



PARLIAMENTARY BRIEF:

The draft ECD Children's Amendment Bill



ECD: KEY FACTS

Early Childhood Development (ECD) is much more than early learning. Children's long-term development is a function of an Essential Package of interrelated and integrated services covering the period from conception to six years of age:



Maternal, newborn, and child health services



Nutritional support



Support for primary caregivers



Social services and protection



Quality early care and education programmes

What is an ECD programme

ECD programmes are one important way to support a young child's development, offering not only early learning opportunities but also nutrition, responsive caregiving, opportunities to play, and referral services.

ECD programmes include but are not limited to:



ECD centres



Child-minders



Play groups



Toy-libraries



Mobile programmes



Parent support groups



ECD Programmes

Centre-based Programmes



Early Childhood Development Centres

Purpose-built venue

Home-based

Community-based

Non Centre-based Programmes



Child minders



Play groups



Toy-libraries



Mobile programmes



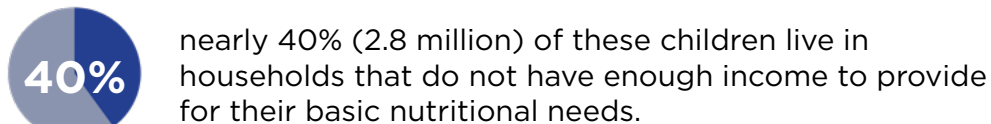
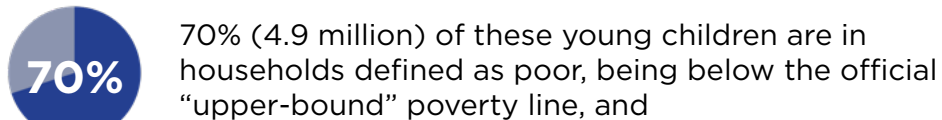
Parent support groups



How many children under 6 years of age are there in South Africa?

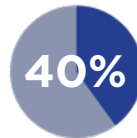
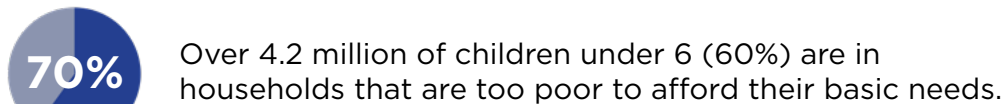
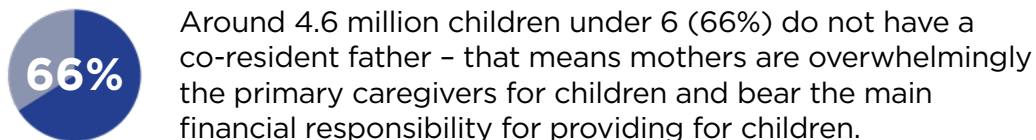
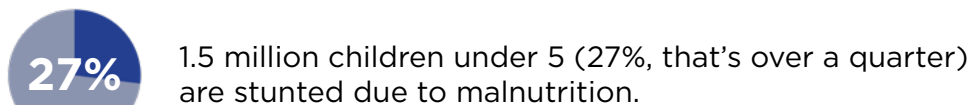
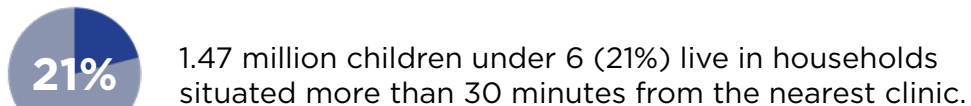
Around 1.1 million children are born in South Africa every year.

South Africa has nearly 7 million children under 6 years of age, and over a quarter of households in the country have one or more children in this age group.

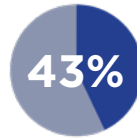


Because of these high household poverty rates, all young children must access the essential and comprehensive package of ECD services.

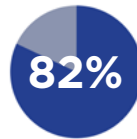
Are children getting access to the essential package?



Nearly 2.8 million children (40%) are in households living below the food poverty line.

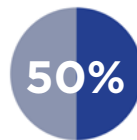


Around 1.15 million children aged 3-5 years are not enrolled in any kind of early learning programme.



82% of unenrolled children are not on track developmentally, compared with 58% of children attending early learning programmes.

What are the numbers relating to ECD programmes?



50% of ECD programmes are not registered with the DBE and are not accessing the per-child-per-day subsidy or infrastructure support.

What do we need to ensure universal access for all young children by 2030?

↑ **170k**
PER YEAR

To achieve universal access by 2030, places for children in ECD programmes will need to grow by about **170 000 per year** between 2024 and 2030.

+ **100k**
PRACTITIONERS

We will need over **100 000 new early learning practitioners**.

+ **40k**
VENUES

We will need **40 000 more** ECD programmes

Achieving this will require significant investment in infrastructure, workforce training, and funding, as outlined in the [Department of Basic Education's 2030 Strategy](#). It will also require a simplified, inclusive, and enabling regulatory environment via the Children's Act, its regulations, and the national norms and standards for ECD programmes.



FAQ ABOUT THE BILL

Your questions about the DBE's Children's Amendment Bill answered

The questions below were posed by Members of Parliament, to the Department of Basic Education (DBE) and the Department of Social Development (DSD), during [a joint meeting of the Portfolio Committees on Basic Education and Social Development on 10 June 2025](#). This joint meeting was convened to discuss amendments to the Children's Act, with a focus on the transition of Early Childhood Development (ECD) responsibilities from the DSD to the DBE.

1. How will the Children's Amendment Bill ensure that the most vulnerable children are included and have access to quality ECD services? Will the system truly leave no child behind, including those in informal settlements or rural areas?

Currently, the regulation of ECD programmes under the Children's Act works against vulnerable children, putting access to quality services out of reach. Most ECD programmes serving poorer communities cannot meet the requirements for registration. And if you are not registered, you cannot get provincial funding support to improve your ECD programme.

One of the main purposes of the ECD Children's Amendment Bill (ECD CAB) is to help ensure all young children can access quality ECD programmes on an equitable basis. To achieve this, the ECD CAB will:

- Replace the overly burdensome two-step registration system (registering as both a partial care facility and an ECD programme) with **a single, streamlined registration process**. In doing this, the

ECD CAB will enshrine the progressive approach, [being rolled out through the Bana Pele Mass Registration Drive](#), in law. This will **ensure more ECD programmes can register, bringing them into the regulatory fold and to the attention of DBE. These programmes can then receive the ECD subsidies, allowing them to comply with national norms and standards and improve their quality and access for the young children in their community.**

- Recognise and enable different ECD programme modalities, including not only formal ECD centres, but also playgroups, mobile programmes, toy libraries, and home-based care. This will help **ensure children in informal settlements, rural areas, and other under-served communities can access quality early learning opportunities.**
- Be much clearer about **state support for ECD programmes**, by improving provisions for “conditional” registration. This will **assist under-resourced ECD programmes get the help they need to improve** the services they provide, instead of being kept outside the net because they are unable to immediately meet all registration requirements.
- Provide for a **comprehensive data management system, to help provincial governments identify gaps in ECD programme provisioning, and ensuring that there is an equitable spread of quality ECD programmes**, including in under-served communities. The information system will create a proper evidence base for population-based planning that responds to the real needs of communities.



2. What measures are being taken to reduce red tape and simplify bureaucratic processes for ECD programmes, including at the municipal level?

Cutting through red tape, for a more equitable and inclusive ECD system, is top priority in the ECD CAB. Building on the [Bana Pele Mass Registration Drive](#), the ECD CAB will streamline the registration process, removing the overly burdensome and unrealistic dual registration system for ECD centres, and replacing it with a single, one-step registration process.

The ECD CAB also puts in place different norms and standards for different ECD modalities. This ensures that a toy library in a small community, for example, is not unreasonably expected to comply with the same infrastructure norms and standards as an ECD centre.

In addition, the ECD CAB will include a model municipal by-law, which will assist in cutting red tape at the local level. This is where requirements for zoning, land use consent, building control, and environmental and emergency planning (which are intended for commercial endeavours) too often smother informal-sector ECD programmes, at the expense of children. This is further supported by a Red Tape Reduction Toolkit, developed to assist and guide municipalities on a more standardised, developmental, inclusive and efficient approach for ECD programmes.

3. How will infrastructure and facilities for ECD programs be supported, particularly in under-resourced areas?

The ECD CAB will help to ensure a stronger legal foundation for the existing Infrastructure Component of the ECD Conditional Grant to provinces, which is designed specifically to help ECD programmes improve their infrastructure and to comply with national norms and standards. The DBE is also working with private partners and the Development Bank of Southern Africa to establish a dedicated infrastructure fund.

The model municipal by-law in the ECD CAB will encourage standardised, developmental approaches to ECD infrastructure at the local level, enabling safer and more compliant early learning environments across diverse communities. Here, the Red Tape Reduction Toolkit developed by the DBE comes into play again, to guide municipalities on supporting and regulating ECD programmes in a way that recognises the nature of the sector and promotes its growth - instead of stifling it with inappropriate and unsuitable compliance requirements.

4. How has consultation with stakeholders been conducted? How were voices from informal settlements, rural areas, and small home-based providers included? How were the voices of parents included?

It is important to emphasise how this ECD CAB was developed, and the role of the ECD sector played in shaping its content at each stage. An early version of the Bill was introduced by DSD in Parliament in August 2020, but it failed to properly reform the ECD legal framework.

[#MakeTheBillBetter](#) was our first campaign, and a direct result of the deficient Bill introduced in 2020. We supported hundreds of our ECD practitioners to raise their voices with a clear message: **the Bill did not fix the major issues plaguing the historically neglected ECD sector.**

In response to this outcry, and given that the ECD function was due to shift to DBE (which duly took place in April 2022), the ECD provisions were moved into a separate ECD CAB. A Technical Task Team (TTT) that included all the key government stakeholders was established to ensure that the next version of the ECD CAB would address the core issues in the sector. **The TTT included representatives from RR4ECD. This meant that the voices of thousands of ECD practitioners who are members of RR4ECD were represented in the TTT.**

The TTT met and worked on the ECD CAB throughout 2022 and 2023. There were extensive consultations, with many submissions being made by ECD practitioners, parents, and caregivers themselves through RR4ECD. RR4ECD witnessed how these inputs



directly influenced the development of the ECD CAB.

A fresh draft of the ECD CAB was published by DBE for public comment in May 2024. It finally reflected key submissions made by our members, most of whom are ECD practitioners in low-income communities. RR4ECD built consensus across our 1 000 practitioner members and 300 supporting organisations, and our single submission was strongly supportive of the ECD CAB, representing a critical mass in the ECD sector.

One of our steering committee members, the Equal Education Law Centre, also made a separate but equally supportive submission, specifically focussing on inputs from 103 parent and caregiver members of their national movement partner, Equal Education (EE). EELC held two workshops with parents in the Western Cape and Eastern Cape who are members of EE in June 2024.

In the **Western Cape**, when asked to rate the importance of ECD on a scale of 1 to 10, where 1 is 'not important at all' and 10 is 'extremely important', 74 parents (97%) answered '10'. 2 parents (3%) answered '8'. When asked whether there are enough ECD programmes in their area, 50 parents (66%) answered 'No'. When asked to indicate their top concern about ECD programmes in their area, answers from parents were as follows:

- Children with disabilities are not included -17 parents
- The fees are not affordable - 15 parents
- The infrastructure is not safe - 9 parents
- There are not enough toys or play equipment - 7 parents
- The ECD practitioners are not well-trained - 6 parents
- The food is not nutritious - 4 parents
- Other (please describe) - 2 parents
- The children do not have opportunities to learn - 1 parent

When asked whether the law on ECD needs to change, 74 out of 76 parents (97%) answered 'Yes'.

In the **Eastern Cape**, when asked to rate the importance of ECD, 12 parents (41%) answered 'Extremely important', 11 parents answered (38%) 'Very important', and 6 parents answered 'Important' (21%). When asked whether there are enough ECD programmes in their area, only 11 parents answered 'No', compared to 18 parents who answered 'Yes'. However, of those who answered 'Yes', many highlighted that the infrastructure is not safe and/or the children do not have enough toys or play equipment. When asked to indicate their top concern about ECD programmes in their area, answers from parents were as follows:

- Children with disabilities are not included - 11 parents
- The infrastructure is not safe - 6.5 parents
- The ECD practitioners are not well-trained - 4 parents
- The fees are not affordable - 3 parents
- There are not enough toys or play equipment - 2 parents
- The food is not nutritious - 2 parents
- The children do not have opportunities to learn - 0.5 parents

When asked whether the law on ECD needs to change, 25 out of 29 parents (86%) answered 'Yes'.

Our practitioner members, and other partners in the ECD sector and civil society, **have become impatient for the ECD CAB to be passed**. On 20 November 2024, we organised a protest with ECD practitioners, urging the Minister to ensure that the ECD CAB is tabled in Parliament as a matter of priority.

A functional and inclusive regulatory and funding framework for ECD is critically overdue. The longer it takes to move the ECD CAB through the law-making process, the longer children in low-income and under-served communities will bear the brunt of the disadvantages caused by the existing, inadequate regulatory framework.



5. Which Department is ultimately responsible for the ECD CAB, and for the ECD sector? How are the roles and responsibilities of different departments and stakeholders clarified to ensure effective implementation of ECD programmes?

In April 2022, the DBE took over responsibility for the parts of the Children's Act that concern ECD programmes, from the DSD. Following this function shift, DBE is now responsible for regulating and supporting ECD programmes and for coordinating ECD services more generally. The ECD CAB is exclusively about the regulation of ECD programmes, and is therefore a DBE Bill.

ECD programmes are one extremely important part of the ECD “essential package”. They offer young children access to early learning opportunities, opportunities to play, nutritious meals, early identification of disabilities and developmental delays, and referrals to health interventions. ECD programmes include not only purpose-built ECD centres, but also home-based and community-based ECD centres. In addition, playgroups, toy libraries, mobile programmes, childminders, and parent and family support programmes are all types of ECD programmes, too.

That being said, ECD programmes are not the only part of the ECD system. Other government departments are primarily responsible for other ECD services that are part of the “essential package”:

- maternal, newborn and child health services are the domain of the Department of Health;
- support for primary care givers with parenting programmes and home visits are the domain of the Department of Health; and
- social services and child protection are the domain of the DSD.

This means that DBE has an important coordination role, which the ECD CAB will set out more clearly.

The ECD CAB articulates the responsibilities for ECD programmes across the three spheres of government (national, provincial, and municipal) much more clearly, to make sure that every sphere is doing its part.

6. How will ECD programme quality be monitored?

The National Integrated Policy for ECD requires the development of appropriate monitoring, quality assurance, and improvement systems to secure the provision of quality ECD. Pursuant to the function shift, the DBE has designed a comprehensive Quality Assurance and Support System (QASS) for ECD in South Africa. The design process included extensive consultation with a range of government departments, civil society, and the ECD sector. This QASS and its tolls will be tested extensively in the DBE's Results Based Financing for ECD initiative in 2026, wherein 1 000 ECD programmes will be assessed. The ECD CAB will place the QASS on a statutory footing.

In addition, the Bana Pele Registration Framework currently includes basic quality-related questions about programme delivery, that give provincial departments a snap-shot of where support is needed. The National Curriculum Framework (NCF) is also legally binding now, and accessible in all official languages, including braille.

The DBE has notably started work on a comprehensive Human Resource Development strategy, which will complement the QASS, as part of a “quality eco-system”. This strategy will address the considerable human resource demands in respect of the DBE's strategic goal of universal access to ECD by 2030, and makes recommendations for the ECD workforce as a whole. The focus will be on competency, as opposed to qualifications alone, because the latter disregards the many years of valuable experience and wisdom of practitioners that have been excluded from formal training due to their socio-economic status.



ECD CHILDREN'S AMENDMENT BILL TIMELINE (2020 - 2025)

Context and relationship to DSD's Children's Amendment Bill

When the Children's Amendment Bill [B18-2020] was tabled by the Minister of Social Development in August 2020, it contained more than 100 clauses, covering both social-development and early-childhood-development (ECD) issues.

In May 2021, Parliament resolved to reject all the ECD-related clauses and process them separately in what was called a "Second Children's Amendment Bill".

Hence:

- **Children's Amendment Bill [B18-2020]** → the original omnibus amendment led by DSD.
- **ECD Children's Amendment Bill (forthcoming)** → a future bill (now under DBE) focusing only on **ECD provisions** that were removed from B18-2020.

Summary of key identifiers

Bill	Year	Sponsoring department	Parliamentary reference	Status
Children's Amendment Bill	2020	Department of Social Development	[B18-2020]	Public hearings held 2021 – 2023
ECD Children's Amendment Bill	(in development 2021–2025)	Department of Basic Education	Not yet assigned a B-number	Draft gazetted 14 May 2024 for comment

Summary of legislative trajectory (2020 - 2025)

Phase	Key Actor	Bill reference	Focus
2020–2021	DSD	Children's Amendment Bill [B18-2020]	Omnibus social-development and ECD amendments
2021–2022	Parliament & Cabinet	—	ECD clauses removed; function shift approved
2023–2024	DBE	Draft ECD Children's Amendment Bill	ECD registration, funding, municipal alignment
2024–2025	Parliament (PC Basic Ed & Soc Dev)	—	Public comment, briefings, pending tabling

In short:

- **The Children's Amendment Bill [B18-2020]** (DSD-led) triggered the **Second Children's Amendment Bill** (DBE-led) process after Parliament rejected ECD clauses in 2021.
- From **May 2024 to October 2025**, the Second Bill has moved through gazetting, public consultation, and committee preparation but has not yet been formally tabled for debate or adoption.



CHILDREN'S AMENDMENT BILL (2020-2021)

July 2020

Real Reform for ECD (RR4ECD) founded

Founding organisations include Ilifa Labantwana, Equal Education Law Centre (EELC), Equality Collective, Children's Institute, SmartStart, DGMT, Bridge and NECDA.

November 2020

Parliamentary submissions due

RR4ECD mobilises 1 600 submissions, 96 % from ECD practitioners.

11 May 2021

RR4ECD presents oral submission to the Portfolio Committee

Coordinated submissions from supporting organisations delivered.

July 2021

First meeting of Technical Team

Four RR4ECD Steering Committee representatives selected.
→ Draft of a second ECD Children's Amendment Bill begins.

March 2021

Oral submissions postponed until May.

31 August 2020

Children's Amendment Bill introduced to the National Assembly

The Minister of Social Development tables the Children's Amendment Bill [B18-2020] to amend the Children's Act 38 of 2005.

11 Nov 2020

TOR adopted and Steering Committee elected

First general meeting of supporters.

7 May 2021

Parliament resolves to reject all ECD-related amendments

The Portfolio Committee on Social Development decides these will be addressed in a second ECD Amendment Bill process and establishes a Technical Team.

June 2021

Provincial hearings in Limpopo and Mpumalanga

ECD reform supporters turn out in large numbers. Supporter survey conducted to inform movement strategy



TRANSITION PERIOD (2022-2023)

1 April 2022

ECD function shift

Responsibility for ECD provisions in the Children's Act officially transfers from the Department of Social Development (DSD) to the Department of Basic Education (DBE).

2022-2023

Drafting of new ECD-focused Bill

The Technical Task Team (TTT), including RR4ECD representatives, works with DBE to redraft ECD clauses excluded from B18-2020 into a new ECD Bill.
Aim: streamline registration, clarify funding pathways, and reduce municipal red tape.

ECD CHILDREN'S AMENDMENT BILL (2023-2025)

December 2023

DBE finalises draft ECD Children's Amendment Bill

The draft consolidates ECD provisions under DBE custodianship.

June 2024

Public submissions period closes

Widespread sector mobilisation. RR4ECD, EELC, SECTION27 and parents submit detailed inputs; 103 parents participate in consultations in Khayelitsha and the Eastern Cape

20 Nov 2024

RR4ECD sit-in at DBE Head Office (Pretoria)

Hundreds of ECD practitioners call for the Minister to table the ECD Children's Amendment Bill urgently and prioritise children's rights.

October 2025

Portfolio Committee engagement planning

Meetings with MPs and civil society continue; RR4ECD finalises responses to Parliament's consolidated questions and prepares for direct advocacy with committee members ahead of Bill tabling

14 May 2024

ECD Children's Amendment Bill (2023) gazetted for public comment

DBE publishes the Bill (a section 76 Bill) for 30-day public comment, proposing a single-step registration process, clearer municipal roles, and support for diverse ECD modalities

27 August 2024

DBE briefs Portfolio Committee on Basic Education

Highlights ECD priorities: legislative reform, mass registration drive, and 2030 strategy integration.

September 2025

RR4ECD engagements with Parliament

RR4ECD and partners prepare briefing packs, presentations, and evidence to Members of Parliament on barriers to ECD access and the importance of passing the Bill



RR4ECD FIVE KEY REFORMS AND THE ECD CAB

**Disclaimer: This graphic was designed using information in 2024,*

The Real Reform for ECD movement was founded in response to the poorly drafted Children's Amendment Bill of 2020, advocating for improved legal and regulatory systems for early childhood development (ECD) in South Africa.

In 2021, Parliament's Portfolio Committee on Social Development rejected the ECD-related changes proposed by the 2020 Bill after significant advocacy and 1600 submissions.

These efforts made it clear that the 2020 Bill did not address the Real Reform for ECD's Five Key Reforms to ensure an enabling legal framework for the ECD sector.

A Technical Task Team, including government and civil society stakeholders, was established to work on new ECD amendments, with RR4ECD actively participating.

2023 Bill Published

Our work has now reached a new milestone with the publication of a new Children's Amendment Bill for ECD ("CAB") for public comment.

On 14 May 2024, the DBE published the draft CAB in the Government Gazette, inviting interested parties to submit their written feedback.

The Bill is expected to be tabled in Parliament later this year with further opportunities for public participation.

Here's a summary of how the Bill fares against the Five Key Reforms we advocated for in 2020.

Overall, the Bill clarifies and streamlines the regulatory framework for ECD programmes. It also reflects the 2022 shift of responsibilities from the Department of Social Development to the DBE.



REFORM 1



We need a one-step registration process for ECD providers and different types of ECD providers must be regulated differently.

The CAB states that chapter 5 of the Children's Act will no longer apply to ECD programmes, simplifying registration to a one-step process under chapter 6. It also recognises various types of ECD programmes and requires the Minister of Basic Education to establish specific national norms and standards for each type.

Note: Programmes attended by four or more children will need to register (previously it was only six or more).

The Bill recognises different types of ECD programmes including parent support groups, play groups, child-minders, toy-libraries, mobile programmes, outreach programmes and ECD centres.



REFORM 2



All children attending any type of ECD programme should be able to access the early learning subsidy if they need it.

Although the CAB does not make it mandatory to fund ECD programmes, **it now prioritises funding for ECD programmes in rural areas**, in addition to programmes for disabled children and children in communities that are struggling with shelter, food, and other basic necessities. It also says that provinces must create ECD strategies that prioritise the types of programmes that are most needed, and the places where ECD programmes are most needed. It makes it clear that conditionally registered programmes may receive funding support.



REFORM 3



Simpler, adequate health, safety and programme standards must be in place and must be accessed through one process.

The draft norms and standards have not been published with the CAB so we don't really know if this has been achieved. We must call on the DBE to publish the draft norms and standards with the Bill when its tabled before Parliament. Also, the draft requires all types of ECD programmes (including non-centre based) to comply with municipal requirements. This is too onerous.

Proposed amendment: Municipal requirements should only apply to ECD centres.

Call: The DBE must publish the norms and standards with the Bill when its tabled before Parliament



REFORM 4



It must be made clear that you can get conditional registration if you can't meet all the registration requirements and MECs must support providers to meet requirements and report on their systems of support.

The CAB ensures a coherent and enabling approach to conditional registration, clarifying that you can get it if you **don't fully comply with norms and standards**, enabling funding for conditionally registered programmes, and allowing for a framework to be published to guide conditional registration. MECs may assist programmes to meet requirements but aren't obliged to report progress yet.



REFORM 5



The infrastructure needs of the sector must be supported.

The CAB says that municipalities must develop integrated municipal strategies to ensure the availability and maintenance of facilities for ECD centres, **including private and public facilities**. These strategies will also go into municipal budgets and be reviewed annually. The CAB gives provincial education departments the power to monitor municipalities.

Although a positive step, more work is needed to ensure the sector's infrastructure requirements are appropriately supported by the state to ensure universal access to holistic, inclusive and quality ECD programmes

Significant progress has been made. The ECD CAB represents a major step forward in ensuring an enabling legal framework for ECD services.

This is just one step and part of a long-term reform process aimed at universal access to quality, inclusive and holistic ECD programmes.





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