

Priority setting in ECEC – equal access in the spotlight? A comparison of local childcare provision in Germany and Sweden

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1. Introduction

During recent decades early childhood education and care (ECEC) has gained importance within political debates on social inequalities in many European countries (Klinkhammer & Riedel 2018). It is assumed that especially children from disadvantaged backgrounds can benefit from high quality ECEC (Anders 2013; Keys et al. 2013). However, research shows that particularly these children are underrepresented in ECEC to date (Blossfeld et al. 2017; Gambaro et al. 2014) and that national ECEC systems differ regarding their potential to contribute to equal chances of children in the long term (Naumann 2014). The organization of provision is often shaped by the wider national tradition of organizing welfare. Consequently, childcare services are provided publicly and/or privately (for-profit and non-profit)¹, to varying degrees. Local configurations of ECEC provision depend on the organization of welfare between the different public and private stakeholders involved. The availability of different kinds of services is an important element in ensuring access to a needs-based service offer (Vandenbroeck & Lazzari 2014). Yet little is known about steering processes in the ‘making’ of childcare provision at the local level and the roles of different stakeholders in it. In order to ensure equality in access to services, it is important, to better understand the local governance of provision and in how far regulation of local childcare markets can yield and/or enhance conditions of (un)equal access and thus disadvantage certain groups of children and families.

The aim of the paper is therefore to address the local ECEC steering level and to elaborate what priorities are set by public authorities when regulating local ECEC provision. It is asked in how far the diverse needs of families and hence the adequacy of ECEC provision is considered in the processes of providing childcare. For this purpose the paper focuses on local childcare administration in two different countries (Germany and Sweden) that legally claim the diversity of provision to guarantee a choice for parents. The following questions will be discussed:

¹ Due to differing concepts and terminology in Germany and Sweden (cf. Naumann 2014), a definition is needed for the different types of provision/providers. In this paper we differentiate between public and private providers. Private providers are described by different terms in both countries. We use the term ‘private’ including both private non-profit and for-profit organisations acting as childcare providers. A distinction between these two is explicitly made where necessary.

- How are local arrangements of ECEC provision organized, governed and ensured (i.e. how is the interplay between public authorities and private providers structured? What are the steering competencies of public authorities? What priorities do they set within their scope of action?)
- Does priority setting by public authorities consider the *adequacy* of ECEC provision for parents?

To answer these questions the paper draws on data from a comparative research project on access to childcare, the *Equal Access Study* (Chapter 2). In the current phase of analysing these data, the focus of the paper is on the empirical part and the comparison between a German and a Swedish municipality.

Firstly, the study design is introduced to give insight into methods and data basis (Chapter 2). Secondly, the analytical framework of the analysis is briefly described, considering the research questions of this paper (Chapter 3). Thirdly, the paper gives an overview on the German and Swedish ECEC system and outlines the legal framework of each country regarding the organisation of ECEC provision (Chapter 4). Forthly, findings from the empirical research data are presented to understand processes of local provision-making and their possible impact in yielding unequal access (Chapter 5). Finally, both case studies are compared and conclusions are drawn on how the different ways of locally governing and implementing provision can affect adequacy in ECEC provision for families.

2. Study design

The paper draws on data² of the Equal Access Study (2017-2020, German Youth Institute), a comparative research project, that investigates and contrasts inequalities in access to ECEC in different local contexts in Germany, Sweden and Canada (Erhard et al. 2018). For this paper, n=6 qualitative interviews with representatives of the regional and local steering level have been analyzed by using sequence analysis (cf. Erhard & Sammet 2018) to understand their priority setting in the allocation of provision and the possible impact on adequacy. For the analysis, one municipality in each country - Germany and Sweden - was chosen with the aim to elaborate how the legal requirement of diverse provision is implemented within local steering processes.

In the two countries in this sample, childcare takes up an important part within political and scientific debates. This is reflected by the high enrolment rates and strongly institutionalized

² The Equal Access Study includes n = 60 qualitative, semi-structured expert interviews with representatives of the local (municipal) administration and different ECEC providers from two municipalities in each country in order to explore structural factors that obstruct accessibility of childcare services. Data has been gathered between September 2018 to Mai 2019.

childcare provision. In reference to ECEC access Germany and Sweden have introduced far-reaching national regulations, compared to most European countries, aimed at ensuring universal access (European Commission/EACEA/Eurydice/Eurostat 2014). Aside from sharing the idea of a publicly subsidised ECEC system, they also face similar challenges when it comes to ensuring adequate childcare provision. In Germany and Sweden the ECEC sector is confronted with the growing heterogeneity of society and at the same time struggling with an increasing demand of childcare places. Yet, children from disadvantaged backgrounds have difficulties to equally access ECEC services (Scholz et al. 2018; Garvis & Lunneblad 2018). To identify mechanisms that contribute to locally inadequate provision it is therefore helpful to compare two countries with similar preconditions in ECEC governance. Thus different approaches and actions of stakeholders on access can be compared and contrasted effectively.

3. Analytical framework

For our research in the field of ECEC governance and accessibility we have chosen two analytical approaches that are worth considering when dissecting the empirical data. They are briefly introduced here, and will be elaborated and applied in more depth throughout the Equal Access Study.

First, we draw on the concept of local governance. Within political science the traditional understanding of ‘government’ has been replaced by a broader approach of ‘governance’ due to “growing societal complexity, and the different changes causing this complexity” (Røiseland 2011, 879). The concept of ‘governance’ incorporates not only the state but also stakeholders from other sectors – namely market, networks³ (Riedel 2009, 20) – and the various forms and mechanisms how they cooperate. Hence, referring to ‘governance’ means to explore these structures and processes of interactions (Benz et al. 2004, 14), bearing in mind that each stakeholder and sector refers to its own principals, orientations and motives (cf. Riedel 2009, 20). Based on that a local governance perspective originally focused on steering competencies of municipalities and how they strengthen their legal capacity through interacting with other sectors. To date, especially changes within the forms and mechanisms of cooperation that result in new steering types are examined empirically (Holtkamp 2004, 368ff.). Applying the local governance approach to our data, steering competencies of local authorities with regard to ECEC provisions are described looking at other sectors involved, e.g. welfare organisations as major stakeholder in ECEC in the German context (see Chapter 3 & 4), and possible newly emerging collaboration.

³ For Germany welfare organisations can be considered as fourth sector as well.

Second, to comprehend the link between local governance mechanisms and access to ECEC a systematic approach on contributing factors to (un)equal access is crucial. Therefore we refer to the following dimensions of access – availability, affordability, accessibility, usefulness, comprehensibility⁴ (cf. Roose & Bie 2003, 477; Parmentier 1998, 29) – which have been adapted to the field of equal access to ECEC by Vandenbroeck/Lazzari. Originally developed as quality criteria for equal access derived by the examination of “successful practices displayed across EU member states” (Vandenbroeck & Lazzari 2014, 330) these dimensions are helpful in an analytical sense to systematise the empirical data, to categorise it according to the way access is affected and to approach our research question. However, by formulating “principles of good practice” the authors relate to how access *should* be organised by policy makers (Vandenbroeck & Lazzari 2014, 330) and what criteria *need* to be considered. To identify mechanisms fostering unequal access in local governance structures, the dimensions have been adjusted to our research design: we do not apply the different dimensions of access in a normative way, aiming at implications for policy or practice, but in an analytical way.

- *Availability* refers to the vicinity of services for families and how they are distributed locally (e.g. number of services within a district).
- *Affordability* refers to the financing structures of ECEC and how they affect the families' capability to afford child care (e.g. parental fees, ‘hidden’ costs such as lunch fees, subsidies for disadvantaged families).
- *Accessibility* refers to structural conditions created by various stakeholders (municipality, provider, ECEC centers) and how these influence families' participation (e.g. enrolment procedures).
- Usefulness and comprehensibility describes the correspondence between the services' provision and the families' needs (e.g. flexible child care services, certain pedagogical concepts). However, as in our study we do not explore the families' perspectives on child care, we use a fourth dimension: *adequacy*. This dimension refers to the organisation and structure of ECEC systems considering the families' needs, especially those of socially disadvantaged families.

For the purpose of this paper, we focus on the dimension of *adequacy*. However, depending on the content the dimensions can overlap, i.e. describing a specific phenomenon of unequal access such as the lack of a specific provider type in a quarter, refers to availability *and* adequacy.

⁴ It is to note that especially the use of the last two dimensions – usefulness and comprehensibility – vary within political debates and research, e.g. Tomaševski subsumes them under “adaptability” (Tomaševski 2001), whereas Park & Vandekerckhove replace comprehensibility with desirability (Park & Vandekerckhove 2016, 24)

4. ECEC in Sweden and Germany – regulations and organization of provision

The influence of national systems of early childhood education and care on (un)equal access differ across Europe. Therefore in the following the institutional design of ECEC in Germany and Sweden will be introduced. Differences can be observed both in the design of the legal frameworks that regulate the ECEC sector and in the way service provision is organized (European Commission/EACEA/Eurydice/Eurostat 2014).

Germany: Overview

Early childhood education and care services in Germany address children from zero to six years. Services consist of creches (0-3 years), kindergarten (3-6 years), mixed-age services (0-6 years) and family day care. The governance of the ECEC sector in Germany is based on an integrated, decentralized system. Responsibility for the sector lies with the Federal Ministry of Family Affairs. While the national and regional/states (*Länder*) level set a broad framework of general guidelines, the municipalities are in charge of planning, organization and implementation of ECEC provision. Funding of the services is to a large extend public and shared between different stakeholders: the states, the municipalities, the providers and the parents. Since parental fees are set at the level of states and municipalities, there is considerable local variation of shares, especially of parental fees (Scholz et al. 2018).

In the wake of a wide-ranging political reforms in the ECEC sector after the PISA shock in 2004, services have been expanded especially for children under the age of three, after considerable federal investments (Klinkhammer & Riedel 2018). In 2013 access to ECEC has been made universal: the entitlement to kindergarten for the three-year-olds, introduced in 1998, was extended to the one-year-olds, providing them with a right to a place in either institutional child care settings or family day care. However, as national law does not stipulate a concrete amount of hours that children are entitled to, the *Länder* have introduced different regulations on that (or none). Today, the municipalities are working continuously on expansion of services, especially in the West of Germany, since the demand still exceeds the offer in many regions. Enrolment rates are at 94% for children aged 3-6, and have been rising for the Under-three-year-olds up to 33% (Autorengruppe Bildungsberichterstattung 2018, 72f.).

Provision

The provision of early childhood education services in Germany is based on two guiding principles/features that shape child and youth welfare organization in Germany: the *principle of subsidiarity* and the *principle of diversity of providers*.

Subsidiarity, historically rooted key feature of the federally organized German state, also regulates both funding and provision of ECEC services. It is stipulated in the 1991 Youth and

Welfare Services Act (§4 Social Code Book VIII), specifying 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 (*freie Träger*) over public providers.

The principle of diversity of providers is also stipulated in federal law (§3 Social Code Book VIII) and refers to conceptual diversity of provision and is aimed at guaranteeing parental choice at childcare service level. Municipalities have to ensure a certain variety regarding the services and concepts that families can choose from. The providers have to operate in accordance with varying values and orientations, but dispose of a high degree of autonomy (Scholz et al. 2018). They are also involved in (local) decision-making processes (Stöbe-Blossey 2012), as members of the local board in charge of Child and Youth Welfare.

As a consequence of subsidiarity, the private non-profit providers dominate the German childcare market today (60,3%), with more than half of them being church-affiliated. Public providers are at 37,3%. There is only a very small share of private for-profit providers (2,3%) (Autorengruppe Bildungsberichterstattung 2018).

Sweden: Overview

In Sweden early childhood education and care has a long tradition. The sector as well the services have been developed as key part of the Swedish welfare state and hence have been strongly institutionalized since the 1970s. ECEC services address children between 1 and 5 years.⁵

The governance system is a decentralized one, regulated by a comprehensive institutional framework of national scope: It is an integrated system with the responsibility having been transferred to the Ministry of Education since 1998.⁶ According to the Education Act (2011) which represents the legal framework ECEC is part of the school system. Guiding principles for the pedagogical work are stipulated in the national curriculum (Garvis & Lunneblad 2018).

According to national law municipalities are in charge of planning, implementing and funding early childhood education. They have to provide a place to parents within four months after their registration. Access is universal starting at the age of one: all children have a right to at least 525 hours of publicly subsidized childcare. In autumn of the year they turn three years,

⁵ One year before starting school, usually at the age of 6, children enter ‘preschool class’. This class is a preparation to school and is usually part of the school system. Preschool class has been made mandatory in 2018.

⁶ For ECEC, the Ministry of Education is supported by three national agencies: the National Agency for Education (Skolverket), the Schools Inspectorate (Skolinspektionen) and the National Agency for Special Needs Education and Schools (Specialpedagogiska skolmyndigheten).

this minimum amount of hours is free of charge. Given this system of strongly publicly funded services, enrolment rates are among the highest in Europe, with 85% of all children between 1 and 5 years being enrolled in an early childhood service. For the group of four- and five-year-olds, it is even 95% (Swedish National Agency for Education 2019).

Provision

The majority of childcare centers has traditionally been operated by the 290 municipalities who are in charge of provision. The municipality can, however, according to national law, “fulfill its obligations by offering the child equivalent education in independent preschool”. So ECEC can and is also provided in different types of independent services. The share of public providers is therefore very high, with 72% of all preschool units in 2016 (Swedish National Agency for Education 2017). 28% are operated by private (usually referred to as independent) providers (*enskild huvudmän*), among these non-profit providers such as parents' cooperatives, staff-led initiatives, but also organisations operating on a for-profit basis. The share of private providers has been rising in the last years (Naumann 2014), going back to the emphasis of parental choice, in the ECEC context and even more in the school context. Most of these independent providers, however, operate on a small-scale basis, taking into account the number of children and activities involved (about 7 out of 10 independent providers have 50 children enrolled or less; Swedish National Agency for Education 2017). According to the School Act, independent preschools and parents' cooperatives have to follow the same rules and regulations as public ECEC settings.

5. Case study in Germany: Municipality DE_2

5.1 Local administration of childcare provision in DE_2

The first case study we refer to was conducted in a city in North Rhine-Westphalia, one of the 16 *Länder* located in West Germany. It is the *Land* with the highest share of population. The number of inhabitants in this municipality lies within the range of 400.000 to 1.000.000. Non-profit ECEC provision in municipality DE_2 is characterised by 40,7% of public providers and 59,3% of private non-profit providers (*freie Träger*) (Arbeitsstelle Kinder- und Jugendhilfestatistik 2017). Private for-profit providers offer ca. 2% of all places for under- and ca. 1,5 % of places for over-three-year olds in DE_2⁷.

⁷ Own calculation based on an Announcement of DE_2 in 2018: In November 2018 DE_2 offers 14.029 places for children under three including 278 places of private for-profit providers and 31.350 places for children between 3-6 years old including 472 places of private for-profit providers. Source: <https://ratsinformation.stadt-koeln.de/getfile.asp?id=684166&type=do&>

The responsibility for the provision of ECEC in municipality DE_2 lies with different stakeholders from the city and the *Land*. In the following the structures and organization of ECEC provision with regard to private providers in municipality DE_2 is described referring to the different perspectives of actors of the municipality (Department of ECEC at the Municipal Youth Welfare Office & Unit for Youth Welfare Planning) and the Land (State Youth Welfare Office).

In municipality DE_2 there is a wide range of private non-profit provider (*freie Träger*) as they “ultimately have priority. [...] Here in North Rhine-Westphalia private non-profit providers receive better subsidies from the state.⁸” (DE_2.3), as the Head of Department of ECEC in this municipality puts it. This quote reflects the basic principles in German ECEC of subsidiarity and diversity of providers, where the municipality would introduce public services only “in case of doubt⁹” (DE_2.1 - Unit for Youth Welfare Planning (*Jugendhilfeplanung*)), as a last resort. Furthermore the role of the municipality as public provider is described as only interfering when necessary e.g. in case an ECEC centre of a private non-profit provider needs to shut down, the municipality “sometimes takes them over¹⁰” (DE_2.3) or when the demand on ECEC places is not covered by private non-profit providers:

“Generally we [public ECEC centres] are distributed well. Of course sometimes we have more, sometimes we have fewer [services]. Traditionally we have a lot of public centres in district 26, which is north west. This is because in the 1990s we had a huge expansion of ECEC due to legal entitlement for 3-year-olds, and back then most ECEC centres were assigned to the municipality. The private non-profit provider didn't do a lot.¹¹” (DE_2.3)

The current demand on ECEC within municipality DE_2 has to be calculated and reported to the state by the Unit for Youth Welfare Planning of the municipality (*Jugendhilfeplanung*) also in charge of planning provision. Based on statistical data (e.g. population forecast) the unit calculates “how many [ECEC] places we need¹²” (DE_2.1) in the different districts. For this purpose they also rely on the information of each provider on number and types of places needed. Then the planning proposal is presented within the Council of the Youth Welfare

⁸ Original Quote: „Und die freien Träger haben letztendlich auch eine Priorität. So, es gibt auch bei den freien Trägern hier in Nordrhein-Westfalen günstigere Landeszuschüsse.“ (DE_2.3)

⁹ Original quote: „und im Zweifelsfall würde die Stadt die Trägerschaft übernehmen.“ (DE_2.1)

¹⁰ Original Quote: „[...] haben zum Teil immer mal wieder welche übernommen von den freien Trägern.“ (DE_2.3)

¹¹ Original Quote: „Also wir sind eigentlich insgesamt ganz gut verteilt. Natürlich ist es mal ein bisschen mehr, mal ein bisschen weniger. Wir hatten traditionell immer viel oben in Ortsteil 26, das ist Nordwest, sehr viele kommunale Einrichtungen. Das hat was damit zu tun, dass in den 1990er Jahren, hatten wir ja schon mal ein riesiges Ausbauprogramm durch den Ü 3-Rechtsanspruch, und damals sind fast alle Einrichtungen zur Stadt gegangen. Haben die Träger relativ wenig gemacht.“ (DE_2.3)

¹² Original quote: „Also wie viel Plätze wir noch benötigen.“ (DE_2.1)

consisting of representatives of the youth welfare office and of private non-profit providers (*Jugendhilfeausschuss*). However, matching the different information on possible demand in the future and actual demand as well as reporting it back to various stakeholders is described to be challenging by the Head of Unit for Youth Welfare Planning:

“In total you can see that we as the Youth Welfare Planning have a lot of tasks. [...] That’s nice, but at the same time a curse, as on multiple levels, we only can polish the crystal ball, as you can imagine.¹³” (DE_2.1)

The allocation of private non-profit providers ensues in different steps. To receive subsidies provision applicants need to be approved by the Council of the Youth Welfare (*Jugendhilfeausschuss*). Therefore provision contenders „submit a concept and need to proof that their work is of pedagogical value¹⁴” (DE_2.1). Furthermore provision contenders need a confirmation of demand (*Bedarfsbestätigung*) from the Unit for Youth Welfare Planning. However, this confirmation only considers the demand and no other criteria (e.g. concept of provider). In contrast to that private for-profit providers “only are financed through parental fees¹⁵” (DE_2.1) and therefore solely rely on the State Youth Welfare Office to confer them an operating licence. Private non-for profit provider need to request the operating licence at the State Youth Welfare Office, too. The State Youth Welfare Office offers consultations for private non- and for-profit providers. This does not only go for the application process but also while running ECEC centres: „Of course consulting providers, right? They can call when they feel unsure. This isn’t an unremarkable work field.¹⁶” (DE_2.5). At the same time the State Youth Welfare Office is in charge of to monitor compliance of standards and to report cases of child endangerment.

Private non-profit providers – as mentioned earlier – receive different subsidies from the *Land* than public providers. Their main funding comes from the *Land* and the municipality. However, private non-profit providers do have own shares that vary depending on the provider, as the Head of Department of ECEC explains: „ Well, small parents’ initiatives pay, I believe, their share is four percent, confessional nine percent or something like that.¹⁷” (DE_2.3). However,

¹³ Original quote: „Also insgesamt sieht man auch, wird unwahrscheinlich viel in die Hände der Jugendhilfeplanung hineingelegt. Das ist schön, aber auf der anderen Seite auch Fluch, weil an vielen Stellen, ja, wir dann, ja, wie Sie sich vielleicht vorstellen können, auch die Glaskugel nur wieder polieren können.“ (DE_1.2)

¹⁴ Original quote: „Dafür muss auch ein Konzept eingereicht werden und muss dargelegt werden, wie, ja, wie man da tatsächlich auch eine pädagogisch adäquate Arbeit leisten will.“ (DE_2.1)

¹⁵ Original quote: “Also es gibt privat-gewerbliche Träger, die sind aber gar nicht anerkannt als Träger der freien Jugendhilfe, die betreiben auch Kitas, und rein über Elternbeiträge“. (DE_2.1)

¹⁶ Original quote: „Dann natürlich auch beratend für den Träger, ne? Die können auch anrufen, wenn sie sich unsicher sind. Das ist auch ein nicht unbedeutliches Arbeitsfeld.“ (DE_2.5)

¹⁷ Original quote: „Also die kleinen Elterninitiativen zahlen, ich glaube, die haben einen Eigenanteil von vier Prozent, die Kirchen neun Prozent oder sowas.“ (DE_2.3)

this is not the case for all municipalities in North Rhine-Westphalia. Depending on the local budget in some municipalities private non-profit providers do not have an own share, as explained by the Head of Unit for Youth Welfare Planning:

“In the past due to some pressure many municipalities paid the providers’ share and factored it into the municipal budget, so provider didn’t have an own share. The providers would say that we refused [remark of the authors: laughing]. We opine, that the legal regulations, the local budget of municipality DE_2 has been quite poor for many years [...] and that isn’t funny. And there still have been new providers.¹⁸” (DE_2.1).

Considering the different responsibilities of the municipality (Department of ECEC at the Municipal Youth Welfare Office & Unit for Youth Welfare Planning) and the *Land* (State Youth Welfare Office) it is worth looking into forms of cooperation they describe.

Besides informal correspondences and small working groups on specific topics such as work force or social work, three forms of institutionalized cooperation can be identified:

Firstly, professional consultation meetings (*Fachberatungstreffen*) are mentioned, where

“we [the State Youth Welfare Office] of course learn a lot about consultation within head welfare associations (*Spitzenverbände*) or about providers, that inform us, what happens in their municipality. The city [DE_2] takes part in it as well. There we keep each others posted and are in exchange.¹⁹” (DE_2.5)

These meetings take place about four times a year and addresses both: public and independent non-profit providers. Participants mainly discuss “operative matters²⁰” (DE_2.3). Secondly, a coalition of welfare associations and representatives of the municipality meet up to exchange information concerning the city. Thirdly, stakeholders of ECEC in DE_2 gather in the Committee of the Youth Welfare, where “private non-profit provider are strongly represented and have great influence.²¹” (DE_2.3).

5.2 Priority setting in organizing provision: Implications for adequacy

The Department of ECEC at the Municipal Youth Welfare Office describes itself as responsible to guarantee the legal entitlement. According to the Head of Department it is important ensure that each child is able to attend ECEC. However,

“within the first step, I really don’t care, who’s the provider, it is a place. Yes, that’s important. Well, if parents can choose later on within a district: ‘well there is the church and then there’s

¹⁸ Original quote: „Und in der Vergangenheit aufgrund der Drucksituation haben durchaus viele Kommunen diesen Eigenanteil komplett übernommen und in den Haushalt übernommen, so dass die Träger gar keinen Eigenanteil haben. Dem haben wir in der Vergangenheit widerstanden, die Träger würden sagen, ja, wir hätten uns verweigert, [Ann. Autorinnen: lachen] wir waren der Meinung, die rechtlichen Bedingungen, der Haushalt der Stadt Köln war lange Jahre extrem schlecht dran, [...] dann ist das auch nicht wirklich spaßig, und es haben sich bislang immer noch neue Träger.“ (DE_2)

¹⁹ Original quote: „Wo wir natürlich viel erfahren über die Fachberatung bei Spitzenverbänden oder über Träger, die uns informieren, was ist in der Kommune los. Da nimmt auch die Stadt teil. Und da halten wir uns dann auf dem Laufenden und sind im Gespräch.“ (DE_2.5)

²⁰ Original quote: „operative Fragen“ (DE_2.3)

²¹ Original quote: „in dem die freien Träger ja auch sehr stark vertreten sind und auch eine große Einflussnahme machen können.“ (DE_2.3)

the municipality, there are [welfare associations] and what provider would be important to me'. That's what I find the right provision for parents, that they can differentiate. However, to me the first step is that a place is a place²².“ (DE_2.3)

This quote demonstrates that from the Youth Welfare Office's point of view the creation of places is crucial and superior to considering the pluralism of provision. Nevertheless, it is assumed to be desirable, if parents can choose and hence find adequate child care. Furthermore, the data shows that during allocation processes the current distribution of provision within a certain district is not considered. It rather appears to be a self-regulating field of provision, where provision contenders can apply regardless their orientation (e.g. confessional, welfare association): “We don't have a selection procedure, where we choose according to specific criteria, determine that this ECEC centre will be evangelic, catholic.²³“ (DE_2.3). In contrast to this, it is yet emphasized that there is a need for public providers in DE_2, as not all parents „necessarily want the church.²⁴“ (DE_2.3). This indicates an ambiguous position of the Head of Department of the Youth Welfare Office when it comes to the regulation of ECEC provision. On one hand, it is described that pluralism of provision is not considered when steering processes of allocation. On the other hand, targeted distribution of public ECEC centres are seen necessary to guarantee pluralism of provision.

The Youth and Welfare Office clearly sets its priority on fulfilling the legal entitlement in DE_2. In reference to adequacy of ECEC it can be seen that the Youth Welfare Office does not regard it to be their responsibility and therefore it can be assumed that unregulated distribution of provision might lead to unequal access. However, this cannot be proofed with the available data.

Similar to that appears the steering competence of the Unit for Youth Welfare Planning. According to the representative, to plan and calculate the demand on ECEC places, they factor in “the number of children [...]. [Pluralism of providers] is hardly a criteria to steer²⁵.“ (DE_2.1). It can be seen that when planning ECEC provision criteria leading to guaranteeing legal entitlement are considered. However, in their common steering practice pluralism of provision is not referred to. At the same time they distance themselves from having too much steering competences, when it comes to regulating the supply of independent non-profit providers.

²² Original quote: “Im ersten Schritt eigentlich erst mal egal, wer da Träger ist, es ist ein Platz. Ja, das finde ich erst mal wichtig. So, wenn dann die Eltern nachher die Möglichkeit haben innerhalb eines Stadtteiles zu sagen, also es gibt die Kirche und es gibt die Stadt und es gibt die AWO und welcher Träger wäre mir denn eigentlich wichtiger. Das finde ich dann schon auch richtig als Angebot für Eltern, dass die dann dort differenzieren können. Aber erst mal, der erste Schritt ist für mich Platz ist Platz.“ (DE_2.3)

²³ Original quote: „In der Regel nicht so ein Auswahlverfahren, wo man dann auch aufgrund bestimmter Kriterien halt eben festgelegt diesen Kindergarten bekommt jetzt evangelisch, katholisch.“ (DE_2.3)

²⁴ Original quote: „Die wollen nicht unbedingt alle zur Kirche.“ (DE_2.3)

²⁵ Original quote: „Die Kinderzahlen [...]. [Trägervielfalt] ist für uns weniger ein Kriterium, es zu steuern.“ (DE_2.1)

"I1: To us it doesn't matter, that we, I am giving an example, identify a lack of ECEC centres of a specific provider in a district, however it would be great if there was this kind of provision [...] and we'd be able to steer. But we can't.

I2: No! Well, considering pluralism of provision, we find it good. We want to support that, but it's not really that we highly steer this. [...] I believe, that would result in a lot of stress.²⁶" (DE_2.1)

This shows an internally ambiguous perspective. While interviewee1 clearly describes not having any influence on the distribution of provision, interviewee2 contradicts and admits some steering competencies but at the same time gives a reason not to use it ("stress"). The restraint to govern and perceived powerlessness is also described in reference to new ECEC centres, where investors choose their own preferred provider. While their steering opportunities regarding the distribution of independent non-profit providers is considered only little with regard to the future, their role of supporting existing ECEC centres targeted at disadvantaged families is depicted in detail. The Unit for Youth Welfare Planning is in charge of distributing subsidies of the state aiming at supporting disadvantaged families and children to the ECEC centres. While each community within the state can choose their own criteria to dispense the money, they follow "the principle to treat unequal unequally"²⁷ (DE_2.1).

By being involved in the distribution of *Land's* subsidies to ECEC centres, the Unit for Youth Welfare Planning considers itself to contribute to targeted and therefore more adequate ECEC provision. Therefore priorities are set to deal with existing provision while competencies regarding steering distribution of providers is (partly) negated.

The State Youth Welfare Office emphasise their role to monitor within the different providers if they all meet equal requirements. To them "provider is provider. Everywhere the same basic regulations are binding, each gets the same operating licence."²⁸ (DE_2.5). It is shown, that contrary to looking at pluralism and differences between providers the State Youth Welfare Office considers their task to focus on similarities regardless of the individual provider. According to them, realizing pluralism of provision "is not at our discretion"²⁹ (DE_2.5). It is rather the Municipal Youth Welfare Office that "steers at that point a certain pluralism of provision."³⁰ (DE_2.5). Nevertheless the State Youth Welfare Office highlights the importance to meet the legal entitlement regardless of the provision type:

"That's for every provider the same, no matter if they are financed or not. [...] Even private for-

²⁶ Original quote: "I1: Aber es spielt weniger für uns eine Rolle, dass wir, ich konstruiere jetzt ein Beispiel, feststellen in irgendeinem größeren Gebiet, Stadtbezirk, weiß ich nicht, gibt es noch / gibt es keine Kita von [...] wenn da was wäre, und wir könnten das dann irgendwie steuern. Das ist eher nicht der Fall. I2: Das heißt, es ist schon so ein / Also was die Trägervielfalt angeht, finden wir gut, wollen wir auch unterstützen, aber weniger etwas, was wir stark steuern würden [...] ich glaube, das gäbe, das würde wahrscheinlich auch furchtbaren Stress geben." (DE_2.1)

²⁷ Original quote: „Grundsatz Ungleiches ungleich behandeln.“ (DE_2.1)

²⁸ Original quote: „[...] ist Träger gleich Träger. Es gibt überall die gleichen Rahmenbedingungen, alle bekommen die gleiche Betriebserlaubnis.“ (DE_2.5)

²⁹ Original quote: „Das liegt dann nicht in unserem Ermessen“. (DE_2.5)

³⁰ Original quote: „Das Jugendamt steuert ja an der Stelle eine gewisse Trägervielfalt.“ (DE_2.5)

profit provider fulfill the entitlement to a place in ECEC [...] The first aim is to discharge the legal requirements.³¹" (DE_2.5)

The State Youth Welfare Office does not claim any responsibility or steering possibility when it comes to distribution of provision. Priorities are set at monitoring and consulting providers and therefore differs from the tasks of the stakeholders at local level, partly alluding to their influence on regulation of private non-profit providers.

6. Case study in Sweden: Municipality SE_1

6.1 Local administration of childcare provision in SE_1

The second case study analysed in this sample (SE1) has been conducted in a bigger city in the southern part of Sweden. With the number of inhabitants ranging from 150.000 to 600.000, SE1 is among the five biggest municipalities in the country. The local childcare market is characterized by a mixture of public and private services³²: 239 out of 316 ECEC centers were operated by the municipality in 2017³³. The rest (77 centers) is operated by private/independent³⁴ providers, among them different types of owners. Thus, the structure of ECEC provision in SE_1 is, with 76% of public services, similar to the national scale.

Administration of the early childhood education and care sector and operation of services is organised in an individual department of the city administration, the 'ECEC department' (*Förskoleförvaltningen*). Steering processes that relate the municipality as local authority and the private providers and define their collaboration can be structured along different aspects which have been addressed by the interview partners. These aspects include different organisational tasks and matters of funding.

In accordance to national legislation, provision in private services in SE_1 should take place "at equal terms" (SE1_1.3) as in public services. This includes, as explained by the head of the funding unit in the ECEC administration, that centers in private ownership are entitled to the same financial support as the municipality's centers (SE1_1.3).

Moreover, steering competencies of the municipality are shaped by this responsibility to ensure provision at equal terms. Most of them are under the responsibility of one unit in SE1 ECEC

³¹ Original quote: „Das gilt also, ob finanziert oder nicht, für alle gleich. [...] denn auch diese privaten Träger erfüllen ja mit dem Rechtsanspruch auf einen Kindergartenplatz. [...] Das ist ja das vordere Ziel, dem Rechtsanspruch zu genügen und zu bedienen.“ (DE_2.5)

³² In the Swedish interviews it is usually used the term 'preschool' for both the field of ECEC in general and individual services and centers (in translation of the Swedish term *förskola*). In our empirical analysis we try to specify in each case what exactly is meant.

³³ Malmö Stad, Rapport 'Uppföljning av beslut om godkännande och rätt till bidrag samt av tillsyn av fristaende verksamheter 2017'

³⁴ In the interviews, when translating the Swedish term to English, the private providers are usually referred to as independent (*enskild/individual; fristående/stand-alone*) providers.

administration (referred to as 'unit of authority'). The responsibilities comprise, according to the head of the unit, different tasks: licensing, inspecting, advising of private providers as well as processing complaints.

As the local authority implementing national law, the municipality is in charge of **licensing** independent services and providers, based on individual applications. The provider applying must fulfil certain preconditions that will be examined by the unit.³⁵ As long as these criteria are fulfilled, the authorities have almost no possibility to turn down an application of private owners. Only, a minimum of public ECEC services is required by law to be available:

"The only reason that a municipality can say no is if the independent preschools start to outrun the municipality's preschools so that we no longer can offer preschools run by the municipality. So, there has to be a number of preschools run by the municipality. [...] In City_SE1, as I said, there are only 15 per cent so we have a huge gap before we would even start to cross that line that there are too many of them. But as I said, for example, in City_SE_6, the municipality next to us, I think they have about 80 per cent." (SE1_1.7)

Law hence limits the possibility of municipalities to prevent private provision at a local level, allowing for a growth of market elements in local childcare provision. As mentioned in the citation, this has led to higher shares of private services in other areas, although this is not (yet) a common phenomenon (Swedish National Agency of Education 2014).

Still, the general trend of private providers emerging is also observed in SE_1. Among those operating in private ownership in SE_1, there are, according to SE_1.7, foundations with a religious profile, cooperatives and companies of different legal forms. Family daycare is in SE_1 also mainly provided by individuals on a private basis. The private sector is characterised as follows:

"It's more common that it's a small, they have one preschool, one owner, one preschool. Now we have recently, like last year there was one who took over five independent schools, for example, so there are some of the major companies that are starting to take over businesses in City_SE1. You can see that." (SE_1.7)

While the development of local provision is described rather technically here, implications for the municipality become more evident when it comes to aspects of regulation. An important task of the municipality that is described in details is the inspection of private providers, as part of implementing the Swedish quality monitoring system. Whereas public services are monitored and inspected by the national level, the Schools Inspectorate³⁶, municipalities are

³⁵ In 2017, there were 17 applications for new centers (Malmo Stad 2018), among these 5 applications from a big company that took over 5 preschools.

³⁶ For detailed information see Vallberg-Roth, Ann-Christin (2015): Quality, assessment, and documentation in Swedish preschools - regulations, practices, and concepts. Expert report for the German Youth Institute, download: <https://www.dji.de/ueber-uns/projekte/projekte/internationales-zentrum-fruehkindliche-bildung-betreuung-und-erziehung-icec/qualitaetssicherung-und-entwicklung.html>

in charge of inspecting all private services, (except investigating ‘degrading treatments’, SE_1.7). In SE_1, the local authorities inspected more than 30 centers in 2017. In case of failure, the municipality can file sanctions that are described as the ‘staircase of penalties’ (SE_1.7). Responsibilities are clearly defined:

“Of course, it is the principal organizer of schools that is responsible for making sure that the education follows the rules in the Act and in the curriculum and they are also responsible for the quality and resource, and the role of us, as through the inspection, is to monitor and scrutinize” (SE_1.7)

Related to inspection, the municipality is in charge of processing complaints. This includes receiving individual complaints (mostly from parents), filing own complaints, investigating these, sanctioning failures of individual private preschools, and processing court trials against private owners. It comes as no surprise that stakeholders’ perspectives on the process and results of inspection can differ, and it is not free of ideology. A common ground is needed for the making of provision, which is, in the end, defined by the authorities:

“of course we have some that do not share the views that we have, that don’t appreciate the inspection and that’s how it is. Then we have to in some cases, only a few, we have to step up on this staircase of penalties and then we can put on a fine, for example, and then they have the possibility of taking it to court and then the court can decide whether or not it was correct or not.” (SE_1.7)

Implementing all steps of the inspection correctly and comprehensively is often experienced as a challenge due to limited resources especially in smaller municipalities (SE_1.7). It becomes clear, though, that SE_1 is making an effort to closely and effectively monitor the private sector and exert as much control as possible – not least because of the public funding going into this sector. Processing the different steps of inspection has therefore been made a key task of the unit.

Challenges shaping the collaboration between authorities and private owners become most evident when it comes to the municipality’s role as advisor. The municipality has to provide guidance and support to the private services. This can clash with inspection duties:

“we also have an obligation to give advice and guidance and that can clash a bit with the inspection because we can’t give advice and guidance in an individual case. We can only give like general information because at the same time we are the ones who are doing an inspection to see if they got it right. So we can only give a general advice. As a municipality we can’t give so much advice and guidance to independent preschools that we are at risk of jeopardizing other independent actors that would like to give conferences or courses on how to run an independent preschool.” (SE_1.7)

The interview partner sees only limited responsibility lying with the authorities here. When he/she refers to the fact that there is a market for pedagogical consultancy, and later explains the municipality should not offer individual advice “for free”, the fact that there is competition

between the public and the private services is addressed. The authorities would like to keep individual professional advice for (their own) public centers. This is justified by referring to legal requirements:

"we can tell our own idea of how we would do it and that is also out of the website of City_SE_1 [Swedish] so then we feel that we don't compete with other actors as long as we keep it to telling how we would do it. We don't say that this is the only way to do it, we say this is our way to do it and you can copy it if you like it [...].

we cannot give so much information that then they would say: 'Oh, we can get this free from the municipality.'. So there are some frames that we have to keep within not to compete with other private actors. [...] we have become more specialized, of course, over the time, we have realized that it would be a breach of the law if we were to give these courses and conferences (SE_1.7)

The municipality as public stakeholder experiences a dilemma here: providing own services and inspecting independent ones can clash. The responsibility to advise becomes a challenge for cooperation between stakeholders that de facto are competitors in terms of numbers of enrolled children. The municipality's double-role makes it necessary to define limits for the support to be provided to private centers.

6.2 Priority setting in organizing provision: Implications for adequacy

The concern about recent developments within the Swedish childcare market (both at national and local level) is addressed in several interviews in SE_1. With a view to adequacy of the childcare that is on offer locally, the increase of private services as such can, in the first place, be interpreted as linked to the opportunity of diversification of the offer. So far, the fact of a considerable number of new applications shows that there is a perceived need to extent the offer. Representatives of the municipality, however, unanimously stress the risks of private ownership rising in ECEC in SE_1. The for-profit segment is explicitly critisised, including a lack of regulation by the state:

"they say you shouldn't make money on children, you should put it back to the children. We have no law which says that you have to put it back, and that is a big issue to decide what you do with the profit. Now they [private providers] do whatever they like." (SE_1.1)

Also, the degree of inclusiveness of private for-profit settings compared to public services is questioned:

"My opinion could be that sometimes they don't take the children that need a lot of support because they are expensive. If you have normal children, what[ever] that is, you can make more profit. That is disturbing us. [...] They should take every child, but they have their own queue." (SE_1.1)

This interviewee, as others, is convinced that the public services work on a more inclusive basis and are, contrary to the for profit ones, open to everyone. It is questioned whether private services offer equality in access.

There are also concerns about segregation tendencies. This is not so much addressed as a problem of institutional childcare settings but rather of family daycare. In SE_1, the share of

publicly organized family daycare has decreased to only a small number. Most of the home-based day care is provided by private stakeholders and often operates in a rather isolated way. However, according to the head of unit of authority' this form of private childcare is not equally represented across the city.

"in City_SE_1 we can see that they [private family daycare settings] are concentrated in we say socio-economical vulnerable areas in City_SE_1, we can see that. [...] City_SE3 do see the same pattern but not in City_SE2, and we actually wrote a letter, three municipalities together wrote a letter to the department of education in the government I think two years ago and now we received this reply that they will start an investigation" (SE_1.7)

Again, the municipality draws on its competency to oversee private settings. Still, a strategy on how to contribute to a more equal distribution that addresses different needs across different areas of the city is not mentioned in this context.

Despite the fact that the market share of the for-profit segment is still rather small (2% in Sweden, Swedish National Agency for Education 2014), its rise is of noticeable importance to the local administration in SE_1. The concerns are linked to the municipality's double role: As the local authority, the municipality experiences rather limited room for maneuver in prevent private owners from establishing in the area . As mentioned above, when advice to private providers is given only in a general way, the authority clearly acts in its own interests, exercising its discretion. By keeping detailed pedagogical support to the public centers, inequality of services is implicitly accepted. To meet the needs of families everywhere by ensuring equal conditions is not made an explicit goal for supporting private providers.

Instead, for the provider of public services, the making of local provision is increasingly perceived as a competition of public and private stakeholders. The interview partners therefore emphasise the commitment to public provision of childcare in general and to the municipality's mandate and responsibility to organise it. A strategy of acting as 'counterpart' to private owners and protecting own achievements is chosen with the aim of ensuring a strong public service offer.

In the interviews, a complex picture of the different governing tasks is drawn from the authorities perspective. When looking at implementation, however, we can see that the system's credo of treating all providers 'equally', in order to ensure provision 'on equal terms' can be questioned. Even though responsibilities and competencies are clearly defined, the administrative structure at local level – the difficult role of the municipality as both funding and inspecting body - does not reflect equality between the stakeholders. Instead, the municipality sets own priorities when it comes to the 'soft' tasks it has to fulfil: it gives advice to the private providers 'at its own terms'. Hence, providers do not operate at perfectly even terms. This might lead to differences in quality of ECEC services, which does not support the creation of equally adequate services.

7. Discussion

The two cases give detailed insights in the emergence and development of particular configurations of local childcare provision in two different ECEC systems. In the perspective of the local authorities, it has been shown that implementation of national level regulations on early childhood education and care needs to be organized by the local stakeholders - both in Germany and Sweden. However, this is done differently.

With a view to the interplay of different stakeholders the following is observed:

The process of locally 'making' provision is shaped by two important factors that determine the interplay between public and private stakeholders: complexity of administrative arrangements as well as the role of the for-profit segment.

Firstly, the complexity of administrative structures is reflected in the way that, in both cases, the municipalities inhere a double function: they are local authority and public service provider at the same time, with different responsibilities and interests that can clash at times. However, there are also notable differences between the German and the Swedish case when it comes to the interplay between public and private stakeholders.

In the German municipality DE_2, three different actors at local and regional level are involved in the admission process of new providers (Department of ECEC at the Municipal Youth Welfare Office & Unit for Youth Welfare Planning and State Youth Welfare Office). Due to the different stakeholders involved, all of them describe various forms of (institutionalized and informal) exchange and cooperation, leading to what is often referred to as a corporatist organization of childcare (Stöbe-Blossey 2012). In the Swedish municipality SE_1, the process is carried out in a more centralized way, summarising steering competencies in one administrative unit. This approach of a rather clear-cut institutional structure is undermined, though, by the double role of the municipality as authority responsible for both funding and inspecting private services, that is experienced as challenging in the municipality's perspective. While in DE_2 responsibilities for private providers are shared between different steering levels, in SE_1 the municipality functions both as supervisor and funder. This leads to a hierarchical but also ambiguous relation between public authorities and private providers in SE_1.

Secondly, whereas the collaboration with the private non-profit providers is well-established and institutionalized in both municipalities, the involvement of the small but growing for-profit sector within the process of allocation of provision is brought up by both municipalities. In DE_2, a considerable share of ECEC places is left to the non-public stakeholders due to subsidiarity. The data shows that the municipality primarily mentions public and private non-for profit providers, when planning ECEC. For-profit providers are hardly considered. Only the

Land refers to them as equal to other providers, as they help to fulfill the legal entitlement. Contrary to that, in SE_1 it is argued that the with emerging private for-profit providers are perceived an upcoming challenge. Although both municipalities have a similar share of private for-profit services, in SE_1 competitiveness with for-profit providers is emphasized.

Comparing the two cases, we can see that in both municipalities, the ‘making’ of local provision takes place in a particular institutional context of regulations. These regulations set limits to the public authorities to organise ECEC provision. However, data shows that public authorities actively set priorities within steering processes that affect local service provision. This indicates a certain scope of action that allows the authorities to steer specific processes at their own discretion. To what extend is adequacy of services considered in this?

In the German case, the municipality’s responsibility to implement expansion policies and provide sufficient ECEC places is described to be key: being able to guarantee the legally stipulated entitlement is regarded a priority by all stakeholders. Further aspects that might lead to *adequacy* of provision e.g. allocation of providers or the type of provision is considered to be important, but currently not factored in. The different stakeholders here show a great ambivalence to what extent they can/want or cannot steer this processes. Therefore, in DE_2 the distribution of provision seems to be, to a certain degree, self-regulating as long as subsidiarity is ensured. However, it is also not clear how a stronger interference of public authorities would finally impact *adequacy*.

In the Swedish case, the picture differs: given the challenging combination of licensing, funding and monitoring duties, there is only limited room for manoeuvre for the authorities. Still, priorities are set here, too, in favour of the public services. In the face of increasing private providers’ shares the municipality uses own competencies (mainly advising) in order to redefine the own role as provider. Adequacy of for-profit services is questioned, and the potential of a mixed provision to meet different needs is neglected. Adequacy of public services is implicitly taken for granted, but not made an explicit strategy. .

Having identified these priorities in the two municipalities, it becomes more clear how institutional contexts shapes local childcare markets. In both cases, the overall ECEC governance frameworks ensures variation of providers, to varying degrees. However, data shows that families’ needs are not addressed as explicit aim in the ‘making’ of service provision. The municipalities analysed for this paper do not make *adequacy* of the local service offer a key priority. Altogether, a diverse service offer needs to be seen rather as a result of their priority setting in a given institutional context than as a strive for needs-based services. This can constitute a risk for equality in access since it cannot be taken for granted that the offer on ECEC services reflects the families needs. In order to complement the picture of local

provision ‘making’, it is necessary to integrate the perspective of other relevant stakeholders such as private providers and families.

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