resources (e.g. income, language skills, knowledge of the German ECEC system) and moral values (e.g. work and care ideals) weigh up the costs (e.g. lost income, psychological costs of giving the child away) and benefits (e.g. positive outcomes of ECEC for child development, positive outcomes for career and pension) and choose the best option.

children whose parents have an employment contract (or have the prospect of an employment contract). Less well educated parents have fewer chances to obtain such a contract and a smaller range of options for ECEC places. However, conversely, not having a place in ECEC might add to the difficulties of applying for jobs. In addition, low-income families are unable to make use of more expensive types of for-profit settings and are less likely to live in neighbourhoods where parent initiatives are available (Hogrebe 2017).

These obstacles for less well educated parents might be particularly strong in regions and municipalities where ECEC places are scarce, and parents have to compete with many other families to obtain an ECEC place for their child. Such and similar insights suggest that the problem of (un)equal access raises questions that should be answered at a structural and systemic level, rather than through a sole focus on the potential barriers to ECEC attendance that might exist within families.

## 1.3 Conceptual framework and research questions

In this report, we follow the outlined complementary approach that focuses on the way ECEC in Germany is regulated, organised and steered and the extent to which this system is able to respond to the diverse needs of children and families from disadvantaged backgrounds and cultural minorities. Consequently, the concept of access is investigated with reference to four key dimensions of equal ECEC access. Namely, these four dimensions are *availability*, *affordability*, *accessibility*, and *adequacy*. This categorisation of factors that can both facilitate and hinder equal access has been established on the basis of the analysis of successful practices and policy reforms across EU member countries<sup>10</sup> (Vandenbroeck/Lazzari 2014; Lazzari/Vandenbroeck 2012). According to this conceptual framework, ECEC systems facilitate equal access if they fulfil certain criteria related to these four principles. The report, therefore, investigates the problem of access on the basis of these four categories and raises a number of questions about the German ECEC system, current enrolment patterns and persistent access barriers:

<sup>10</sup> The investigation was funded by the European Commission and carried out by Vandenbroeck and Lazzari in 2012. The authors analysed studies that looked at barriers to ECEC participation and investigated best practice examples regarding practices and policy across Europe. The four criteria (availability, accessibility, affordability and adequacy) mentioned above resulted from this analysis. A more in-depth discussion of the way the conceptual framework is linked to the research aims and objectives of the Equal Access Study can be found in the conceptual paper on the study under the following link: [www.dji.de/ceec-e](http://www.dji.de/ceec-e)

- **Availability:** How widely available are services geared towards different age groups and under-three-year-old children in particular? How are these services distributed geographically and are there notable differences between poor and more affluent housing areas or between rural and urban areas? What measures have been taken regarding the availability of childcare services in Germany? Are services equally available across the country?
- **Affordability:** How affordable are ECEC services in Germany and how are they funded? Are all parents, regardless of social background, able to afford high-quality ECEC for their children? Are measures such as public subsidies in place to ensure that services are accessible to all parents? Are there other costs involved (i.e. financial costs not included in the subsidised fees; social ‘costs’ such as the stigmatisation of being in ‘need’) both financially and socially?
- **Accessibility:** How is access to ECEC regulated? Are there any (additional) implicit or explicit barriers in the form of enrolment procedures, place allocation or language barriers, etc. that can be observed? Are some families more likely to benefit from existing regulations such as income-related fees and subsidies than others? Are there any redistributive measures or initiatives in place that are meant to ensure equal access, and what do we know about them?
- **Adequacy:** To what extent do services meet the demands of families within German society? Are the opening hours and attendance requirements of ECEC services attuned to the demands of children and parents from diverse social and cultural backgrounds? Does the current ECEC system foster a constructive dialogue between services and families, thereby furthering knowledge about both the organisation of ECEC in Germany and the benefits of early learning environments? Is ECEC organised in a mono-cultural manner or does it take into account diversity? Is the system likely to win the trust of parents whose needs, values and demands differ from those of the majority population or more privileged parents?

Despite political efforts to make the ECEC system in Germany more inclusive through the expansion of services and subsidised fees, questions about the responsiveness towards diversity remain. By addressing potential hindrances to access that are related to the dimensions of accessibility and adequacy, the report takes into account mechanisms and potential barriers beyond cost-related factors and the extent to which services are in place.

## 1.4 The structure of the report

The report consists of four chapters that provide the reader with an overview of the historical development of the ECEC system in Germany, its governance structure, recent policy reforms, enrolment rates and potential access barriers within the current system.

1. *Chapter two* presents data on current enrolment patterns across Germany and discusses who currently uses ECEC and who is left out. This chapter also raises questions about the kind of quality children have access to and whether or not children are likely to benefit equally from services of a high pedagogical standard. It highlights the tight-knit relationship between social disparities and geographical disparities in terms of service provision.
2. *Chapter three* provides an overview of the German welfare context in which ECEC is embedded. The chapter not only elucidates the German welfare tradition but also gives an overview of the historical development of ECEC in Germany. This is followed by a discussion of recent policy reforms both in the field of ECEC and family policy. It shows that recent policy changes in this field have departed from the traditional trajectory of German welfare provision and that this impacts not only the demand for ECEC services but also enrolment patterns and equal access.
3. *Chapter four* describes the ECEC governance framework in Germany. The problem of (un-)equal access is discussed together with aspects such as legal, political and administrative competencies and responsibilities across different policy levels, the characteristics of service provision as well as funding mechanisms. This chapter also reflects on the key features of the system and on the resulting opportunities and challenges regarding equal access.
4. In the *final discussion* and *concluding remarks*, the main arguments and insights from the report are summarised and persistent gaps in knowledge are identified. The authors also make some suggestions for future research avenues.

# Inequalities in Enrolment in (High-quality) Early Childhood Education and Care in Germany

This chapter provides a first glance at the general participation rates of children in regular ECEC services in Germany. In a first step, an overview of current enrolment patterns is given. Enrolment rates are distinguished by social groups, regional characteristics and age group (zero-to-two-year-olds and three-to-five-year-olds). In a second step, a closer look is taken at the quality of services. Here, data is presented that provides insights into the link between social location and the quality of services children are enrolled in. In the last step, data on the current demand for ECEC places and pedagogical staff is presented.

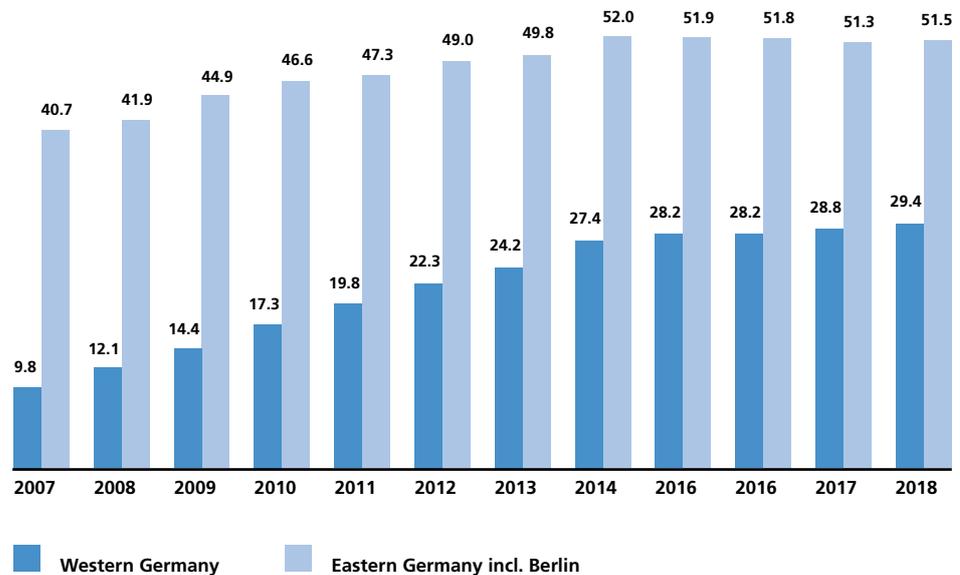
The provision of structural data<sup>11</sup> on the German ECEC system is well developed as a full census is conducted every year by the German Federal Statistical Office. The official statistics have the advantage that they are reliable in terms of representativity: all ECEC centres (about 51,500) and all youth welfare offices (572) are obliged to report their numbers by the first of March of each year. Therefore, these data furnish high numbers of cases that allow for differentiation by year, narrow age groups and other characteristics.

<sup>11</sup> For instance, number and age of children enrolled, number, age, qualification and working hours of ECEC staff employed, legal status of ECEC centre

## 2.1 A glance at current ECEC enrolment rates

According to the official statistics, enrolment rates of zero-to-two-year-old children more than doubled within the last ten years from 15 percent in 2007 to 33.6 percent in 2018 (see Fig. 1). Comparatively, enrolment of three-to-five-year-old children remained stable in the same period with a moderate increase from 89 percent to 93 percent. Of the total enrolment of children under the age of three, 28 percent attended an ECEC setting and 5.1 percent were enrolled in family day care in 2017. The breakdown of the three- to five-year-olds is slightly different: 92.7 percent attended centre-based ECEC and only 0.7 percent attended family day care (Autorengruppe Bildungsberichterstattung 2018).

**Fig. 1: Enrolment of 0–2-year-old children in publicly funded ECEC including family day care 2007–2018 (in percent)**



(Source: Statistisches Bundesamt 2018b, 2017a)

Due to the historically based higher level of ECEC enrolment in the GDR (see chapter 3), enrolment rates are often specified separately for eastern and western Germany. Up to now the enrolment rates for children under the age of three differ by more than 18 percentage points.

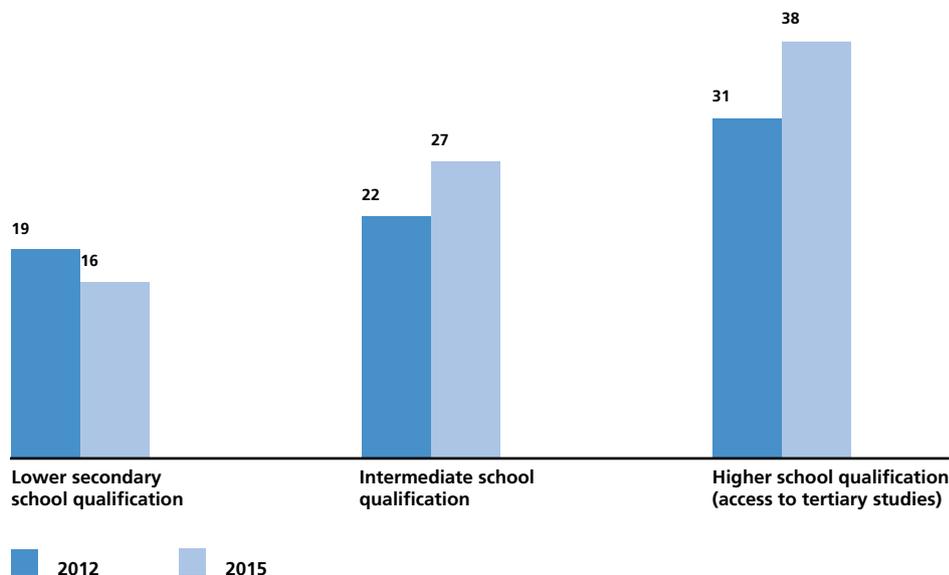
## 2.2 Enrolment rates by social group

Enrolment rates vary markedly between social groups. As official statistics do not differentiate by any characteristics of socio-economic status (e.g. education, income, occupational position/class of parents), other data has to be used to analyse socio-economic differences in access to ECEC, for example, the *KiföG-Länderbefragung*<sup>12</sup> of the German Youth Institute (DJI) in order to detect patterns of enrolment by social group.

### Parental education level

Consequently, in 2015 only 16 percent of parents with a lower secondary school qualification (*Hauptschulabschluss*) enrolled their under three-year-old child in ECEC whereas 27 percent of those with an intermediate school qualification and 38 percent of parents with a higher school qualification entitling the holder to enter tertiary education did so (see Fig. 2).

**Fig. 2: Enrolment rates of 0–2-year-old children in institutional ECEC and family day care by highest parental school qualification (in percent)**



(Source: Autorengruppe Bildungsberichterstattung 2016)

12 An interview-based survey with more than 12,500 parents

Multivariate studies that control for several characteristics like the number of children in the household, marital status, employment status and German citizenship confirm the descriptive finding that a higher educational background of the mother increases a child's chances of being enrolled in ECEC (Skopek 2017; Stahl/Schober 2017; Kreyenfeld/Krapf 2016; Alt et al. 2012).

A recent study based on data from the German National Education Panel Study (NEPS)<sup>13</sup>, for example, shows that children from families with higher educated mothers, higher household income, and higher parental occupational prestige (ISEI) enter ECEC at a significantly earlier age (Skopek 2017). This supports similar earlier findings regarding starting age and social class (Alt et al. 2012). Among the different dimensions of socio-economic status in his study Skopek (2017) observes that maternal education has the strongest effect, with the gap being most pronounced between children aged one and two. These findings can be explained by the fact that the share of children under the age of one enrolled in ECEC is very small due to the option of paid parental leave. From age three on attendance of ECEC is relatively similar between the groups again. This can be traced back to the generally high attendance rate in kindergarten of 93 percent. Although differences between socio-economic groups are worth noting, the study stresses that regional differences between eastern and western Germany are much stronger than social disparities. Children in eastern Germany are enrolled about ten months earlier in formal childcare even after controlling for various household compositional features (Skopek 2017).

## **Migration background**

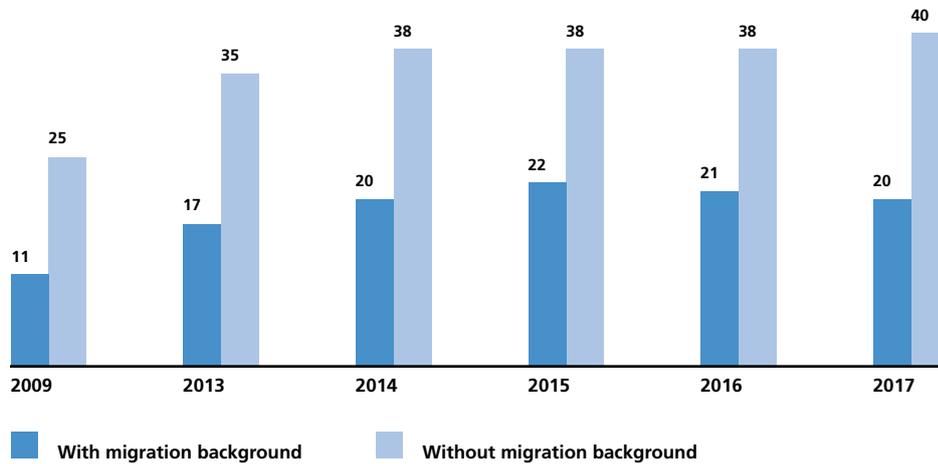
Official statistics do not differentiate by socio-economic characteristics. However, since 2006 enrolment rates differentiated by migration background and non-German family language have been reported<sup>14</sup>.

Whereas in 2017 40 percent of zero-to-two-year-old children with no migration background were enrolled in ECEC, only 20 percent of children with a migration background used external childcare (see Fig. 3).

<sup>13</sup> Starting cohort 2: The sample is representative for children attending kindergarten institutions in Germany in the school year 2010/2011, who were expected to be enrolled in primary school in the year 2012/2013. Thus, they were born in 2005/2006.

<sup>14</sup> Migration background is measured through questions usually directed at the ECEC centre leader if one or both parents of the child have migrated to Germany. Also, centre leaders are asked regarding each child whether his or her family speaks mainly German at home (also referred to as 'mainly non-German family language').

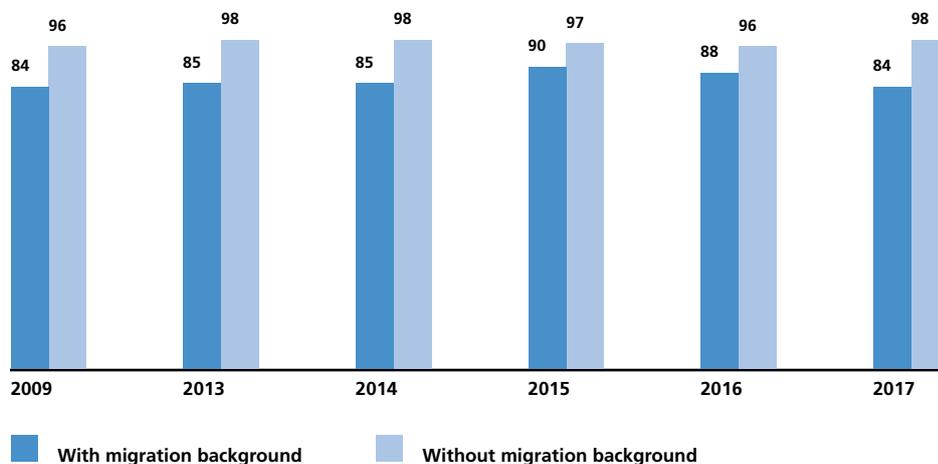
**Fig. 3: Enrolment of 0–2-year-old children in publicly funded ECEC including family day care 2009–2017 by migration background (in percent)**



(Source: Statistisches Bundesamt 2018a; Statistisches Bundesamt 2017b; Jehles/Meiner-Teubner 2016)

Although since 2009 ECEC enrolment in both groups has increased, differences between the groups have been relatively stable despite the legal entitlement to a place in ECEC since 2013 and the expansion of childcare places. Enrolment rates for three-to-five-year-old children are much higher in both groups. However, children with a migration background are still enrolled less often (84 percent in 2017) than children without a migration background (98 percent; see Fig. 4).

**Fig. 4: Enrolment of 3–5-year-old children in publicly funded ECEC including family day care 2009–2017 by migration background (in percent)**



(Source: Statistisches Bundesamt 2017b; Jehles/Meiner-Teubner 2016)

Although a very large majority of children with a migration background has access to ECEC, their starting age is higher compared to children without a migration background (Jehles/Meiner-Teubner 2016).

A study on enrolment rates in 2005 and 2009 finds that, over generations, the enrolment rates of migrant children converge with those of the general population (Lokhande 2013; Alt et al. 2012): only children with a (first- and) second-generation-migration<sup>15</sup> background have lower enrolment rates whereas children with a third-generation migration background do not differ significantly from those without a migration background.

Since 2013 data has shown an increase in the share of children with family backgrounds where German is not the main language spoken. Among the zero-to-two-year old children enrolled in ECEC, the share of children with a family language other than German is smaller than among the three-to-five-year-old children. This suggests that children who predominantly speak a language other than German at home start ECEC at a later age than their peers (Klein/Sonntag 2017; Jehles/Meiner-Teubner 2016; Meiner-Teubner 2016b).

Migration background and family language, however, are characteristics that are strongly related to socio-economic characteristics. On average, parents with a migration background have lower levels of formal or officially recognised education, a lower household income and a higher number of children in the household. These are all factors that lower the chances of children being enrolled in ECEC. However, this trend also holds true for parents without a migrant background but with similar socio-economic characteristics. Recent multivariate studies on the ECEC enrolment of migrants indicate that even when controlling for different variables linked to socio-economic status, minor effects related to migration background can still be observed. This holds especially true for children under the age of three (Becker/Biedinger 2016). However, the impact of migration background on starting age in ECEC net of other covariates is limited (Skopek 2017). Thus, the later and lower ECEC attendance of migrant children seems to be linked first and foremost to their socio-economic situation.

## **Children with a refugee background**

Information on the particular group of newly arrived refugee families and how they (can) make use of ECEC is still scarce in Germany. First of all, no exact data on the

<sup>15</sup> Research on the integration of migrants in Germany often differentiates between three generations of migrants in order to trace assimilation tendencies over generations. According to this, a first-generation migrant has immigrated to Germany herself or himself whereas a second generation migrant is born in Germany and has at least one parent who immigrated to Germany. A third generation migrant has at least one grandparent who immigrated to Germany whereas she/he and her/his parents were born in Germany.

number of children seeking protection in Germany are available. The numbers are usually estimated on the basis of statistics on asylum applications (Autorengruppe Bildungsberichterstattung 2016). So far, only limited (representative) data on the enrolment of this group in early childhood institutions is available.

Information was gathered for the first time after the increased immigration of refugees to Germany in 2015 and 2016. An explorative nationwide survey in 2016 provided first insights into the enrolment situation from the perspective of ECEC centres (Baisch et al. 2017). Accordingly, one-third of the participating centres had refugee children enrolled. Another survey of around 4400 parents with a refugee background and children below age twelve<sup>16</sup> conducted in 2016 suggested that enrolment rates were higher than expected, especially for the older age group. According to preliminary data, 15 percent of zero-to-two-year-old and 80 percent of three-to-five-year-old refugee children were enrolled in ECEC (Gambaro et al. 2017). However, the selectivity of the sample<sup>17</sup> needs to be taken into account when interpreting the data. Since the population in this sample had better prospects of remaining in Germany permanently than the general population of newly arrived refugees, the reported enrolment rates most probably exceed those of the general group of newly arrived refugees. The study also documented that integration needs to be understood as a process that takes time: multivariate analyses based on these data showed that longer duration of stay and living in private housing compared to communal accommodation increases the enrolment chances of three-to-five-year-old refugee children.

Furthermore, refugee children do not seem to be distributed evenly across ECEC centres. The share of centres that have enrolled refugee children is higher in smaller towns and districts (each around 40 percent) than in big cities (27 percent) (Baisch et al. 2017). Still, there is evidence of local segregation. While the majority of the ECEC centres (60 percent) report having only one or two refugee children enrolled, about 25 percent of the ECEC centres with refugee children report that four or more refugee children attend their setting. Moreover, according to a survey among ECEC centres in Bavaria, children with a refugee background most often attend large centres in close proximity to refugee accommodations (Lorenz/Wertfein 2017). Hence, the enrolment situation seems to vary locally. It is, however, difficult to conclude, on the basis of existing data, the extent to which the enrolment of this particular group is determined by the scarcity of places in different regions.

16 The sample is representative of the population of refugees registered in the central register of foreigners who applied for asylum between January 2013 and January 2016.

17 With a share of 47 percent, refugees that had officially been granted residential status were overrepresented in the study.

### **Children with (impending) disabilities**

In 2018, 84,620 children with (impending) disabilities were enrolled in ECEC, either in integrative settings (36.9 percent of all ECEC settings work on an integrative basis) or in settings that solely cater for children with disabilities (*Heilpädagogische Tagesstätten*) (0.4 percent of all ECEC settings). This is equivalent to 2 percent of all children enrolled in ECEC: 0.4 percent of zero-to-three-year-old children and 2.4 percent of children aged three to seven enrolled in ECEC (Statistisches Bundesamt 2018b). The historical trauma of the Third Reich plays a fundamental role in the current data situation and development of services for children with disabilities and chronic illnesses. Up until the present day, there is no official registration of people with disabilities. Therefore, enrolment rates of children with (impending) disabilities in ECEC, either in inclusive or targeted settings, are not explicitly recorded in official statistics. One of the consequences is that currently the demand for ECEC places for children with disabilities and chronic illnesses cannot be determined (Bundesministerium für Familie, Senioren, Frauen und Jugend 2009).

## 2.3 Regional differences in ECEC enrolment

Apart from social disparities, huge regional disparities in enrolment rates in ECEC can be observed in Germany. First, there is the divide between eastern and western Germany with much higher enrolment rates in eastern Germany. Second, enrolment rates in urban, structurally strong areas exceed those in less populated rural regions.

Aside from the eastern-western divide little is known about the mechanisms behind the large regional differences in ECEC enrolment between regions, districts and municipalities. Due to the strong enforcement of female labour market participation during the Socialist regime of the former GDR (see chapter 2), up to 1990 ECEC enrolment rates were considerably higher in East than in West Germany. Since then, enrolment rates have converged for the three-to-six-year-olds (94.8 percent in eastern and 93 percent in western Germany). For the under three-year-olds enrolment rates have increased significantly. However, with rates of 51.3 percent in eastern Germany and 28.8 percent in western Germany the differences are still pronounced for this age group (Statistisches Bundesamt 2017a).

Other differences in enrolment rates persist between urban and rural areas, both in eastern and western Germany (Fuchs-Rechlin/Bergmann 2014). Again, for three- to

five-year-olds, regional differences in enrolment rates are marginal since enrolment rates for children in this age group are generally very high. Within eastern Germany, they vary between 92 and 100 percent<sup>18</sup> and most districts have enrolment rates of nearly 100 percent. Within western Germany, too, a number of districts reach enrolment rates of nearly 100 percent. However, in some parts of southern and eastern Bavaria, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein enrolment rates are still below 90 percent and at their lowest at 76 percent in a district in North Rhine-Westphalia (Arbeitsstelle Kinder- und Jugendhilfestatistik 2015, Table 2, Map 3.2). In contrast, enrolment rates for zero-to-two-year-old children differ more strongly across different regions and districts. Within eastern Germany, the vast majority of districts have enrolment rates above 50 percent and all districts exceed 45 percent. The highest enrolment rate of 61.8 percent is observed in a district in Brandenburg. In western Germany, enrolment rates for zero-to-two-year-old children range between 14.3 and 47.9 percent, with most districts having enrolment rates between 20 and 30 percent. In many areas in Bavaria and, to a lesser degree in Baden-Wuerttemberg, North Rhine-Westphalia and Lower Saxony, enrolment rates are below 20 percent (Statistische Ämter des Bundes und der Länder 2016).

There is still a lack of insight about the interplay between regional differences and social inequality in ECEC enrolment. Currently, there are indications that regionally varying factors, like the job opportunities of low-income groups, affect the chances and timing of re-entry into the labour market of low-income mothers and, therefore, have an impact on differences in ECEC usage (Stahl/Schober 2017; Konietzka/Kreyenfeld 2010). Hüsken (2011) identifies contributory factors to enrolment rates for under three-year-olds at the district level in western Germany. Accordingly, urban areas, a high GDP, as well as a high share of female employment, highly qualified persons and part-time working women have a positive effect on childcare attendance. Furthermore, a high share of unemployment and a high fertility rate seem to be obstacles to enrolment. In eastern districts, only two of the factors mentioned influence ECEC enrolment of zero-to-two-year-olds significantly: a high share of female employment and, contrary to districts in western Germany, a more rural setting (ibid.).

18 In some districts the calculations even report rates of over 100 percent because the population at the respective ages cannot be calculated in an accurate manner. Another reason for rates higher than 100 percent is that some children are in ECEC settings that are not in the same district as the one where they live (Arbeitsstelle Kinder- und Jugendhilfestatistik 2015, Table 2).

## 2.4 Who uses high-quality ECEC? A glance at current selection tendencies

Access to high quality ECEC services is essential because high-quality ECEC in particular has positive effects on children's learning and development. Additionally, there have been concerns that low quality may have negative effects (Anders 2013). However, as there is no definitive holistic definition of quality in ECEC, studies mostly focus on one or two aspects of quality. A commonly used concept of quality is the distinction between structural and process quality as well as child outcomes. The dimension of structural quality refers to indicators such as child-staff ratios, learning materials and activities, whereas the term process quality is used to describe the quality of interactions between staff and children as well as the staff's educational beliefs. Child outcomes refer to the children's cognitive, physical and emotional development as well as to their learning processes (e.g. Becker-Stoll/Wertfein 2013; Tietze et al. 2013). Studies on social inequality in access to different degrees of quality in German ECEC are relatively scarce. The existing studies are often limited because of their regional character (Schober et al. 2016)<sup>19</sup>. More recently, national data have likewise provided information on quality in ECEC: FiD<sup>20</sup>, K2ID<sup>21</sup> study and the NEPS cohort study 'Kindergarten'<sup>22</sup>. These national studies provide insight on structural and orientation quality, such as the staff's educational beliefs. The BiKs and the NUBBEK studies provide observational data on process quality albeit with the drawback of their regionally limited scope.

According to the NUBBEK study, about 83 percent of kindergarten groups in Germany with three-to-five-year-old children have intermediate scores of process quality. Only 7 percent show high and about 10 percent poor levels of global process quality. This distribution is similar for groups with younger children and family day care. In terms of educational aspects in kindergarten groups that are more closely linked to a curriculum, the level of quality seems even lower with only 3 percent of groups within the range of high quality, 34 percent of medium and 63 percent of insufficient quality (Tietze et al. 2013). Thus, in general, the process quality of ECEC in Germany seems to be rather mediocre but, at the same time, not very heterogeneous.

Regarding structural quality there seem to be major regional differences, for example in observed child-teacher ratios, number of children in the group and staff quali-

19 Some studies refer to individual municipalities (Becker 2010) and others cover selected regions, for example studies based on the BiKS data of Bavaria and Hesse (Kuger/Kluczniok 2008) or the NUBBEK study on eight selected eastern and western German federal states which, however, claims to represent Germany as a whole (Lehrl et al. 2014; Tietze et al. 2013).

20 Families in Germany: [https://www.diw.de/en/diw\\_01.c.402584.en/families\\_in\\_germany\\_fid.html](https://www.diw.de/en/diw_01.c.402584.en/families_in_germany_fid.html)

21 Kinder und Kitas in Deutschland: <http://www.k2id.de/>

22 German National Educational Panel Study: <https://www.neps-data.de/de-de/home.aspx>

fications (Bock-Famulla et al. 2017, Schober/Spieß 2015). On average in eastern Germany, the share of qualified staff is higher but also less dense since child-teacher ratios are higher (Schober/Spieß 2015). Still, in order to obtain an operating permit to run an ECEC centre, several structural indicators have to be fulfilled. Therefore, a minimum standard of structural quality needs to be met (Section 45 SGB VIII).

Existing studies on unequal access to high quality ECEC indicate that children with a migration background are more likely to attend ECEC with lower quality dimensions (Becker/Schober 2017; Lehl et al. 2014; Tietze et al. 2013; Becker 2010). For example, children with a migration background are more often enrolled in groups with lower levels of structural quality such as equipment and materials, group size, child-staff ratio and further training of ECEC centre leaders (Schober et al. 2016). Furthermore, findings of the BiKs and the NUBBEK study suggest that children with a migration background are more likely to be enrolled in ECEC centres with lower process quality (Lehl et al. 2014) and that groups with a higher share of children with a migration background are more likely to have lower levels of process quality (Tietze et al. 2013; Kuger/Kluczniok 2008).

Findings regarding children from a lower socio-economic background are similar but less clear (Stahl 2015). A recent study based on the K2ID and SOEP data observes that children with less well educated parents seem to be disadvantaged regarding certain aspects of orientation and structural quality. In contrast to education, other characteristics such as household income and being a single parent played a less important role. This may be an indication that financial resources are less crucial than knowledge, preferences or networks when it comes to accessing high-quality ECEC (Stahl et al. 2017).

According to existing studies, the differences associated with socio-economic and migration background in access to low or high quality ECEC in Germany do not seem very large and only refer to certain dimensions of quality, mostly indicators of structural quality like group size and child-staff ratio (Becker/Schober 2017). In contrast, much stronger correlations are found between family background and the composition of the ECEC centre or group a child has access to (Becker/Schober 2017; Becker/Biedinger 2016; Becker 2010). The composition is related to quality and is of relevance in terms of children's development because peers play an important role in learning (Becker/Schober 2017). Since average competencies correlate with children's socio-economic status, some scholars argue that a group with a high share of children with higher socio-economic status may be more beneficial to the development of children's competencies. Further more, it is thought that for children who do not or rarely speak German at home, learning German in an ECEC setting is crucial in order for them to have better chances later in school. It is argued that these children have more opportunities to acquire the German language in their ECEC setting if a considerable share of their peers speaks German as their family language (ibid.).

The chances of children with a migration or low socio-economic background attending a group with a high share of children with a similar background depend on the composition of their neighbourhood. Therefore, these segregation tendencies vary between districts and regions, as shown by official statistics in terms of migration background (official child and youth welfare statistics do not provide data on socio-economic background). For example, in 2015, the probability of being in an ECEC group with more than 50 percent of children with a non-German family language for a child under 14 years, who does not mainly speak German at home, is highest in Baden-Württemberg, Hesse and North Rhine-Westphalia. In a national comparison, regional variation ranges from zero to 40 percent. In eastern Germany, the chance is close to non-existent. This can be explained by the generally low share of persons with a migration background living in the eastern states of Germany (Meiner-Teubner et al. 2016).

However, an exception to this are the larger cities across Germany. There the chances of a child whose first language is not German being enrolled in settings, where 50 percent or more of its peers do not speak German as their family language, are over 40 percent (e.g. the German cities with the most inhabitants: 53 percent in Berlin, 42 percent in Hamburg, 53 percent in Munich, 57 percent in Cologne) (Meiner-Teubner 2016b; Arbeitsstelle Kinder- und Jugendhilfestatistik 2015, Table 8).

Becker and Schober (2017) demonstrate that the probability of four-and-five-year-old children attending an ECEC group with a high share of children with low socio-economic status or with a migration background differs greatly depending on the child's background, and that these differences are substantial even after accounting for residential segregation. After controlling for regional and family characteristics as well as ECEC provider type, children with low educated parents are still more likely to attend a group with a high share of children with low educated parents. Similar to the research cited above, their study confirms that the same holds true with regard to family language. Whether or not a child speaks German as its first language largely determines the group composition of the ECEC setting it attends (Becker/Schober 2017).

However, the conception of quality used in the above cited studies has attracted major criticism as it may convey ethnocentric tendencies and a middle-class bias (Klinkhammer/Riedel 2018). Multilingualism and cultural diversity may actually promote valuable competencies which children need in an increasingly heterogeneous society. Panagiotopoulou (2016) points out that the comparison of the language development of monolingual and multi-lingual children frequently results in the generalisation of the latter as a risk group, regardless of their actual socialisation conditions. This is problematic as only the stigmatisation of deviant childhoods provides grounds for normative standards of what high-quality in early childhood education means (ibid.). Moreover, segregation tendencies in certain districts and

neighbourhoods could be perpetuated or even exacerbated if ECEC services in such areas are deemed 'low quality', thereby rendering them unattractive to middle-class families<sup>23</sup> (Lunneblad 2017).

## 2.5 Demand for childcare places

Despite the increasing ECEC enrolment rates, the demand for childcare is still not met, especially for children under the age of three. Although this applies to both eastern and western Germany, the gap between supply and demand is much higher in western Germany. In 2016, 28 percent of zero-to-two-year-old children in western Germany were enrolled, whereas 43 percent of parents expressed demand for a place for their child, resulting in a gap of 15 percentage points. In contrast, in eastern Germany demand from parents (59 percent) exceeded enrolment (52 percent) by only seven percentage points (Alt et al. 2017). Additionally, it can be seen that parents' demand for institutionalised care has been rising since the introduction of the legal entitlement. The difference between demand and provision for three-to-six-year-olds is marginal, due to the already very high enrolment rate. In 2016, the overall demand in Germany of 96 percent (96 percent in the west, 98 percent in the east) exceeded enrolment by only 2 percent (2 percent in the west, 3 percent in the east) (ibid.).

The unmet demand for childcare places is attributed not least to a lack of ECEC staff. Recent studies predict a need for up to 580,000 additional ECEC staff by 2025 to meet current developments (e.g. demographic change, increasing demand for ECEC and improvement of structural quality indicators, i.e. child-staff ratio). It is expected that about 274,000 new pedagogical staff can be qualified within the same time span, resulting in an unmet demand of around 306,000 ECEC staff (Rauschenbach et al. 2017; Autorengruppe Fachkräftebarometer 2017). This current challenge highlights a crucial structural barrier to ECEC access for all social groups.

23 Research on school education shows that parental choice is frequently conceptualised in terms of an "implicit middle-class norm" (Reay/Ball 1997, p.90). Due to their unequal access to economic and cultural resources, the choice-making processes of less privileged families are governed by different forces from those of middle-class families. Middle-class 'parental choice' should not be conflated with the degree of agency less affluent families might experience.

## 2.6 Conclusion

Data from official statistics and research data suggest that enrolment patterns vary systematically between different social groups and between regions. Current enrolment patterns provide first answers to our initial research question as to which children are left out and why. While they do not give any answers to access barriers per se, they provide important insights into which groups of children are still 'left out'. Children whose parents have a low educational level or a migration background are less likely to attend ECEC than their peers with higher socio-economic status and without a migration background. Enrolment disparities are especially pronounced for the zero-to-two-year-old children. However, differences in enrolment patterns by migration background can mainly be attributed to socio-economic differences. One thing that is worth noting is the current lack of data on the enrolment of other groups of children, such as refugee children and children with (impending) disabilities. Especially for the latter, the current data situation does not allow for an assessment of the availability of and demand for ECEC places.

Based on the data, inequalities in enrolment to high-quality ECEC can be observed: children with a lower socio-economic background and a migration background are more likely to attend ECEC with slightly lower quality characteristics. However, it has to be borne in mind that the concept of quality used in the cited studies may foster a middle-class and/or mono-lingual bias and, therefore, needs to be reflected carefully.

The unmet demand of ECEC for children under the age of three is striking, as the lower enrolment rate of this age group by itself does not point towards access inequalities. However, the discrepancy between demand and supply implies a lack of availability of ECEC places that needs to be looked at more closely. Moreover, there is still a gap in knowledge about how access inequalities vary regarding the interplay of regional and the above-mentioned social disparities.

# The German Welfare Context, Social Inequality and the Role of Early Childhood Education and Care

Over the past decade, the German system of early childhood education and care has undergone considerable policy changes and fast-paced service expansion (Oberhuermer 2014). The development of early childhood education and care, its historically grown regulations and organisation, as well as the current policy discourse on equal access and social inclusion, can best be understood through a broader discussion of the social and political context in Germany (Lamb 1998). In this chapter, the reader is provided with detailed information on the German welfare and social policy tradition within which early childhood education and care has developed. Political and discursive drivers behind the policy prioritisation of early childhood education and care and its role for disadvantaged children are identified and described. Finally, taking into account the specificities of the German system, first insights are provided into the extent to which policy efforts have translated into greater equality in access.

## 3.1 Two different cultures of care: ECEC in former East and West Germany

Historically, early childhood education and care in Germany has developed in two somewhat distinct political systems and social contexts. Between 1949 and 1990 Germany was divided into the former Federal Republic of Germany (FRG, for short, West Germany) and the German Democratic Republic (GDR, for short, East Germany). At the end of World War II, West Germany was occupied by the allied forces and under their influence developed into a democratic state with a federal government structure. In contrast, East Germany evolved into a socialist unitary state that was closely aligned with the political outlook of the former Soviet Union (Klinkhammer

2014). Despite their shared history and culture before separation, the post-war era led to divergent paths in family and childcare policy in the two German post-war states.

The different political strategies pursued in East and West Germany regarding childcare and family policy, moreover, led to the development of distinct cultures of care. Especially in terms of attitudes towards extra-familial childcare arrangements, eastern and western Germany are still thought to represent rather distinct care traditions (Konrad 2015; Döge/Keller 2013). Whereas East Germany was a forerunner in the development and expansion of its public childcare system, up to the 1990s, West Germany tended to lag behind the rest of Europe (Oberhuemer 2014; Scheiwe/Willekens 2009). Germany is now rapidly approaching its third decade of reunification. Nevertheless, the divergent historical development of early childhood education and care in the former East and West are reflected in current enrolment rates (see chapter 1) and continue to pose challenges to policymakers up to the present day.

Beyond the welfare system of the country, the analytical concept of ‘ideals of care’ (see Kremer 2010) is a useful means for capturing the divergent trajectories of the former FRG and GDR and for grasping the particularities of the German ECEC system. Kremer (2010) builds on the work of previous scholars (e.g. Hochschild 2003; Daly/Lewis 2000; Pfau-Effinger 1998; Hochschild 1995; Lewis 1992) to move beyond the sole focus of more orthodox welfare theory on welfare services and paid labour. The perspective adopted in this report is that, in addition to economic factors, cultural norms and moral values about childcare are crucial drivers of family and childcare policies. Social norms on *how*, *where* and by *whom* children should be cared for and whether children are seen as the private responsibility of their parents have a crucial impact on the availability and accessibility of publically funded childcare. They also determine who is regarded as in need of formal childcare and whether or not the system supports the access and participation of disadvantaged groups.

## ECEC in the West

After the end of the war, in West Germany, *kindergarten*<sup>24</sup> places were less available than before and only about one in three children were enrolled in formal childcare (Konrad 2015). To erase the institutional and pedagogical legacy of the National Socialist Regime, the Federal Republic of Germany returned to the institutional traditions built in the Weimar Republic. According to the influential welfare regime typology of Esping-Andersen (1990), West Germany in particular has been characterised as the archetype of a conservative welfare state. Social welfare provision in

24 The German word ‘kindergarten’ was coined by Friedrich Fröbel, literally meaning ‘children’s garden’. In Germany, the first ‘kindergartens’ were created in the 18th century and stood for a preschool approach that followed the teachings of Fröbel and focused on playing, singing and practical activities such as drawing. Institutions were also meant to facilitate social interactions between children and support the transition from the family home to primary school. Today, the term is used internationally and describes a wide variety of pedagogical approaches, and a range of early childhood and preschool institutions (Oberhuemer 2012).

Germany has been strongly guided by the principle of social insurance, rather than social equity. Social welfare provision is distributed across the individual life course, rather than between the rich and the poor (Leisering 2000).

Furthermore, social security is understood as a means of safeguarding status attained earlier in life, and the bulk of the German welfare state is not directed towards disadvantaged social groups, but to the broad middle class of society. Social policy in such a system aims to extend the financial status attained during one's working life to periods of non-employment. At the end of the war, social policy changes aimed to further the system of social security, with a focus on fields such as the old-age pension scheme, health insurance and unemployment benefits (see above). Simultaneously, however, the state's role in the provision of childcare was reined back (Evers/Sachße 2003). For children below school age, the family was reinstated as the main provider of care and ECEC came under the responsibility of the welfare system, rather than the education system (Konrad 2015).

Moreover, the field of family policy in Germany has been strongly influenced by the historical trauma of the Third Reich (Naumann 2005). This is well illustrated by Häusermann (2018) who observes that “state intrusion” and “natalist policies” were off-limits in policy circles (Häusermann 2018, p. 868). The protection of the private sphere of families has been written into the constitution and, up to the present day, there are heated debates on the extent to which the state should be allowed to interfere with familial privacy (ibid). In this vein, extra-familial and non-parental childcare for infants and toddlers was a controversial issue and frequently regarded as detrimental to the development of young children. It was considered legitimate only for low-income families and in cases of parental neglect or maltreatment (Ahnert/Lamb 2001). Evers and Sachße (2003) describe how state-funded childcare was, therefore, imbued with the stigma of poor relief. For the general population, childcare was seen as something that should be provided through the family, and especially the unique role of mothers was strongly emphasised. Full-time motherhood was supported across Europe not only by social policy makers but also by academics in the fields of developmental psychology and pedagogy (Kremer 2006). The traditional male-breadwinner, female-caretaker model (Lewis 1992) was further consolidated by the general welfare strategy and the policy focus at the time. Since men were perceived as the sole providers of family income, social welfare first and foremost offered high protection to male workers (Leisering 2000). Moreover, the economic boom of the 1950s made it possible for women to refrain from working outside the home. This was substantiated by family policy measures such as a childcare allowance and the joint taxation<sup>25</sup> of married couples

25 A useful model for the categorisation of childcare policies has been provided by Bettio and Plantenga (2004). According to these authors, modern welfare states typically provide childcare either in the form of monetary support, time-off or services. Welfare systems that strongly promote and rely on policy measures that fall into the categories of monetary support and time-off are said to reinforce the traditional gender labour division. In contrast, welfare that provides public childcare services and promotes formalised childcare foster female labour market participation and a dual earner model (Seifert 2012).

(Konrad 2015). Also, instead of activating its female labour potential, West Germany relied strongly on immigrants<sup>26</sup> to overcome the labour force shortage that occurred between the 1950s and 1970s.

Evers and Sachße (2003) describe how, in the 1950s, there were only around 8,600 ECEC settings which offered approximately 60,000 childcare places in West Germany. After an initial further decline in available childcare places in the late 1960s, increasing female employment and the overall expansion of the educational system, led to the beginning of a growth in the services. By the mid-1980s most children aged three to six were enrolled in ECEC. Most children who attended ECEC settings at that time came from well-situated, middle-class families and this started to erode the ‘stigma of poor relief’ that adhered to public childcare provision. What has to be emphasised here is that this process of “normalisation” of extra-familial childcare (Evers/Sachße 2003, p. 69) only applied to services for children aged three or above. The stark differences in the availability of publically funded childcare for under three-year-old children posed one of the most pronounced challenges for policymakers after reunification.

### **ECEC in the East**

In the former communist system of East Germany, the Soviet Union had a stronghold on the development of the public system of early childhood education and care. As a result, childcare provision was incorporated into the public school system and the previous hegemony of the churches was completely eroded. Scholars who have written about early childhood education and care in the GDR point out that childcare settings in the GDR were regarded as places where children could develop a ‘socialist personality’ from an early age onward and where individuality and ‘acting out of the norm’ were not encouraged (Konrad 2015). Before the separation, the work-care model in East Germany was relatively similar to that of West Germany where a gender-conservative male-breadwinner model was dominant. However, state socialism soon encouraged female labour market participation and implemented income policies that made it difficult for families to subsist on a single source of income (Haskova/Klenner 2010).

As a result, what emerged was a dual-earner/state-care model (Crompton 1999; Pfau-Effinger 1998) in which the availability of public childcare services was rap-

26 During the 1950s, rapid economic growth led to a labour shortage which resulted in the former FRG recruiting workers from abroad. The first working agreement was reached with Italy in 1955 and between 1960 and 1967, further agreements followed with Spain, Greek, Turkey, Morocco, Portugal and Tunisia. Before construction of the Berlin Wall in 1961, migrant workers from these countries played a more marginal role. Up to then, labour shortages were mainly covered by migrant workers from the former GDR. It was only afterwards that large numbers of workers from abroad were recruited. However, by 1964 the former FRG had welcomed one million migrant workers. Migrant workers were primarily needed in sectors such as industrial mass production, heavy industry and mining with low skill and qualification requirements. By the time of the recruitment stop in 1973, prompted by an oil crisis, close to four million foreign nationals were living in West Germany (Seifert 2012).

idly extended and in which women mainly worked full-time. The establishment of the comprehensive system of publicly organised childcare started as early as the 1950s. This was rather the exception in Europe where, at that time, full-time motherhood was still the hegemonic ideal<sup>27</sup> (Klinkhammer 2014; Ostner 2010; Kremer 2006). Even children under the age of three were predominately cared for through institutional childcare, while mothers returned to the labour market (Vidot 2017). Especially this latter point shows a stark contrast to West Germany where social acceptance of extra-familial childcare had only increased for children aged three to six.

### **Transitional challenges after reunification**

As has been demonstrated, ECEC has a longstanding and rich history in both parts of Germany. Nevertheless, at the time of the fall of the Berlin Wall in 1989, there were strong differences in the availability of childcare services. These differences were especially pronounced for the youngest group of children under the age of three. After reunification, only 2 percent of one and two-year-old children in the former West received out-of-home care. This compares with 56 percent of children of the same age group in the former East Germany. Similarities in participation rates could, however, be observed for the three- to six-year-olds as well. Participation rates amounted to 80 percent in the western regions and nearly 100 percent in the eastern regions. The main difference in childcare services for this age group was related to opening hours. While ECEC centres in the eastern regions of Germany offered daily opening hours from 6am to 6pm, most centres in the former FRG only offered half-day places. Parents were expected to pick up their children after lunch. In the western regions, only 17 percent of ECEC services for children aged three to six offered similar opening hours to those available in the eastern regions of the country (Ahnert/Lamb 2001).

<sup>27</sup> It has to be noted that the GDR still promoted traditional gender roles through family policies other than childcare. In addition to the expansion of publicly funded childcare arrangements, in 1976 the government of the GDR introduced a year of income-related parental leave. However, the right to parental leave was only given to mothers (Haskova/Klenner 2010).

## 3.2 Pisa and the social investment discourse: global influences on ECEC in Germany

As we have seen, the historical context of Germany continues to shape its system of ECEC provision even today. Over the last two decades, however, there has been a shift in the global perception of the role and significance of ECEC that also had a crucial impact on the face of early childhood education in the country. It has been widely observed that there is now unprecedented international interest in early childhood education and care. Especially through increased attention to the field of ECEC by important economic players and supra-national organisations (e.g. European Union, OECD, World Bank), the global discourse on ECEC and its social welfare function has changed in recent decades (Campbell-Barr/Bogatic 2017). The ‘social investment discourse’ propagated by these organisations exerted a crucial influence on the direction of social policy measures in a range of industrialised, western countries (Klinkhammer/Riedel 2018). In recent years, the growing recognition and prioritisation of ECEC in social policy circles has been even further substantiated through insight from both neurosciences and developmental psychology with regard to the high potentiality of early childhood. Increasingly, ECEC is perceived as the bedrock of human capital development. Indeed, one of the most fundamental ideas of the social investment discourse is that financial investment in early childhood education yields substantial economic returns and social prosperity in the longer term (Heckman/Masterov 2007). Moreover, scholars such as Esping-Andersen (2002) have called for greater investment in ECEC not only to encourage female labour market participation and gender equality, but also to lay the bedrock for a successful and competitive knowledge economy. Furthermore, for Esping-Anderson (2002) the investment in early childhood education and care is crucial for overcoming social inequalities and for fostering the educational success of disadvantaged groups of children.

The so-called ‘return on invest’ (Heckmann 2006) had an impact even on what some consider the ‘least likely cases’ such as the conservative German welfare state (Häusermann 2018). In contrast to typical conservative welfare policies that predominantly focus on social transfers and income protection, the emphasis of social investment policies is on human capital development. At the forefront are both the preservation and mobilisation of skilled labour (ibid). In the case of Germany, the shifts in policy focus triggered by the social investment discourse are visible both in the field of early childhood education and family policy. Häusermann (2018) argues that the ‘mobilising aspect’ of social investment policy is, for example, visible in the field of family policy and in the aim to support the reconciliation of employment and reproductive labour.

In the following section the influence of global transformation processes on the German ECEC context is discussed.

### **Towards a shift in paradigm in German ECEC policy**

Even though most fundamental changes to the German ECEC landscape took place at the turn of the millennium, or more precisely in 2001, the shifts in policy discourse which prompted changes had already begun in the late 1990s. Starting out with both similarities (service provision for three to six-year-old children) and differences (service provision for the under three-year-olds) in the western and eastern regions of the country, the German ECEC system has undergone fundamental changes (Oberhuemer, 2014). Social pressures such as growing female labour market participation, gender inequality and plummeting fertility rates<sup>28</sup> (Klinkhammer/Riedel 2018) started to challenge prevalent normative assumptions on childcare and led to a first move towards the increased availability of ECEC services beginning in 1991. This was achieved in 1996<sup>29</sup> by introducing the universal entitlement to ECEC for all children between the ages of three to six. In comparison to other countries (e.g. some Nordic countries and France), in Germany this took place at a significantly later point in time (Oberhuemer 2014). This fact underpins the pervasiveness of the familialist welfare tradition and its underlying ideals of care.

Nevertheless, it can now be argued that the social investment discourse (see above) and the results of the first round of the OECD PISA study had path-altering consequences and challenged the traditional work-care and family arrangement of the conservative German welfare regime. The effects of shifts in policy focus in the late 1990s and early 2000s are twofold. Firstly, they led to greater recognition of ECEC and to an ‘educational turn’ in the early years (Gogolin/Salem 2014). Secondly, equal access and participation in ECEC started to be perceived as a prerequisite for overcoming social disparities and, at the individual level, for ensuring equal opportunities for all children. In the next section, the role of global discourses on ECEC in the German context is described using the categorisation of Oberhuemer (2014). In her work she summarises the changes in German ECEC policy in terms of ‘early education agenda’ and ‘social inclusion agenda’. This is a useful starting point for discussing the most important drivers behind recent ECEC policy reforms.

28 The total fertility rate in Germany plummeted in the early to mid-1990s. From the early 2000s onwards the total fertility rate has been rising again and is currently at 1.5 children per woman.

29 Legal entitlement for children aged three and above was decreed in 1991 and came into force in 1996 (see Scholz/Hahn 2014). In practice, the years between 1996 and 1999 were seen as a transition period for municipalities that needed additional time to implement the policy. Therefore, the policy was fully in force in 1999.

### The early education agenda

Under the influence of the social investment discourse, childcare emerged for the first time as a major field of political action in Germany. Initially, the ideas of the social investment agenda influenced the Social Democratic Party (Klinkhammer/Erhard 2018). This manifested itself, for example, in the introduction of the *Agenda 2010*. This entailed a series of policy reforms planned and implemented between 2003 and 2005 by the Social Democratic government led by Chancellor Gerhard Schröder. The *Agenda 2010* prompted various changes to the welfare and labour system, encouraged reforms to family and childcare policy and promoted European strategies, such as the Barcelona targets and the Lisbon strategy<sup>30</sup> (Klinkhammer/Riedel 2018; Rüling 2010).

This was further substantiated by the OECD country note on Germany that was published in 2004 and strongly recommended a ‘radical expansion’ of services for under three-year-old children and greater support for children from disadvantaged family backgrounds and with special needs. The OECD review team also noted the stark differences between the coverage of services in the new and old federal states (*Länder*). At the time, the 2.7 percent service coverage in the western regions of the country was not only significantly lower than the 37 percent in the eastern regions, but also notably behind the EU Barcelona recommendations of 33 percent coverage by 2010.

At the same time, female labour market participation was reframed as an important factor for overcoming child poverty and greater child well-being. Indeed, at the time researchers (e.g. Engster/Stensöta 2011; Ferrarini 2006; Gornick/Meyers 2004, 2003) demonstrated a link between policy regimes that support a dual-earner model and low levels of child poverty and child mortality. Because of this, the ‘maternalistic assumption’ of the (western) German day care system (Rabe-Kleberg 2009) and the ideal of full-time motherhood started to be strongly questioned, since it was thought to impose serious obstacles to female labour market participation and, by extension, to increase the social risk of child poverty. By 2005 the concept of ‘sustainable family policy’ and the ‘dual-earner’ family model had come to dominate the political discourse in Germany and replaced the previous conservative and familialist discourse that had been especially dominant in western Germany (Klinkhammer/Riedel 2018).

As mentioned above, this meant that, for the first-time, ECEC was no longer solely perceived as an important means for exploiting female labour potential in Germany, but also as a crucial investment in the development and future of children. This debate and the increased recognition of ECEC also strongly brought into focus the issue of equal access. The coincidence of these two developments meant that

<sup>30</sup> As part of the Lisbon strategy, European countries made a pledge to increase female labour market participation rates to 60 percent by 2010 (Kremer 2006).

women's labour market participation and childcare were no longer seen as antithetical to children's wellbeing, as was the case in previous prevalent 'ideals of care' (i.e. full-time motherhood) that had strongly permeated German childcare and family policies. For the first time, children started to be seen as the main beneficiaries of ECEC. Early childhood education started to be more widely recognised in German social policy circles and was no longer seen solely as a subject of family policy, but increasingly also as a matter of educational policy. Thus, ECEC became a national policy project and was no longer only framed in terms of 'childcare'. As in numerous other countries, a discourse emerged that stressed the educational dimension and human capital potential of early childhood education (ibid.).

As a result, since the late 1990s/early 2000s Germany has taken a more progressive pathway that strongly resembles the Nordic welfare and care model.

While the social investment discourse has rightfully been criticised for facilitating the economic rationalisation of early childhood, and for overstating the role of ECEC in reducing social inequalities (Naumann 2014; Klinkhammer 2010), it has also led to a new understanding of the social welfare function of ECEC and increased recognition of the importance of early childhood in national contexts such as Germany.

### **The social inclusion agenda**

Apart from the social investment discourse, the increased prioritisation of early childhood education and care was furthered by the outcomes of the PISA study in 2001 and the *Thematic Review of Early Childhood Education and Care Policy* launched by the OECD in 1998<sup>31</sup>. The poor ranking in the PISA league tables had a marked influence on educational policy in Germany and they were a crucial driver for the prioritisation of early childhood education and care (Campbell-Barr/Bogatić 2016). The aftermath of the PISA study underpinned the educational turn in the discourse on early childhood and lent significant weight to ECEC as a means of fostering 'school readiness'.

Moreover, the PISA study not only pointed out the poor results for the general population of German pupils but also demonstrated a strong correlation between children's academic performance and their ethnic, cultural and socio-economic background. The link between family background and educational attainment was more pronounced than in most other participating countries (Gogolin/Salem 2014). This trend was especially pronounced for children with a migrant background (Stanat et al. 2010). The problematic insights gained through the PISA study led to an outcry across the wider general population and amongst social policymakers. This has come to be known as the 'Pisa shock' (Stöbe-Blossey 2012).

31 The goal behind this OECD project was to improve access and quality of early childhood education and care and, by extension, to improve children's further education prospects and female employment opportunities.

Developments in the aftermath of the PISA study underpinned the role of ECEC in fostering equal educational opportunities and overcoming social disparities. A number of social and educational support strategies were launched, and ECEC started to be regarded as a crucial factor for overcoming persisting social inequalities. While debates on the link between social inequality and the German education system have a long tradition in Germany, what is new about this development is the marked attention paid to the role of ECEC. Moreover, the idea that ECEC might be one of the most powerful tools for overcoming social disparities provided ammunition to those advocating the greater involvement of the national government in this policy field. It likewise provided a platform for negotiations between the federal government and the *Länder* governments, especially on subjects such as the expansion and qualitative improvement of services. One of the consequences of these negotiations was a more prominent role of the federal government in co-funding the expansion process of ECEC services across Germany.

A further result of this shift in policy focus was the development of non-stringent curricular guidelines between 2002 and 2006. These standard recommendations were established in all sixteen *Länder*, and this constituted a new direction. Up to then ECEC had been highly decentralised and devoid of any form of federal regulation (Gogolin/Salem 2014). The new curricula were not only regarded as a useful steering instrument but also as a means of standardising the pedagogical contents of ECEC (Stöbe-Blossey 2012). Although this does not directly relate to the problem of access, but rather to equal participation, it should be mentioned that the *Länder* curricula have been criticised for not taking sufficiently into account the current social and cultural diversification of modern society (Schoyerer/van Santen 2015). Similar, ethnocentric tendencies have been observed with regard to current quality development programmes that are still firmly grounded in middle-class and ethnocentric perceptions of quality (Klinkhammer/Riedel 2018). Despite good intentions and explicit demands for greater equality in opportunity, there is some indication that, at the pedagogical level, certain groups are still being overlooked. Moreover, what is interesting is that, in Germany, the legal entitlement to ECEC was not framed along the lines of the children's rights discourse that was influential, at the time, in a number of other western countries.

A bottom-up development was adopted by individual *Länder*: the expansion of local services that are meant to foster the responsiveness of ECEC to the diverse needs of families. As in other European countries, there has been a trend towards the introduction of integrated services in Germany. Since the early 2000s, we have observed the rise of centres combining childcare and other counselling services for families. These centres have distinctive labels such as 'family centres' (*Familienzentren*), 'parent-child-centres' (*Eltern-Kind-Zentren*) and so on (Stöbe-Blossey 2012). Social services increasingly cooperate 'under one roof' in order to address the needs of (disadvantaged) families more adequately and "to serve as walk-in centres" (Schoyerer/van Santen 2015, p. 53). North Rhine-Westphalia (NRW) was the

first federal state to introduce a programme promoting the provision of family centres in 2006, mostly by expanding existing childcare centres. Today, most of the *Länder* have put in place initiatives or programmes to promote this type of integrated services. This trend forms part of a broader ambition to further develop service provision, coincidentally reflecting the family-oriented tradition of German ECEC.

### 3.3 Early childhood policy initiatives

As discussed earlier, the rise of the social investment discourse and the ‘Pisa shock’ led to a paradigmatic shift in ECEC and family policy. The following section describes the main policy initiatives that have emerged from these developments.

#### **The expansion of service provision**

Among other things, the changes in discourse and policy agenda were expressed in the implementation of crucial policy reforms that are described in this section. The most important milestones in ECEC policy changes were the Day Care Expansion Act (*Tagesbetreuungsausbaugesetz – TAG*) in 2005 and the Childcare Funding Act (*Kinderförderungsgesetz – Kifög*). The Day Care Expansion Act became effective in January 2005 (Stöbe-Blossey 2012). The most essential aim of this reform was to significantly expand childcare services across Germany, especially for the under three-year-olds. Local providers of child and youth welfare were assigned the task of a need-based and quality-oriented expansion of ECEC services. As part of the law, tangible criteria were established to determine the need for formal childcare. According to these criteria, the need for formal care acknowledged cases where parents are employed or have the prospect of being employed soon. Other qualifying criteria are if parents are studying or enrolled in further training. The Day Care Expansion Act was the first step towards a notable transformation of the ECEC landscape in Germany and the initial aim of the law was to create about 230,000 new childcare places by the year 2010. The expansion process, moreover, went hand in hand with a new shared responsibility and unprecedented financial investment by the national government.

The achievements of the Day Care Expansion Act were taken even further by the Childcare Funding Act that followed in 2008. This law introduced universal entitlement to ECEC for all children over the age of one. The individual entitlement is either to a formal ECEC setting or family day care. The legal entitlement became effective in August 2013 and put local governments under further pressure to cre-

ate new childcare places. The need for action was dependent on the scope of the existing services available and on whether or not municipalities were able to meet the parental demand for childcare. For the first time, the Day Care Expansion Act empowered parents to take legal action if their childcare needs were not met by their local government. The expansion process resulted in a total of 750,000 new places for children under age of three. The initial aim was to provide institutionalised ECEC for 35 percent of all children under the age of three by 2013. However, currently the enrolment rate is at 33.1 percent with immense regional variation.

### **National programmes for inclusion and early language development**

One of the most significant outcomes of the early education and social inclusion agendas was a greater involvement of the Federal Ministry in ECEC governance. This is especially visible in a range of programmes and initiatives that have seen the light of day in recent years. One example for this is the systematisation of early language learning and literacy. This was one of the main initiatives that were regarded as paramount in the new ECEC curricula. In some of the *Länder* it is now compulsory for children to participate in language screening tests before they start primary school (Autorengruppe Bildungsberichterstattung 2016; Oberhuemer 2012). With the aim to promote early language development, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*), moreover, launched the national programme ‘*Sprach-Kitas*’. Through this programme the Federal Ministry aims to foster language education as part of everyday life in ECEC settings. Since language competence is thought to have a positive influence on the educational future and professional life of children, the programme is designed to especially benefit disadvantaged children (Bundesministerium für Familie, Senioren, Frauen und Jugend 2018b).

A further effort by the Federal Ministry is a new programme that is meant to facilitate initial access to ECEC services. In April 2017, the federal programme ‘*Kita-Einstieg*’ was launched, among other things, to address the new demands ECEC faced at the time due to the influx of refugee children in 2015 and 2016. The programme is meant to facilitate equal access to early childhood education and care for children and families affected by poverty, language barriers, educational inequality and who live in deprived areas. The programme, moreover, is targeted at refugee children who, despite their legal entitlement, still experience stumbling blocks to ECEC participation. The main aim of the programme is to inform families about their options of formal childcare and provide first insights into how the ECEC system in Germany works. The Federal Ministry states that one of its further aims is to break down reservations about extra-familial childcare arrangements. The services envisaged in the ‘*Kita-Einstieg*’ programme are provided by day care centres either directly or through collective living shelters (e.g. refugee shelters), family and community centres, and multi-generation houses. The services funded through the pro-

gramme are coordinated by child and youth welfare providers, to ensure that they are able to bridge the current gap in regular ECEC services in a meaningful way (Bundesministerium für Familie, Senioren, Frauen und Jugend 2018a).

## Reforms to aligned policy areas

The reforms to the German ECEC system were accompanied by some important and progressive changes to the parental leave scheme in Germany. There were three main waves of policy changes to parental leave starting in 2001. A further policy reform introduced in 2007 strongly resembles the Scandinavian model of parental leave and consists of a 12-month income related model plus two months for the second care providing parent<sup>32</sup>. The final changes to parental leave were introduced in 2014 and included the Parental Allowance Plus social policy. Parental Allowance Plus is meant to enable parents to make use of the parental allowance for a longer period of time if both parents are willing to return to work part-time and for up to thirty hours a week. This policy is meant to support dual-earner families and support an early return to work.

Recent work points out that the familialist tradition of the German welfare and care system is on the decline. Recent family policy reforms, such as the changes to the parental leave scheme, have heralded a new era. Instead of the familialist one-earner model that was characteristic of the longstanding German welfare tradition, contemporary family and childcare policies increasingly promote a dual-earner model.

Nevertheless, Klinkhammer and Riedel (2018) speak of an ‘incomplete revolution’ since the changes have been hampered by other reforms or by unchanged policy structures such as the joint taxation of married couples (*Ehegattensplitting*). In response to the somewhat progressive parental leave policies, there has been a backlash by the Christian Democratic Union (CDU), a liberal-conservative political party in Germany. Whereas between 2001 and 2014 the Parental Leave Scheme in Germany was reformed (Ostner 2010), the response of the liberal-conservative political party to the expansion of the public provision of childcare was the (re-)introduction of the Childcare Allowance (*Betreuungsgeld*) on the first of August 2013. This was paid to parents who decided to not make use of formal and publically subsidised childcare services (Gerlach 2010). Returning to previous policy pathways, this reform was meant to facilitate the provision of childcare by parents and other family

32 Previous research by Engster and Stensöta (2011) has shown that family policy regimes, that promote (gender) equality, enable both parents in their role as caregivers and active members in the labour force. This positively influences aspects such as child poverty and children's educational success. Parental leave schemes are a main instrument in family and childcare policy and the reforms that have taken place in Germany over the course of the last two decades raise the important question as to the impact that these changes had not only on gender equality but also on the patterns of ECEC usage according to other aspects of social location, such as social class, ethnicity, migration background, and relationship status. Therefore, giving parents both an incentive and possibility for returning to work is meant to lead to general economic prosperity for society as a whole.

members. While at the national level the childcare allowance was abolished in 2015<sup>33</sup> and is currently only in force in Bavaria, this shows that family and childcare policy in Germany continue to be defined by different and even competing ideals of care that co-exist simultaneously. Instead of leading to the de-familialisation of the German welfare state, policy reforms have led to ‘optional familialism’ (Stahl/Schober 2017)

### 3.4 Towards greater equality in access? – Between old legacies and new social disparities

Despite enormous efforts and the political will to improve the availability and accessibility of childcare services, research shows that the childcare needs of families are still not met. Recent findings suggest that disadvantaged families are still in a weaker position when it comes to securing a place in formal childcare (Alt et al. 2017; Alt et al. 2014). Over the course of the last two decades, the employment patterns of mothers in Germany have undergone considerable changes and childcare use has increased across different social groups and educational levels. Nevertheless, Stahl und Schober (2017) conclude that the dual-earner model has mainly worked for highly educated women. This is especially visible in the fact that the massive expansion of ECEC services, especially of services for children under the age of three, has not resulted in equal participation patterns for children from a disadvantaged background. As we have seen in chapter one, for the group of the under three-year-olds, family background and especially the educational background of mothers continue to correlate with ECEC enrolment patterns.

While there is evidence for an emerging convergence between eastern and western Germany, due to both the expansion of ECEC services and reforms to parental leave policies, researchers are beginning to point out newly emerging lines of segregation that are the result of the rise of optional familialism (see above). This is especially due to the way reforms have influenced work-family arrangements for different groups of parents. Stahl and Schober (2017) argue that optional familialism might contribute to or even heighten differences in the use of childcare as it sets higher incentives for better educated and privileged families to enroll their children to ECEC. At the same time, less educated and less privileged families are encouraged to stay at home and care for their children. The problem of (un)equal access is, therefore, related to regu-

<sup>33</sup> In 2015 the Federal Constitutional Court decided that, given the lack of legislative power of the German national government (see chapter 4), the regulation on the childcare allowance constitutes a violation of the Basic Law and is, therefore, invalid.

lations and framework conditions beyond the field of early childhood education, such as taxation, insurance principles adhering to the male breadwinner model (i.e. family health care insurance), and labour market structures and opportunities (e.g. marginal employment<sup>34</sup>). While differences in aspirations and dispositions may be at work, little is known about the way such preferences themselves are shaped by structural circumstances. Work-family-care arrangements are not only down to choice but also to structural preconditions and the interplay between family and childcare policies. Therefore, as pointed out in the introduction to this report, it is crucial to expand the currently dominant research perspective on (un)equal access to ECEC. Not only parental choice but also structural constraints and how they affect the decisions of certain groups in particular ways need to be taken into account if the aim is to understand the fuller picture of access-related disparities and inequality.

## 3.5 Conclusion

In this chapter, we argued that, in recent years, there have been fundamental changes in policy focus in the field of early childhood education and care. This has led to significant changes to the political ECEC landscape and aligned social policy areas such as parental leave. These changes have been so significant that we can now argue that they have shifted childcare and family policy away from the country's longstanding familialist and conservative welfare tradition. Over the last two decades, the ECEC system, particularly in western Germany, has undergone dramatic changes. Recent political efforts to increase both the availability and accessibility of ECEC services, especially in western Germany, have led to an extensive and fast-paced expansion of childcare places. This has resulted in the first rapprochement of available childcare in the eastern and western regions of the country. Nevertheless, there are some important indications that new social disparities regarding access have started to emerge across the country. These new lines of segregation diverge from the traditional East-West differences that used to characterise the German ECEC landscape. Despite different political intentions, the progressive childcare and family policy reforms of recent years have mostly benefited groups who were already privileged.

<sup>34</sup> In Germany, marginal employment frequently involves so-called 'mini-jobs'. These are characterised as part-time and low-paid employment relationships, with a lack of security. The monthly income of a 'mini-job' may not exceed EUR 450 and is usually exempted from income tax deductions.

# 4.

## Governing Access – The System of Early Childhood Education and Care in Germany

The preceding section described how early childhood education and care in Germany is embedded in larger societal debates around family and welfare; interdependencies between ECEC and other policy areas have shaped these debates. The Social Investment Discourse had attracted increased attention to ECEC issues throughout the last two decades in German society. This resulted in efforts to establish more steering in this policy sector. Indeed, the reforms that followed resulted in considerable advancement of the institutional framework in which ECEC is produced and governed. Until then, the ECEC sector had suffered from a lack of regulation (Stöbe-Blossey 2012). In recent years, though, political and administrative steering has been enhanced, not least with the aim of better tackling existing (in)equalities, a subject which had been placed on the agenda throughout the Social Investment Discourse.

The following section looks at institutional arrangements in German ECEC governance and links it to the overarching question of equal access. In order to analyse how (in)equality is both addressed and (re)produced by the system, it is crucial to understand its organisation and key characteristics. The chapter is structured as follows: In a first step, the *constitutive framework* and governing structures at different administrative levels, the structure of the *childcare market* as well as *funding mechanisms* are described. In a second step, the governance framework is analysed from the angle of access: key features are identified that can account for inequality in German ECEC.

Due to the complexity of the system, however, assessing its organisation is a rather technical endeavour. Therefore, the first part of this section is inevitably descriptive in nature addressing the details of the ECEC governance structure. This is necessary in order to then explore possible loopholes and effects with a view to accessibility of the system.

## 4.1 The regulatory framework of the German ECEC system

### Basic organisational features

ECEC in Germany has developed as a genuine part of the public welfare sector (and not the educational sector as in some other countries). It forms part of the system of Child and Youth Welfare (*Kinder- und Jugendhilfe*) which incorporates publicly and privately provided services for young people, children and their families; school is not included as it is part of the education system. ECEC is mainly publicly funded. The policy area of ECEC comes under the responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ).

In terms of its legal structure, German ECEC is based on an integrated model: ECEC provision is organised in one single phase and not structured by different age groups. At national level, only one Federal Ministry (BMFSFJ) is in charge. The level of qualification of ECEC practitioners does not differ with regard to the age groups of the children. Given these key characteristics established by the EU (Lindeboom/Buiskool 2013), a unitary system is in place which ensures integrated responsibility for ECEC. Services, however, are only partially integrated, providing both separate settings by age (0–2 and 3–6 years) and settings for mixed age groups (see section on service provision).

ECEC in Germany follows a universal approach. It has been underpinned by introducing a legal entitlement for all children starting with their first birthday. A first entitlement for children aged three years and older came into force in 1996 and was extended to the younger age group in 2013. In the case of the under-three-year-olds, family day care has been officially recognised as equivalent to centre-based ECEC. Every child is, therefore, guaranteed a place either in an ECEC centre or in family day care (Section 24 SGB VIII).

While it is not obligatory, almost all children attend some kind of institutionalised ECEC before starting school: 97.03 percent of five-year-olds attended ECEC in 2016 (Bock-Famulla et al. 2017).

### Shared responsibilities in a multi-level system

The organisation of the ECEC governance system is shaped by federalism. The usual three-level structure of public policy administration in Germany – the national level (the federal government), the regional level of the 16 federal states (the so-called *Bundesländer* or *Länder*) and the local level (municipalities, *Kommunen*,

and districts, *Landkreise*) – also applies in the childcare sector. Each of these three levels is involved in processes of ECEC governance (Klinkhammer/Riedel 2018; Stöbe-Blossey 2012).

Nonetheless, the ECEC governance system has traditionally been highly decentralised in Germany. Whereas the national government merely pegs out a broad legal framework, detailed regulation, funding and implementation of ECEC services are the responsibility of the regional and local level (Table 1).

**Tab. 1: Overview of the multi-level structure in German ECEC**

Governance level	Responsibilities & competencies
Federal level ( <i>Bund</i> )	<ul style="list-style-type: none"> <li>Responsible for guidelines specified in federal law:</li> <li>(Social Code Book VIII; Child and Youth Services Act as the legislative framework)</li> <li>Stimulatory competence: programmes and initiatives</li> </ul>
State level ( <i>Länder</i> )	<ul style="list-style-type: none"> <li>Regulatory competence: → 16 state-specific ECEC frameworks regarding service provision (including licensing, provision standards, curricula, staff qualifications)</li> <li>Funding</li> </ul>
Local level (municipalities & districts)	<ul style="list-style-type: none"> <li>Planning, organising and ensuring provision of ECEC services</li> <li>Funding</li> <li>Possible 'double role' as steering body and provider</li> </ul>
Providers	<ul style="list-style-type: none"> <li>Provision of services</li> <li>Represented on local youth welfare boards</li> <li>Co-funding</li> </ul>

(Source: own)

The ECEC system is based on the following responsibilities of each administrative level:

At the national level a legal framework is provided, the Child and Youth Welfare Services Act (*Kinder- und Jugendhilfegesetz*), enacted in 1991. It constitutes the Social Code Book VIII (*Achtes Sozialgesetzbuch – SGB VIII*) and sets out the most important objectives and guidelines for early childhood education and care services (Sections 22–26). For instance ECEC services – both centre-based ECEC and family day care – are to:

- “support children in becoming independent and socially integrated personalities,
- support and complement education and care in the family,
- assist parents in better combining childcare and employment responsibilities” (Child and Youth Welfare Services Act, Section 22(2), Social Code Book VIII).

These guidelines are mandatory. However, they have a general character, establishing a relatively broad constitutive framework. It is up to administrative authorities at regional and local level to concretise and implement these guidelines. As to the content, the focus on social integration and support for the family reflects the socio-pedagogical tradition of ECEC in Germany as a constitutive element of the overall framework. The role of the family has always been regarded as pivotal and the focus used to be on holistic development – although in practice, school readiness has become more important in recent years (Klinkhammer/Riedel 2018).

In Germany, legislative competencies for ECEC are shared between the national and regional levels (*Länder*). Since child and youth welfare is subject to so-called ‘competing legislation’ (*konkurrierende Gesetzgebung*) (Article 74 German Basic Law), the federal government can initiate new legislation but needs to justify it vis-à-vis the German states. It is strictly regulated that the government can only make use of its legislative power under certain conditions, for example, when equality of living conditions across the territory is at stake (*Erforderlichkeitsklausel*) (Schmid-Oberkirchner 2011; Schmid/Wiesner 2006). Executive laws are laid down by the *Länder*. Thus, power is limited at both political levels<sup>35</sup>.

Beyond this legislative competence, the federal government has a ‘stimulatory competence’ (*Anregungskompetenz*) in ECEC policymaking. It can launch initiatives or programmes and thus foster developments on different topics. With regard to financial aspects, its role is strictly limited. It can only provide funding on a temporary and targeted basis, either by covering ‘investment costs’ or in order to create stimulatory effects in ECEC.

The 16 federal states (*Länder*) translate the overall legislative framework of the Child and Youth Welfare Act into executive ECEC laws. Each of the 16 *Länder* has adopted its own regulatory framework, elaborating on the provision of ECEC services and funding. The *Länder* laws usually regulate licensing, provision standards, staff qualifications and other qualitative aspects such as requirements regarding staff-child ratios. Funding mechanisms are also defined.

In terms of regulatory scope, the 16 *Länder* schemes differ<sup>36</sup>. Some set out competencies in a rather general way but leave implementation to the subordinate local authorities, whereas others explicitly specify certain aspects such as the share of costs regarding services and funding tasks of the involved stakeholders (*Land*,

35 This particular mode of shared legal competencies has been the subject of heated debate in the past as it has often led to political conflict, not least because ECEC funding competencies lie exclusively with the *Länder* (and municipalities, but not at the national level) (Blome 2017; Schmid/Wiesner 2006). Therefore, federal bills touching on financial matters require the consent of the chamber of regions (*Bundesrat*).

36 Examples of regional differences in legislation can be found in the role of family day care or the educational training of staff (levels of qualification).

municipality, providers, parents, see the chapter on funding) (Riedel 2011). ECEC developments at *Länder* level are constantly monitored (Bock-Famulla et al. 2017)<sup>37</sup>.

In addition to the legal frameworks, curricula were introduced in each of the *Länder* between 2003 and 2007 to increase pedagogical consistency across the country. However, they are not mandatory.

At a third level of governance, municipalities and districts (*Kommunen* and *Landkreise*), the key stakeholders in the decentralised system are in charge of local provision. They implement the national and *Länder* regulations and translate them into operating services. This means that they bear major responsibility for demand-based planning, organising and ensuring ECEC provision by providing adequate infrastructure. They are also the main actors in service funding.

Most of the local governance is carried out by the local providers of public child and youth welfare (*örtliche Träger der öffentlichen Jugendhilfe*) (Section 69 Social Code Book VIII). They provide the administrative infrastructure for dealing with child and youth welfare issues including ECEC, usually the local youth welfare offices (*Jugendämter*). They are characterised by a dichotomous structure and consist of an administrative branch and the local youth welfare board<sup>38</sup>. These two branches cooperate on planning and coordinating the local provision of child and youth welfare. In some of the *Länder*, there are also regional offices, the *Land* youth welfare office (*Landesjugendämter*). These have a primarily consultative and supervisory function (Stöbe-Blossey 2012)<sup>39</sup>.

In the decentralised system, the local level has been characterised as the ‘key arena’ for establishing high-quality early education and care since municipalities and districts have extensive competencies in ECEC implementation (Fuchs-Rechlin/Bergmann 2014). They can either assign service organisation to non-governmental agencies that then operate the ECEC services, in cooperation with and supported by the municipality or they can act as service providers themselves. Their key role in ECEC is also visible in financial terms. Today, the local administrative bodies spend about 14 percent of their funds on child and youth welfare. This constitutes the second highest share of municipal expenditure. Indeed, since 2005, the highest in-

37 One example that illustrates the variations that result from differing schemes are the staff-child ratios: they differ greatly between the *Länder*. The median staff-child ratios based on official statistics vary between 1:3 for children under the age of three (in Baden-Württemberg) and 1:6.5 (in Saxony) and between 1:7.2 for children between three and six years of age (in Baden-Württemberg) and 1:13.7 (in Mecklenburg-Western Pomerania) (Bock-Famulla et al. 2017). These figures do not reflect the ratios stipulated in *Länder* regulations, but reflect the de facto ratios observed in each *Land*. The figures comprise the median of the respective full-time equivalents of staff and children, including indirect pedagogical work (e.g. preparation or management tasks).

38 The local youth welfare board includes representatives of the locally relevant free welfare providers and individually appointed persons with expertise in the field of child and youth welfare. In practice this distribution of competencies often resulted in a corporatist structure of local governance (Evers/Riedel 2002).

39 The administrative structure varies between the *Länder*. In North-Rhine Westphalia, for example, municipal associations have been put in charge of coordinating youth welfare (Stöbe-Blossey 2012).

crease in municipal spending has been observed on ECEC services (Bundesministerium für Familie, Senioren, Frauen und Jugend 2013).

Still, the room for manoeuvre currently enjoyed by municipalities in terms of local welfare governance has been limited by the recent expansion policies, imposing considerable restraints on the local authorities. More importantly, when it comes to fundamental political steering decisions on a national scale, the municipal level is far less involved. Local authorities formally participate in ECEC policymaking through their representative bodies – the three ‘municipal associations’ (*kommunale Spitzenverbände*)<sup>40</sup> that are usually limited to a right to be heard (Blome 2017). Hence, from a constitutional law perspective, the municipalities’ position within the federal structure is rather weak (Fuchs-Rechlin/Bergmann 2014). This situation can be described as a dilemma between substantial responsibilities on the one hand and limited political power on the other.

## 4.2 Service provision in German ECEC

### Governing provision by two fundamental principles

At the level of service implementation, provision patterns in Germany are shaped by two guiding principles: the ‘principle of subsidiarity’ (*Subsidiaritätsprinzip*) and the ‘principle of diversity’ of providers. These two elements are fundamental organisational features of child and youth welfare services in Germany and also shape the local governance of ECEC provision.

The *principle of subsidiarity*, which is set out in the 1991 Child and Youth Welfare Services Act (Section 4 Social Code Book VIII), regulates both funding and provision of services. More precisely, it organises the relationship between private and public providers. It specifies that public authorities are to provide social services only if services by non-governmental agencies are not sufficiently available to meet the demand. Thus, priority is given to private non-profit (the so-called ‘free providers’ according to Section 3 Social Code Book VIII) over public providers.

The concept of subsidiarity has a long history in German public welfare. Since in the beginning childcare was mainly provided by social welfare agencies and the church, there is even today a strong non-governmental social sector and a tradition of the corporatist organisation of ECEC provision (Stöbe-Blossey 2012; Riedel

<sup>40</sup> The three associations separately represent cities, smaller municipalities and districts. They lobby for the local level in ECEC policy-making, and have different institutionalised rights to be heard at Länder and national level (Blome 2017).

2011). For-profit providers were not permitted for a long time. Hence, the ECEC market today is dominated by the private non-profit sector – the ‘free’ providers.

This historical background also accounts for the high degree of autonomy that private non-profit providers enjoy regarding their concepts and ways of organising and operating services. They receive substantial funding from the public authorities (see chapter on funding) and are entitled to further support in their work from the local youth and welfare offices. Moreover, they are involved in (local) decision-making processes (Stöbe-Blossey 2012) as members of the local board in charge of child and youth welfare. Thus, private non-profit providers play an impressive role within the German childcare market, both qualitatively and quantitatively, as explained in the next section.

The second principle that shapes provision has to do with conceptual diversity and aims to guarantee a certain degree of choice for parents at the service level: child and youth welfare is characterised by the *diversity of providers* that operate in accordance with varying values and orientations (Section 3 Social Code Book VIII). This principle of diversity is related to the idea of parental choice. Parents have the right to choose from a range of both services and pedagogical concepts (Section 5 Social Code Book VIII). Therefore, municipalities have to ensure a certain degree of variety in the services on offer to families.

From the governance perspective, the providers constitute the crucial link between the administrative regulations put in place by the *Länder* and their implementation by the childcare centres in the field: providers decide on organisational aspects such as opening hours and individual access criteria of their settings. They determine the working conditions for ECEC staff and support both the administrative and pedagogical work in the centres (Peucker et al. 2017). Furthermore, most providers have developed their own quality management system (Klinkhammer/Riedel 2018).

### **The strictly regulated childcare market in Germany: types of services and providers**

ECEC settings in Germany used to be differentiated by age. Traditionally, the crèches (*Kinderkrippen*) cater for children from zero to three whereas the so-called kindergarten (*Kindergarten*) are for children aged three to six – at the age of six, children usually start primary school. However, due to the recent and ongoing expansion of services and the entitlement for one- and two-year-olds, this formerly rather strict separation by age is becoming increasingly blurred. Instead, the number of day care centres (*Kindertageseinrichtungen – KiTas*) that provide services for all children age zero to school entry is growing, eventually ‘merging’ crèche and kindergarten.

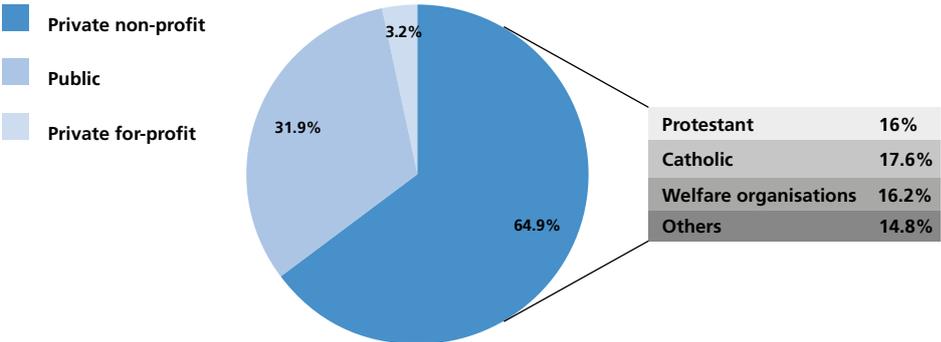
Regarding the group structure, these services can be organised internally in mixed-age groups or in crèche and kindergarten groups. There are also specific ‘subtypes’ of centres such as the ‘children’s houses’ (*Kinderhäuser*) that cater for different age groups, including after-school care for children aged six to 14 years, ‘under one roof’. A growing number of family centres provide not only early childhood education and care but also other family-oriented services such as counselling, etc.

Today, day care centres account for the largest share of ECEC settings (63 percent). 33 percent of the settings are kindergartens and only 4 percent are crèches (Statistisches Bundesamt 2017a). In addition, family day care has gained in importance as a consequence of the expansion process. As it has been classified as a service type ‘equal’ to centre-based day care for children under the age of three, it has become established as an alternative service form for this age group. Despite this, the share of family day care in the total ECEC provision today is relatively small<sup>41</sup>.

The structure of the childcare market in Germany is strictly regulated. It has been characterised as a ‘mixed economy’ (Hogrebe 2016) since public and private types of provision exist side by side. Private providers, including certain private for-profit ones, are entitled to public subsidies.

Public services are usually operated by the municipality or smaller local administrative bodies and represent one-third of ECEC services today (31.9 percent in 2017<sup>42</sup>). In these cases, the local authorities themselves assume the double role of simultaneously organising and funding local ECEC provision and operating individual services.

**Fig. 5: The German childcare market in 2017: Shares of provider types**



(Source: Statistisches Bundesamt 2017a)

41 15.4 percent of ECEC for children aged zero-to-two is provided by family day care, whereas the remaining 84.6 percent are provided by ECEC centres. For children three years and older the difference is even more pronounced. Only 0.7 percent of ECEC is provided by family day care (Autorengruppe Bildungsberichterstattung 2018). With regards to expansion, new places are also being created in family day care (and not only in centre-based ECEC), currently especially in so-called child minders’ cooperatives (*Großtagespflege*). In these cooperatives two or more child minders collaborate within one local setting, each of them being allowed to cater for up to 5 children. This type of ECEC service does not exist in all *Länder* (Autorengruppe Bildungsberichterstattung 2018).

42 According to own calculation based on German statistics on child and youth welfare.

The biggest share of the childcare market in Germany is in the hands of the free, non-profit providers (2017: 64.9 percent). They are usually associations, private organisations, and companies running services for their employees or parents' co-operatives that operate on a not-for-profit basis. They are publicly subsidised and operate independently.

In the case of private, not-for-profit providers, more than half of the ECEC settings are church-affiliated, mainly operated by the Catholic (17.6 percent in 2017) or Protestant church (16.4 percent)<sup>43</sup> (see Fig. 5). The bigger, non-church-affiliated national welfare organisations, such as the Workers' Welfare Organisation (*Arbeiterwohlfahrt, AWO*) or the Red Cross, are other traditional stakeholders in childcare provision; they have a 16.2 percent share. Other not-for-profit organisations, including these parents' cooperatives, had a 14.8 percent share in 2017.

Parents' cooperatives (*Elterninitiativen*) have become a permanent actor in childcare. Although their share has not increased as significantly throughout the expansion process as one might have expected (Riedel 2011), given the gaps in provision for under-threes, they play an ongoing role in provision: in 2017 their total share in ECEC provision was 8.5 percent. Most are organised as not-for-profit associations and some are incorporated into one of the large welfare organisations (both church and non-church-affiliated). Therefore, those services need to be understood as part of the large group of private not-for-profit providers. A very small share operates on a for-profit basis.

With a share of 3.2 percent, the private-for-profit sector represents the smallest sector of German ECEC providers. However, in recent years this sector has undergone constant development and diversification. This includes not only an expansion in for-profit settings in the aftermath of the Day Care Expansion Act 2005 (due to public subsidies), but also a diverse structure within the group of for-profit-providers. Different types of for-profit providers have been defined: quasi-public services, single services and chains (Ernst et al. 2014). An important feature in this context is the fact that although they operate on a for-profit basis, they are still eligible for public subsidies.

The regional distribution of the different types of providers does, however, vary across Germany, especially between the eastern and the western parts. Today, there are still far fewer church-affiliated providers operating in eastern than in western Germany since the church had a traditionally marginal role in the former GDR. In contrast, the traditional non-confessional welfare organisations are the predominant ECEC providers in the eastern *Länder*.

43 Other church-affiliated providers (e.g. the Central Welfare Office of the Jews in Germany) provide 0.5 percent of ECEC services.

**Tab. 2: Shares of selected private, non-profit providers in east and west Germany 2017**

Type of provider	Private, non-profit providers ('Free' providers)			
	Related to welfare-organisations		Church-affiliated	
	AWO (Workers' Welfare Associations)	Deutscher Paritätischer Wohlfahrtsverband	Diakonie (Protestant)	Caritas (Catholic)
Eastern States <sup>44</sup>	6.2	15.8	10.4	2.1
Western States	3.9	4.7	17.3	20.8
Germany	4.4	7.0	15.9	16.9

(Source: Bock-Famulla et al. 2017, p. 380)

## 4.3 Funding

In line with the interdependent multi-level structure of the German ECEC system, the underlying funding mechanisms are rather complex and characterised by large regional differences. Therefore, in this section, funding structures comprising public and private spending are presented by way of example. The main focus is on a description of overall funding responsibilities, the split between public and private spending, with a special focus on the decentralised structure of the system and the role of the federal level. This is followed by the presentation of both supply- and demand-oriented approaches to public spending on the *Länder* and local level. To illustrate those mechanisms and the underlying aims, two exemplary ways of funding ECEC at the *Länder* level are described in more detail. In a last step, different aspects of private spending on ECEC, especially parental fees, are discussed.

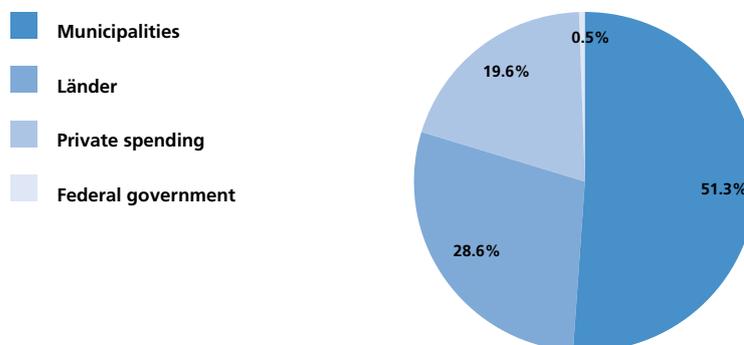
### Shared responsibilities in a decentralised system

In general, ECEC in Germany, including public as well as private childcare settings, is a mixed system funded by different public and private sources.

One of the inherent features of the German funding structure is a wide variation in the shares of the different stakeholders. This again underpins the decentralised structure of the ECEC system as a whole. Funding responsibility varies not only across the different *Länder* and municipalities but also across the providers of childcare settings (Blome 2017).

44 Including Berlin

**Fig. 6: Funding responsibilities**



(Source: Autorengruppe Bildungsberichterstattung 2018)

Figure 6 illustrates the shared responsibilities as a national average. Generally, it can be seen that the German ECEC system is mainly publicly funded with the municipalities<sup>45</sup> bearing half of the costs. The municipalities' financial responsibility for ECEC provision is crucial. However, about half of the financial endowment consists of trade tax which is dependent on the presence of industry within a municipality and subject to economic fluctuations (Bundesministerium für Familie, Senioren, Frauen und Jugend 2013). In addition, other tax revenues are redistributed to the municipalities by the *Länder* and the federal government. This leads to regional disparities regarding the municipalities' budgets and consequently also ECEC provision<sup>46</sup>.

Private expenditure again varies widely across the regions: with the provider's equity ratio at about 7 percent on national average and parental fees ranging between 7 and 24 percent of total spending on ECEC (Autorengruppe Bildungsberichterstattung 2016).

As already pointed out, the federal government has a special role in funding ECEC. Financial cooperation between the federal government and municipalities has been prohibited (*Kooperationsverbot*), as stipulated in the Basic Law (Art. 104a GG) since the reform of federalism in 2006. Consequently, the government is not allowed to direct funds toward the municipalities or the providers. However, there are two ways in which the federal government can contribute to funding the childcare system: directly by targeted funding (e.g. the federal government provided several investment programmes to support the expansion of the childcare sector)<sup>47</sup> and federal programmes

45 The municipal budget consists of tax revenues, public fees (e.g. for sewage or waste disposal) and so-called municipal financial compensation, consisting of funds from the *Länder* and a redistribution of municipal revenues. This procedure again leads to huge variation in a municipality's budget across the *Länder*.

46 For more information see: <https://www.bundesfinanzministerium.de/Content/DE/Bilderstrecken/Mediathek/Infografiken/finanzfoederalismus.html?notFirst=true&docId=63182#photogallery>

47 Overview of the investment programmes geared to the expansion of the childcare sector: <https://www.bmfsfj.de/bmfsfj/themen/familie/kinderbetreuung/gesetzliche-grundlagen-fuer-den-ausbau-der-kinderbetreuung/86386>

for a limited period of time<sup>48</sup> or indirectly, for instance by means of tax reductions for parents using ECEC or the redirection of tax revenues to municipalities.

## Public spending on German ECEC

Generally speaking, public spending on ECEC (excluding project-based funding of the federal government) accounted for 0.9 percent of Germany's GDP (25.4 billion) in 2014.

One particularity of the German system, originating from the demand for massive expansion of the ECEC sector, is that private for-profit providers are entitled to public funding as well (Section 74a SGB VIII).

### Demand-oriented funding

In funding approaches a distinction can be made between supply- and demand-oriented. Supply-oriented financing may involve an allocation granted to the ECEC provider for each available place or each child enrolled. Demand-oriented financing can either be direct, for instance by allocations granted to parents enabling them to choose a care arrangement for their child, or indirect via tax deductions for parents who have a child in ECEC<sup>49</sup>. One form of demand-oriented allocations granted to parents in Germany are so-called ECEC vouchers (*Kita-Gutscheine*) which are used for instance in the city states Hamburg and Berlin<sup>50</sup> (Dohmen 2016). A central aim of the vouchers is to facilitate and regulate the complex and non-transparent distribution of ECEC places, and to provide parents with more powers regarding the choice of provision (Betz et al. 2010). Parents apply for an ECEC voucher from the responsible youth welfare office, which can then be redeemed in every ECEC setting with an available place. The voucher covers daily care of up to seven hours (in Berlin) and five hours (in Hamburg) starting on the child's first birthday. Costs for additional care (longer than maximum seven hours) and for food have to be covered by parents.

For the providers, the voucher system means that they only receive funds if they are able to present the vouchers of the children enrolled in their centres (Bange 2010).

48 Overview of current federal ECEC programmes: <http://www.fruehe-chancen.de/qualitaet/aktuelle-bundesprogramme/>

49 In Germany, two-thirds of childcare costs per child and year are tax deductible (up to a maximum of EUR 4000). Research indicates that the indirect subsidies via tax deduction have little impact on more equal access to ECEC, as the financial relief rises in line with household income (Müller et al. 2013).

50 In Hamburg, the system was introduced in 2003, in Berlin in 2006.

In both cities, enrolment rates increased after the introduction of the vouchers<sup>51</sup>. However, the impact of the vouchers as a demand-oriented funding approach in correlation with the introduction of legal entitlement to a place in ECEC is still unclear.

### Supply-oriented funding

The Bavarian regulation of ECEC funding is outlined as an example of a supply-oriented funding principle although it also considers demand-side characteristics. Depending on the special characteristics of the respective child (i.e. age, migration background or attendance hours) the provider receives a lump sum for each child enrolled. Children with a migration background<sup>52</sup> are attributed a weighting factor of 1.3. This means that their funding is 30 percent higher than for a child without a migration background (Article 21 BayKiBiG). The additional money is meant to be used to put in place the necessary framework conditions for those children to compensate for possibly unequal educational opportunities, such as additional language support. Children under the age of three have a weighting factor of 2. This is meant to cover the additional personnel costs resulting from the lower child-staff ratio for younger children.

### Supply-oriented funding on the municipal level

As already mentioned, funding approaches not only vary between the *Länder* but also between municipalities. Traditionally, on the local level ECEC used to be financed by fixed allowances, i.e. providers received a lump sum from the municipalities based on the places they provided, regardless of whether they were actually used, if children in need of additional support were enrolled or on how long the children were cared for. Currently, a shift from this scattergun approach towards more targeted funding can be observed (Betz et al. 2010). This development can be seen as an approach which is more aligned with the ECEC providers' actual needs. The funding mechanisms on the *Länder* level presented above already illustrate this approach towards more needs-oriented ECEC funding. On the local level the development towards more targeted funding can be observed as well, although it is implemented differently.

The formula of additional ECEC funding in Munich (*Münchner Förderformel*) is used as a municipal example of targeted funding. Based on several factors, such as the age of children enrolled, opening hours, personnel shortage or the location of the setting, ECEC settings in Munich can apply for additional funding, in excess of the funding defined legally in the Bavarian Child Education and Care Law (*Bayerisches Kinderbildungs- und -betreuungsgesetz – BayKiBiG*). Especially the location factor (i.e. ad-

51 An evaluation of the Hamburg voucher model indicates that access inequalities even increased after the voucher system had been introduced, as children with parents who were not gainfully employed lost their entitlement to a place in ECEC (Strehmel 2010). As today all children are entitled to a place in ECEC, regardless of whether their parents are employed or not, this effect can no longer be observed.

52 Defined here as a child with two parents with a non-German mother tongue.

ditional funding for settings in socially disadvantaged areas) ought to foster access for socially deprived children. A study on the impact of the *Münchner Förderformel* indicates that the initiative can help to secure better development chances for children living in socially disadvantaged areas (Nagel et al. 2015).

Supply-oriented funding mechanisms applied on both the *Länder* level in Bavaria and the local level in Munich can be seen as a form of ‘positive discrimination’ (Warsewa 2012). The targeted funding approach is supposed to strengthen structural quality within the ECEC setting in terms of the staff-child ratio in order to explicitly support more disadvantaged children (Böhme 2017).

In general, as the funds which municipalities receive from the *Länder* level are not necessarily earmarked, the municipalities decide how much of those global allocations are spent on ECEC. Furthermore, the financial volume dedicated to ECEC depends not only on municipalities’ priorities but is also influenced by the municipalities’ indebtedness, i.e. the financial scope for investments in ECEC differs<sup>53</sup> (Mosimann/Giger 2008).

## Private spending on ECEC

Private spending on ECEC consists of the providers’ equity ratios and parental fees. In 12 of the 16 *Länder*, private non-profit providers contribute financially to ECEC provision. Again, the share the providers have to cover themselves differs between the *Länder* and the type of provider (Dohmen 2016).

In an international comparison parental fees in Germany (together with Switzerland) tend to have the largest range taking into account public and private non-profit centres (zero to over EUR 800 per month) (European Commission et al. 2014). The diversity of parental fees in Germany is due to the way in which they are calculated. This is based on a variety of individual factors and legal regulations. According to federal legislation, parental fees for ECEC can be staggered in line with different criteria (Section 90(1) SGB VIII). As the formulation implies, this staggering is merely a suggestion and the concrete implementation of how parental fees are staggered, if at all, is up to the *Länder*, the municipalities or even the providers and centres (Meiner-Teubner 2017). The criteria for staggering can either be the household income, the number of children per family, hours of care, the type of ECEC setting or a combination thereof. Parents can even be exempted

53 Special cases are municipalities with a so-called emergency budget (*Nothaushalt*). Due to indebtedness, these municipalities are supervised by the Land and are not allowed to invest in anything other than their running costs. Therefore, the autonomy of the municipality is drastically diminished. The expansion of ECEC services, requiring massive investment, has still to be realised. Consequently, the majority of the budget for child and youth welfare is tied to this, leaving no room to invest in other offers of child and youth welfare. Consequently, municipalities with an emergency budget are not able to keep up with better-off municipalities. This again leads to regional disparities in ECEC provision.

from paying fees at all after verifying the reasonableness of the financial burden (Section 90(3) and (4) SGB VIII), i.e. household income is lower than a specifically designated amount.

A recent study (Schmitz et al. 2017) shows that households at or below the poverty line that were not exempted from the fees in 2005 spent, on average, 11 percent of their household income on ECEC for each three-to-five-year-old child whereas those above the poverty line spent only 7 percent. This difference decreased over time and in 2015 both groups had similar relative expenses of 8 percent. Even if exemptions from fees are taken into account, households at or below the poverty line had a higher relative share up to 2013. It is only since 2015 that their relative expenses have fallen below those of income groups above the poverty line. Nonetheless, the financial burden of the lowest income quartile is not or is not considerably below the relative expenses of the highest quartile. It can be argued that the same relative share of income is more difficult for lower income than for higher income groups to spare. Consequently, a study with data from 2010 shows that the share of mothers who have not enrolled their one-to-two-year-old child in ECEC and who gave as a reason (multiple reasons were allowed) that the costs were too high is slightly higher for families with an income below the median, for families that receive public assistance and low-income families than for their counterparts (Müller et al. 2013).

Regional and social variation not only occurs in terms of the level of parental fees, but also in terms of whether parents have to pay for childcare at all. Currently, there are political ambitions in various *Länder* (e.g. North Rhine-Westphalia) to abolish parental fees completely in line with the principle of free education (Meiner-Teubner 2017). In six *Länder* some years of childcare, mostly the last year before primary school (e.g. in Bavaria or Hesse), and/or a certain weekly attendance, are already free of charge (independently of the parents' income) (Bock-Famulla et al. 2017). In Rhineland-Palatinate and Berlin, ECEC is free for children from the age of two, whereas in Hamburg 30 hours a week are free for children from the age of one (Meiner-Teubner 2017; Behörde für Arbeit, Soziales, Familie und Integration 2014). Parental fees not only differ regionally, but also by type of provider, type of care setting and age of the child. Generally, fees for children under the age of three are higher than for children aged three to six. Due to this variation based on social characteristics and regional regulations, it is not possible to determine a conclusive average fee parents have to pay for childcare.

## 4.4 Relating the multi-level governance system to access: Implications and challenges

The institutional arrangements of the German ECEC sector have been described above. The picture that emerges is that of a governance system with a multi-layered design based on public steering and a diverse mix of provision.

Given the political agenda on social inclusion, further reflection is needed on the governance structure and its effects in terms of (in)equality in access. The following section, therefore, reflects on some of the described institutional features and their implications. Both opportunities and challenges can be identified that have effects on access conditions. The reflections are structured along the governance levels outlined above.

### **A 'new public responsibility': The impact of the national level**

By opting for integrated public responsibility for ECEC and by extending the legal entitlement for three- to six-year-olds to one- and two-year-olds in 2013, the German ECEC system has been 'equipped' with two features that have been identified as pivotal when it comes to equal access (Bennett 2012). The reforms establishing this universality were, however, the result of intensive political debate. The process of decision-making and implementing these reforms has been described as a 'reconfiguration' of the system (Riedel 2011). For the first time, the national government took up a key role and, by pushing for the entitlement, it effectively made use of its legislative competency, with reference to federal responsibility for guaranteeing cross-country equal living conditions.

This 'federal turn' was not imperative given the institutional structure that is currently in place. As outlined above the regulatory framework for ECEC is clearly shaped by the mechanisms of federalism. Steering tasks are distributed but intertwined between the different administrative levels. Thus, ECEC governance is not only defined by complexity but also by the competing interests of stakeholders at different political levels. In fact, it has been claimed that, from a constitutional law perspective, the ECEC framework lacks efficiency due to its federalist organisation (Blome 2017). Since the definitions of competencies are relatively broad, they might eventually lead to a blurring of responsibilities. Moreover, Blome argues that the *modi operandi* of federalism have slowed down reform implementation on the whole as federal and *Länder* interests often collide, not least due to the mismatch of policy-making and funding competencies.

From a governance perspective, the stronger involvement of national government did indeed further consolidate the multi-level character of the system (Klinkhammer/Riedel 2018). Competing interests coexist within the federal organisation and have to be negotiated. Given the fact that overarching statutory competencies and regular funding competencies for ECEC are in different administrative hands, complexity and the need for coordination are omnipresent. In the case of the expansion reform, the federal level had claimed exclusive jurisdiction drawing on the mechanisms of competitive legislation; the *Länder* were almost ‘downgraded’ to their funding tasks only (Blome 2017), leading to political tensions. Therefore, any further consequences of stronger leadership in terms of performance of the federally organised ECEC system remain to be seen (Stöbe-Blossey 2012)<sup>54</sup>.

However, it can be concluded that the role of the national level was key in establishing universality as a prerequisite for equal access. By drawing on their legislative competencies, the national authorities demonstrated a stronger will to steer (ibid.). This ‘new public responsibility’ led to considerable progress since the service offer was extended. Hence, increased leadership turned out to be highly conducive to improving access conditions to German ECEC. Not only by driving forward the legal entitlement but also by investing in federal programmes such as low-threshold ECEC services for immigrant children (*Kita-Einstieg: Brücken bauen in frühe Bildung*)<sup>55</sup>, see chapter 2), the federal government has used its powers in a progressive manner. This has allowed for innovation and joint action in ECEC matters, with a positive political outcome regarding equal access chances<sup>56</sup>. From a historical perspective, taking into account former familialist traditions of German ECEC (see chapter 3), considerable progressive developments have been achieved that should not be underestimated.

Still, discrepancies remain between what has been legally stipulated and what can be observed in reality with a view to families’ needs. As shown in chapter 1 there is still a demand for ECEC places that has not yet been met, especially for younger age groups. Evidently, not all families (are able to) have exercised their legal right to a place up to now.<sup>57</sup> Still, the numbers of those parents that go to court has remained relatively low (Wiesner/Kößler 2014). It is unclear, however, to what extent parents are aware of their entitlement and, if they are, relevant knowledge may be less widespread among less well educated or parents with a migrant background.

54 From a governance perspective, this increased activity at national level might entail/imply additional complexity of coordination and decision-making processes that affects all administrative levels. Cooperation and negotiation between the stakeholders, a constant challenge in federal systems, takes on even more importance.

55 The programme was a reaction to regionally varied local approaches offering informal childcare services for (mostly) newly arrived families, usually refugees. The Federal Ministry decided to promote and fund programmes and courses seeking to facilitate access to formal ECEC (<https://kita-einstieg.fruehe-chancen.de/>).

56 Continued leadership is currently observed in the process of ECEC quality development and assurance when the national government has taken on a key role in driving forward quality development issues.

57 Also, some parents who are reported as wanting a place are actually offered a place but decide not to take it up (Meiner-Teubner 2016a).

## Regional variation at *Länder* level as an effect of federalism

It has been shown that, at the regional level of ECEC administration, the *Länder* authorities set their own regulations and standards for ECEC. As a consequence, considerable heterogeneity in terms of administration patterns, pedagogical foci and funding mechanisms has evolved, with structural quality features such as child-staff ratios, varying across the *Länder* and between eastern and western Germany in particular (Bock-Famulla et al. 2017).

Thus, a lack of regulative consistency is to be attributed to federalism. There are no nationwide standards in place. Two examples illustrate the resulting consequences for access:

### Regional implementation of the entitlement

Regarding implementation of the entitlement to a place in ECEC, the national Child and Youth Welfare Act does not concretise this right in terms of a minimum number of hours a child is entitled to per day. It only vaguely states that the amount of hours is determined by the child's 'individual needs' (Section 24 SGB-VIII). Consequently, according to their executive laws, the *Länder* have interpreted the scope of the entitlement differently: 6 out of 16 *Länder* have not set a minimum entitlement of attendance hours. Where a certain number of hours of attendance (*Betreuungsumfang*) is guaranteed by *Länder* law, it varies between four and ten hours a day (Blome 2017; Bock-Famulla et al. 2017). These executive regulations are closely linked to the funding system in place and depend on the way the costs for a place in ECEC are calculated. Still, it can even be assumed that the entitlement as such is interpreted differently also at the local level where local authorities make use of their discretionary power to translate it in line with the local circumstances (Böhme 2017). Consequently, access conditions are fairly inconsistent since children in Germany are indeed entitled to a place in ECEC but to differing degrees (depending on where they grow up). What is even more worrying is the fact that the effects of poverty-related discrimination can be expected when additional hours of attendance are linked to preconditions such as parents' working hours (ibid.).

### Parental fees

The organisation of non-public ECEC funding leads to cross-country variance as well. First of all, regionally unequal conditions are produced for families in Germany, since several *Länder* as well as some individual municipalities have abolished fees completely for a certain age group and/or for a certain number of hours of care, whereas in other regions, parents have to pay for ECEC. One intention of overall free ECEC provision is to diminish the access barriers imposed by parental fees. This is especially relevant for low-income families who are not entitled to a fee exemption based on the reasonableness of the financial burden. However, free ECEC provision for the last year before school entry, as put in place in different *Länder*, has to be viewed critically, as enrolment rates for this age group almost reach full coverage. Hence free provision only for this last year of ECEC cannot in principle contribute to more equal access.

Free ECEC provision for younger children, on the other hand, may diminish social disparities whilst, at the same time, increasing regional inequality.

Secondly, where parental fees are in place, they are calculated in various ways, depending on differing regulations implemented by the *Länder* and the municipalities and on the mixed market structure of service provision (see examples on funding strategies in the chapter on funding). Consequently, there is regional variation regarding the inclusion of a families' background in the calculation of fees.

Lastly, parental fees, although they may be equated, still constitute a relatively larger burden for lower-income families. This turns them into an access barrier for more disadvantaged groups and they, therefore, contribute to social disparities in many places.

### **Local ECEC governance: managing political interdependencies and local disparities**

It has been outlined above that the role of the municipalities and districts within the multi-level governance system in ECEC is a crucial but ambivalent one. Despite the fact that municipalities are key stakeholders and the main funders, their formal political impact is limited. This position of the local entities within a decentralised governance structure can be understood as a challenge affecting access conditions.

Firstly, decentralisation has traditionally implied a certain room for manoeuvre for local authorities in governing ECEC (Vidot 2017) in order to respond to locally varying needs and to local demand. They choose strategies for service provision (act as provider and/or cooperate with free providers) as well as administrative procedures to organise local ECEC policies. Against this background, different models of local governance can be observed in the childcare sector (Riedel 2011). Specific patterns of cooperation between municipal authorities and providers have developed that result from the locally grown arrangements of stakeholders. According to Riedel (2011), current steering processes in ECEC at municipal level are to a large extent shaped by the history of local welfare provision. Depending on the situation on the ground, we can even find varying levels and patterns of provision in different neighbourhoods within municipalities. These differences can often be traced back to local child and youth welfare planning or a lack of such, when providers decide (not) to open up or close centres in a particular neighbourhood for different reasons (Böhme 2017).

Secondly, although formally responsible for ECEC provision, the local authorities are dependent on what has been regulated at *Länder* level and how it has been regulated. These interdependencies between the regional and local levels of ECEC administration determine local ECEC implementation. In the case of the number of hours of care, for example, children are entitled to what has been stipulated at *Länder* level and municipalities have to provide services accordingly (Böhme 2017).

The interdependencies of *Länder* regulations and local implementation are especially evident in the case of funding (Vidot 2017). German municipalities and districts have been under considerable financial pressure for some time (Rauschenbach et al. 2011). The costs of expansion have exacerbated these financial constraints even further as will the elimination of parental fees, if the political claim is enforced without financial compensation for the local authorities. Depending on the financial policies of the *Länder*, there are extreme differences in funding capacities at the local level. Consequently, limited means to invest in ECEC may lead to increasing segregation in (high-quality) service provision between better-off municipalities and those with fewer resources. Overall, such phenomena of both financial and political inter-level interdependencies deserve a closer look from a perspective focussing on equality in access.

These features of the local governance level imply a degree of variation at the local level that goes far beyond the above-mentioned differences in *Länder* legislation (Bock-Famulla et al. 2017). Due to varying models of local ECEC governance and differing financial resources, the German ECEC landscape is shaped by regional and local disparities. Consequently, the access-related approaches pursued by local authorities in the field of ECEC are very diverse and range from promoting low-threshold services (family centres) within the municipality to further-reaching integrated local approaches that link up ECEC and other systems of care and education, for instance to systematically tackle poverty. This regional diversity clearly contributes to regional inequality in access.

### **The role of providers: the limits of pluralism**

Subsidiarity and local governance patterns have consolidated local childcare markets that are traditionally characterised by a pluralist provider structure. Municipalities and districts are mandated to ensure access to diverse types of services.

The principle of diversity stipulated by ECEC law implies a wide range of pedagogical programmes from which parents can choose according to their preferences. Previous work has suggested that ECEC systems with such a heterogeneous provider structure are in a better position to address diverse needs of families from disadvantaged backgrounds (Bennett 2012). Moreover, in the case of Germany, a majority of free, not-for-profit providers has its roots in social welfare and care (such as the church-affiliated providers or the Workers' Welfare Association). This tradition implies a sense of social responsibility and advocacy for weak social groups (Riedel 2011). Given that they benefit from far-reaching autonomy, do not operate on a for-profit basis and are embedded in specific communities (the local parish, milieu of workers' organisations), it can be assumed that the given provider structure as well as the services on offer reflect diverse interests and needs of families from different backgrounds, thus fostering the inclusiveness of services.

As a result of the corporatist tradition in local welfare, the free providers participate in the local boards in charge of child and youth welfare including ECEC. They are involved in local ECEC decision-making, while at the same time being subject to decisions within these committees. On the one hand, this presence and involvement of independent providers in the local governance structure can be assumed to favour the promotion and integration of certain social aspects of ECEC access. On the other hand, a focus on particular (social) interests might at the same time imply discrimination of others.

Moreover, some types of providers have been found to be less inclusive than others, with consequences for access conditions. Consequently, even though their share is only 8 percent, parents' cooperatives have been identified as a source of "extreme segregation effects" (Hogrebe 2016, p. 18). By primarily targeting high-resource families (with high socio-economic status) they tend to reproduce social selectivity. The way parent-run centres expect families to pass selective admission procedures and to contribute both in terms of money and time can be expected to increment access barriers for families from less favourable backgrounds.

The provider category of centres operating on a for-profit basis needs to be considered in this regard as well. Their share is still marginal but is constant and partly even on the increase (3.2 percent in 2017). The for-profit centres need to be distinguished along a spectrum ranging from small settings operated by individuals (usually ECEC professionals) to larger commercial chains. For-profit providers generate a profit by means of complete coverage of places, retrenchments of staff and relatively high parental fees (Ernst et al. 2014). Consequently, profit-oriented enrolment strategies are pursued, especially by the larger chains that disadvantage families with lower resources: they may not be able to afford a place and, indeed, tend to be enrolled less often in for-profit facilities (Hogrebe 2016). In contrast, municipal centres are assumed to better address and more often enrol children from underprivileged backgrounds (Böhme 2017).

Family day care, an additional type of provision, is also estimated to foster selectivity in access since this service type is not normally taken up by non-German families as often as centre-based provision in *KiTas*. The access situation in family day care deserves a closer look, though.

From a local perspective the actual scope of pluralism in provision turns out to be even more limited. Not only the mere presence of some provision structures but also the regional distribution constitutes a challenge in terms of equality in access. Previous studies suggest that national statistics indicating a well-established plurality of providers in the German childcare market (see figures above in the chapter on the childcare market) do not necessarily reflect what is happening at the local level. Instead, local childcare provision can vary considerably. In fact, it has been documented in the case of the German city of Münster (Hogrebe 2016) that the local childcare

market is dominated by a very small number of providers, with others being under-represented. The few providers in place tend to enrol certain groups of children and neglect others, thus contributing to local segregation. This actually means that access to a particular service offer/provider is unequal in different parts of the country.

Such phenomena of local disparities in provision can also be found in the for-profit segment. Even though their share in terms of the national average is relatively small (albeit increasing<sup>58</sup>) and research on this segment is limited, the distribution of for-profit providers<sup>59</sup> varies greatly from region to region and even within municipalities. In the city state of Hamburg, for example, 15 percent of zero-to-two-year-old children and 12 percent of three-to-five-year-old children are in for-profit centres whereas in other federal states, for instance the city state of Berlin or Saxony-Anhalt, the for-profit sector is practically non-existent. In Bavaria, the average enrolment of children under the age of two is 9 percent in for-profit centres; the situation in Munich is very different, though, since the share of zero-to-two-year-old children enrolled in for-profit centres has risen from 7 percent in 2008 to 31 percent in 2014 peaking at 33 percent in 2013 (Landeshauptstadt München, Referat für Bildung und Sport 2016), resulting in a substantial local market share of this sector.

In terms of equal access conditions, the role of the private (both for-profit and not-for-profit) providers raises further challenges. The fact that non-public providers who dominate provision operate with such a high degree of autonomy fosters a lack of structural transparency (Riedel 2011). Autonomy, a key feature of provision, leads to an increased need for adequate information for families (Fuchs-Rechlin/Bergmann 2014). The allocation of places at centre level is a crucial aspect when it comes to actual accessibility to the given services. Provider statutes, including the formal allocation criteria, are usually made available to the public. However, enrolment procedures, effective decision-making and (informal) criteria of eligibility of childcare centres often remain unclear and consistent information is not available or hardly available at all. Extensive application procedures and deadlines have been found to obstruct the accessibility of ECEC services (Böhme 2017). Given the scarcity of places in some regions, transparency on how places are actually allocated has become particularly important. Still, parents have rather limited insight into the work of the providers and scarcely any means of intervention. All these observations on “fuzzy rules of access” (Hogrebe 2016, p. 10) suggest that the mechanisms in place at the provider and centre level contribute to social selectivity in access to ECEC. It is particularly challenging for refugees and newly arrived families to understand and actively participate in these complex enrolment processes (see chapter on research background).

58 Eligibility for public funding for for-profit providers, introduced throughout the expansion reforms, contributed to the rise of this sector.

59 The category of for-profit providers as such is, however, very heterogeneous (Ernst et al. 2014). The facilities range from a large share of small ECEC facilities set up by one or more ECEC educators who wished to work independently of larger chains with high parental fees that tend to offer a special service portfolio (e.g. longer opening hours, bilingual education, or lower staff-child-ratios). They also include ECEC centres that are very similar to non-profit providers like ECEC facilities for children of employees in public administration, hospitals and institutes (facilities for company employees are in a separate category).

The aforementioned reflections identify key challenges for ECEC at a local level that mainly involve strong disparities in provision and a lack of transparency regarding the role of providers. Indeed, pluralism of providers is found to have its limits that need to be borne in mind when it comes to equality and demand-orientation. Against this backdrop the question arises if all municipalities contribute to (high-quality) provision in an equal way (Blome 2017).

### **Aligning ECEC and other systems of support for families: the challenge of interdisciplinary cooperation**

While some inconsistencies in German ECEC can be traced back to the multi-level coordination within the system, a closer look at the issue of ECEC access is needed from the perspective of cross-sectoral coordination on the ground, that is to say at the local level.

When it comes to promoting inclusiveness of ECEC services, the system has been confronted with the need for more openness for some time now. Families, particularly those from disadvantaged backgrounds, increasingly require support that goes beyond the possibilities of ECEC centres. This calls for more close-knit cooperation between different actors and services within local communities. Exchange with and support by professionals from other disciplines (psychologists, social workers, etc.) is, therefore, paramount for ECEC institutions in order to enable them to respond to these diversified needs of individual families. At the same time, further development of ECEC provision is required in line with the needs of local social communities in order to combat social segregation within cities (*sozialräumliche Entwicklung*, Böhme 2017).

Against this backdrop, ECEC centres in Germany have been seen to intensify cross-sectoral cooperation in recent years (Peucker et al. 2017). At a local level, networks have been established, most often with schools, the local youth welfare offices and health care services (ibid.).

So far, the number of approaches that focus on intersections of local welfare provision in order to address disadvantaged groups has been growing. One prominent example is the concept of the so-called local ‘chains of prevention’ (*Präventionsketten*), promoting infrastructure in order to reduce poverty-related exclusion<sup>60</sup>. For the specific group of refugee families, local infrastructure of support has also been improved thanks to public and private initiatives by upscaling local approaches into a federal programme (see chapter 2).

<sup>60</sup> These ‘chains of prevention’ aim to create a sustainable infrastructure for children and young people from socially disadvantaged backgrounds, in order to promote prevention and eventually reduce poverty-related follow-up costs for municipalities. Different kinds of public support services establish cooperation at the municipal level, in order to ensure adequate support over a lifetime, extending from pregnancy to the transition to working life (Ministry of Family, Children, Youth Culture and Sport, North Rhine-Westphalia 2017).

Nonetheless, ECEC experts in Germany continue to call for an increased exchange between ECEC and other institutions that also work with at-risk-families. A lack of systematic cooperation has been documented when it comes to the exchange between ECEC centres and early childhood prevention and intervention services (Riedel/Sann 2014), different kinds of socio-pedagogical services for families (Schoyerer/van Santen 2015) or social assistance and counselling geared to asylum seekers (Scholz 2017). A key finding in the case of the latter was that the ECEC enrolment of refugee children was often initiated by volunteers and social workers involved in local refugee integration, thus indicating a need for external cooperation of ECEC centres in this field (Baisch et al. 2017).

Hence, it is argued that, by establishing and strengthening links to other systems of social assistance and care, the responsiveness, consistency and quality of the ECEC system as a whole can be enhanced (Schoyerer/van Santen 2015). With regard to equal access, it seems that the potentiality of interdisciplinary cooperation has not yet been fully 'exploited'. ECEC stakeholders should strive for a greater degree of institutionalisation of local collaboration in order to create 'new routes of access'. However, given the ever-increasing workload of ECEC centre leaders and the current shortage of ECEC professionals, the establishment of additional structures of external cooperation will continue to be a challenge in the near future.

## 4.5 Conclusion

We have seen that, from a governance perspective, the German ECEC system, despite its complexity, fulfils important criteria that are deemed to be relevant for equality in access. Universality has been made an explicit goal and important legal and organisational steps have been taken to foster equal access. The institutional arrangements of the ECEC sector, however, constitute major challenges when it comes to the implementation of equal access. These challenges touch on consistency, transparency and scope of inclusiveness and can be observed at all administrative levels of the ECEC governance system.

# 5.

## Final Discussion of Inequality in Access to Early Childhood Education and Care in Germany

In this report, we have discussed the problem of equal access to services of early childhood education and care in Germany. Throughout the report, we have drawn on existing research data to illustrate the interplay between structural conditions of the ECEC system in Germany, individual needs of families and how this can result in access barriers for certain groups of children. We have argued that the case of Germany is particularly interesting for investigating equal access since the German ECEC landscape has undergone fundamental changes over the past two decades. Indeed, there is now heightened awareness of the role of high-quality ECEC and increasing interest in issues such as social exclusion and child poverty. As a result, the availability and affordability of ECEC services have been a prominent subject of policy debates on equal opportunities for children from disadvantaged backgrounds.

This has led to a universal entitlement to ECEC, a basic right to access and to international recognition of Germany as an example for the rapid expansion of ECEC provision. In the face of the enormous transformation and expansion of ECEC provision in a country with a longstanding conservative and familialist welfare tradition such as Germany, it comes as no surprise that certain disparities within the system persist. However, certain inequalities that might become entrenched such as regional differences in financial resources and the uneven distribution of childcare supply within increasingly polarised local communities require serious further scrutiny. As does the persistent discrepancy between demand and availability, which has meant that primarily middle-class families have been able to benefit from the services currently available whereas less privileged families are still in a weaker position when it comes to fulfilling their childcare demands.

Throughout the report, we have observed that the system continues to be shaped by long-standing and historically-grown traditions such as the federal governance structure, the principle of subsidiarity, decentralisation and a plurality of service

providers. At the same time, transitional changes such as a ‘new public responsibility’ and increased leadership of the federal government have led to progressive developments in ECEC provision. As a result, we have seen a raft of policy initiatives (see chapters 2 and 3) that have changed the institutional context of German ECEC. Universality is now an explicit policy agenda and important legal and organisational steps have been taken to foster greater equality in access.

Nevertheless, the allocation and interdependence of political competencies and responsibilities across different administrative levels continue to constitute a challenge for effective steering, especially regarding policy goals and their practical implementation. This is obvious, for example, in the inconsistencies between wider ECEC regulations and policy goals and their implementation at the local level. Municipalities and districts have to meet increasingly diverse demands and adapt provision with varying degrees of resources; this leads to regional disparities. Decision-making on local ECEC provision and agency of providers lacks transparency. Therefore, in fact, certain stumbling blocks to equal access persist and challenges are to be found at all steering levels of the system.

## 5.1 Gaps in research data

In international comparison, the data situation in Germany is relatively good. Nevertheless, there are still several shortcomings in terms of existing data and the insight they provide into the subject of (un)equal access. Although official federal statistics provide detailed structural information on ECEC at the federal, *Länder* and regional levels, social indicators of children enrolled in ECEC (e.g. socio-economic status) are not recorded.

While there are notable regional differences concerning the structural aspects of local ECEC service provision (e.g. provider structure, parental fees or opening hours), there is still a lack of data on the interplay between regional and social disparities. To address this shortcoming, equal access and potential solutions to continuing barriers need to be further investigated at the regional and local level of service provision and implementation.

In addition to the current lack of insight about regional variations, we have also identified gaps in available data that make it difficult at this point to gain insight into current enrolment numbers for certain groups of children and the question of childcare demand and availability. Such data shortages exist especially for refugee children and children with an (impending) disability. What we do know from the existing data is that there are correlations between ECEC enrolment characteristics

such as poverty and migration background. Moreover, these enrolment disparities are especially pronounced in the group of under-three-year-old children.

There is also a shortage of data on who has access to high-quality ECEC. While there is an observable link between structural quality and migration background, there are no reliable data on high-quality services and poverty. Conclusive evidence on enrolment to high-quality services for children from socio-economically disadvantaged backgrounds is still missing. This is also related to the elusiveness and difficulty of grasping the very concept of quality itself. Further research is needed to fully elucidate the link between the different dimensions of quality and social background.

## 5.2 Revisiting the four dimensions of access – remaining challenges to equality in access?

In this final chapter, the remaining challenges for equal access within the German system and future avenues for research are pointed out. To achieve this, the insights gained in previous chapters are referred back to the heuristic framework introduced in chapter one. This conception of access is based on the four dimensions of *availability*, *affordability*, *accessibility*, and *adequacy*.

### **Availability of services**

This dimension of access is concerned with the extent to which the ECEC sector is currently in a position to meet the demand for childcare services. We have pointed out that, in the case of Germany, important policy steps have been taken in recent years to increase the number of ECEC places. Under the influence of rapid social and political change, the political will to steer has increased in ECEC over the last two decades. The introduction of legal entitlements in 1996 and 2013 established the formal requirements for equal access. The rapid expansion of childcare services has especially changed the face of ECEC in western Germany where places were scarce particularly for the youngest group of children.

Nevertheless, the expansion of ECEC provision is still ongoing and existing data show that the demand for ECEC has still not been met across all regions. Instead, while the number of places has increased so has the demand for ECEC. Conse-

quently, in some regions, there is still a considerable shortage of places. Currently, this problem is exacerbated by an ongoing shortage of qualified ECEC staff. While the problem of scarcity of available places affects families in general, it is even more of a problem for marginalised groups who face additional obstacles in fulfilling their wish for early childhood education and care.

Despite the existing legal entitlement, regional differences in the availability of services remain stark and lower-income families are more likely to report that no ECEC place is available for their child. The availability of services and who can benefit from them very much depend on the situation of individual municipalities and even residential areas. Deprived residential areas are still more likely to have a shortage of ECEC places. The extent and quality of early childhood education and care available to children very much depends on where they live. This applies in particular to families who live in poverty as they tend to be less mobile than more affluent families. This is foremost down to the crucial role of local government bodies in regulating, organising and providing public services such as ECEC. Locally grown steering arrangements and provider structures, along with local variations in demand, have a considerable impact on the availability of services.

Local government bodies can decide on the means, strategies and type of provider (i.e. for-profit versus non-profit) by means of which childcare demands are addressed within a certain neighbourhood. Providers also play an important role in local provision planning and organisation and have considerable decision-making powers. All of these governance mechanisms affect access conditions and this raises important questions not only about the impact of structural circumstances but also about the dynamics and collaboration between different political actors and stakeholders. The fact that disparities prevail at the local level shows that despite universality on paper, equal availability has not yet been ensured across the country, resulting in discriminating effects for certain groups.

ECEC service provision in Germany is geared towards the general population and has been praised by organisations such as the OECD. While targeted provision has been shown to be less successful in tackling (un)equal access, it might be a valid complementary approach, not only in terms of addressing the particular needs of families (see section on adequacy), but also in helping, depending on the situation, to tackle the shortage of places. With this in mind, the approaches of targeted services currently promoted for refugee children are a first attempt to increase inclusiveness for certain groups and, at the same time, to address de facto the shortage of available places. While it is imperative that such services remain temporary in nature and are of a high-quality, further research is needed to gain insight into the longer-term effects and the potentiality of such services in paving the way for the greater accessibility of regular ECEC services.

## Affordability of services

This principle is concerned with the financial side of ECEC. Of interest here are aspects such as the funding structure of the system and, more particularly, regulations concerning parental fees and their effects. The role of the regional and local level is crucial as *Länder* and municipalities are responsible for funding ECEC services. In order to guarantee equal access opportunities, ECEC has to be affordable for all parents no matter what their financial situation.

Private spending, in terms of parental contributions, plays a crucial role when it comes to access to ECEC for different social groups. In Germany, parental fees are publicly subsidised and may be income-related. However, they continue to vary across the *Länder*, municipalities and ECEC settings. Furthermore, parents can be exempted from fees if their income falls short of a certain amount. These measures make ECEC more affordable for socio-economically disadvantaged families again with the emphasis on regional disparities. Still, the financial burden of parental fees, even though they are income-related, is relatively higher for low-income families, leading to social disparities in access opportunities. In addition, a trend towards free ECEC provision, either general or targeted to a specific age group or certain hours of care, can be observed in different *Länder*. On the one hand, free ECEC provision makes childcare more affordable for (low-income) families; on the other hand, regional disparities with regard to (un)equal access are exacerbated as free provision is not introduced in all *Länder*.

The lack of financial resources turns out to be a significant stumbling block for municipalities' abilities to invest in non-family, institutionalised childcare. The composition of the *Länder*, municipalities and providers together with their differing financial possibilities leads to a diverse landscape of financial endowment of ECEC settings, especially with regard to structural quality issues such as child-staff ratio. Additionally, ongoing reforms, which imply an additional financial load, have to be kept in mind. They will lead to future challenges regarding the already underfinanced ECEC system, e.g. compensation for the lack of ECEC staff and the quality development process (especially improving the staff-child ratio). With regard to access inequalities, public funding has an indirect role. The ongoing expansion of services and the quality development of services, which are considered crucial to improving access, can only be achieved if public funding were to be increased. The financial situation of individual municipalities plays a significant role in explaining regional discrepancies in ECEC provision. Therefore, the additional financial endowment could lead to a reduction of regional disparities with regard to the availability of places and could also improve access to equal high quality service provision.

Funding mechanisms that lead to positive discrimination of vulnerable groups – as they have already been described in chapter four with the example of the *Münch-*

*ner Förderformel* – may be one possible step municipalities can take towards greater equality regarding the funding of ECEC services. However, further research at the local level is needed to increase understanding of the impact of such a strategy.

## **Accessibility of services**

The principle of accessibility in particular concerns explicit and implicit barriers within ECEC systems. The example of Germany shows that the availability and affordability of services by themselves do not make services accessible. While there have been major achievements in this regard, such as the introduction of universality, the current system of ECEC governance still produces very different regional outcomes and situations.

To ascertain the actual accessibility of ECEC services, the institutional context needs to be taken into account since there are indications that multiple structural barriers impede access for children from disadvantaged and minority backgrounds. Furthermore, we need to distinguish between accessibility in terms of the local infrastructure of provider types and accessibility at the ECEC centre level.

Firstly, with a view to access conditions, there is still a lack of information on and consistency in selection practices at the ECEC setting level. This makes the process of sourcing a place in ECEC very challenging for parents as searching for adequate centres, understanding registration procedures and repeatedly contacting centres takes time and requires a certain degree of organisational skills. Furthermore, the effects of selectivity processes may become an issue. Despite the legal entitlement, equal accessibility of services may be undermined by the selection mechanisms of ECEC centres and providers. Examples for this are the allocation of places, selection criteria, waiting lists and information policies that are a ‘black box’ for parents, social researchers and policymakers. The hidden processes of social selectivity resulting from mechanisms of place allocation are further exacerbated whenever and wherever places are scarce. While single parents and dual-earner households are often given priority, further initiatives to ensure equal access to a childcare place for other social groups are only available in a non-systematic manner and very much depend on municipalities’ priorities. Moreover, the inclusiveness of ECEC services for at-risk-groups needs to be promoted by stronger cooperation between the ECEC sector and other social assistance systems that are in contact with disadvantaged families, in order to create new ‘routes’ of access.

Secondly and in addition to access-related challenges, we also observe problems regarding segregation tendencies. While the local organisation of service provision and the heterogeneous provider structure are frequently regarded as key strengths of the German system and its responsiveness to local circumstances and needs, initial research results indicate that the uneven regional and local distribution of

certain providers might still lead to unintended selection processes that segregate certain groups of children (see chapter 3).

### **Adequacy of services**

In line with the adequacy principle, it is crucial to critically examine whether the ECEC system in Germany takes into account social diversity. Here, the question whether families experience services as supportive of and responsive to their needs is paramount. Of interest here are the local structures of service provision (actual diversity in existing providers, resulting in diverse childcare opportunities), organisational and structural aspects such as opening hours, services located near to where families live (short distances for social groups with a lack of mobility, flexible childcare options, etc.). Moreover, different pedagogical concepts and traditions that are sensitive to social and cultural diversity are considered – with constant reference to the politically intended and repeatedly emphasised ‘freedom of choice’ of parents. What remains unclear is the extent to which freedom of choice of childcare providers is currently a reality for both general and especially for marginalised social groups. In the case of Germany, the problem of adequacy needs to be considered from a threefold perspective.

Firstly, there are differences in local provider structures and childcare options that imply that the diverse needs of individual municipalities and local communities cannot always be met (see chapter 3). A real choice of providers, as suggested by the political discourse, is not always available everywhere to parents. More empirical research on the responsiveness of locally grown ECEC structures is needed.

Organisational aspects, by which we mean structural aspects such as the scope of opening hours and attendance requirements, could be a stumbling block to the adequacy of services. Therefore, questions are raised about whether or not these aspects are attuned to the demands of children and parents from diverse social and cultural backgrounds. In the case of Germany, it can be observed that the opening hours in most ECEC services in Germany conform to standard working hours and they may not be responsive to demands for more flexible opening hours of ECEC services. Besides the possible demand for non-standard opening hours, the adequacy of the standard hours can be discussed as well. The implementation of a legal entitlement to a place in ECEC in terms of weekly attendance hours is regulated at the *Länder* level, resulting in regional variations that may not always correspond to families’ individual needs. In areas where places are scarce, the care hours parents are offered by a setting may not meet their demands (e.g. four hours of care/day is hardly compatible with a part-time job). At the present time, little is known about parents’ requirements in terms of aspects such as flexible or non-standard opening hours and the demand for ECEC provision for children below the age of one. In addition, further consideration must be given to the situation of unemployed

parents and families with more traditional childcare values. For these families it might be important to make part-time places available, or consider or systematically expand (where already available) non-regular kinds of childcare, such as drop-in centres or play groups.

Finally, at the level of childcare, the adequacy of pedagogical practices and contents are a concern. For example, research has identified ethnocentric tendencies and a middle-class bias in certain pedagogical frameworks and practices (e.g. content of curricula, language assessments, etc.).

Given the described shortcomings and the remaining questions in terms of adequacy, it might be worth reflecting on more targeted services that cater more for the different and diverse needs of families. Such approaches should, however, be pursued on a temporary basis only in order to prevent the segregation of ECEC services that unintentionally contribute to separation instead of promoting an integrated service offer in the long run.

## 5.3 Concluding remarks

While Germany has taken important steps towards greater equality, our report shows that the country continues to face a range of challenges. Despite the major political efforts to make services more available and affordable, there are some indications that a universal legal entitlement does not always translate into equal access opportunities. We have argued that in Germany this is especially down to considerable regional disparities in the availability and affordability of services. As we have illustrated above, geographical disparities in the German ECEC system affect all four pillars of equal access. In fact, the extent to which services really are accessible to disadvantaged groups of children very much depends on where they live.

Other aspects that we have identified as possible stumbling blocks for more equal access and that are related to the dimensions of accessibility and adequacy are in need of further scrutiny. Indeed, aspects such as information politics, the allocation of places and selection criteria used by different ECEC centres and providers require further attention through research at the local level. This would lead to a better understanding of the way in which wider policy goals and regulations related to equal access are interpreted and implemented at the level of service provision. This would perhaps facilitate a more 'holistic' understanding of the problem of (un)equal access and provide further insight not only into which children are left out, but also into the reasons why.

# 6.

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**Deutsches Jugendinstitut e. V.**

Nockherstraße 2  
D-81541 München

Postfach 90 03 52  
D-81503 München

**Telefon** +49 89 62306-0

**Fax** +49 89 62306-162

**[www.dji.de](http://www.dji.de)**