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Lessons from a French-German Comparison

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Governance of Early Childhood Education and Care (ECEC) during the Covid-19 Pandemic



Lessons from a French-German Comparison

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This article studies how the French and German systems of (individual and collective) ECEC governance have reacted to the Covid-19 pandemic between its start in March 2020 and the end of 2021. Both countries share a multi-actor governance, involving the central state, the intermediate local level and municipalities. However, the role of *Länder* and municipalities is stronger in Germany, while in France the importance of the family branch of the social security system is growing. The response to the pandemic has confirmed the pivotal role of the *Länder* in Germany: the federal State has been able to coordinate their decisions but not to direct them. In France, on the contrary, the State has used the extended powers of the health state of emergency to guide the response to the crisis and the family branch has increased its financial support to childcare centres affected by lockdowns.

KEYWORDS: governance, early childhood education and care (ECEC), childcare centres, family branch, municipalities, coordination

La gouvernance de l'éducation et de l'accueil du jeune enfant (EAJE) et la pandémie de Covid-19

Les leçons d'une comparaison franco-allemande

Cet article étudie comment les systèmes français et allemand de gouvernance de l'EAJE (modes d'accueil individuels et collectifs) ont réagi à la pandémie de Covid-19 entre mars 2020 et la fin de l'année 2021. Les deux pays partagent une gouvernance multiacteurs, impliquant l'État central, le niveau local intermédiaire et les communes. Cependant, le rôle des *Länder* et des communes est plus fort en Allemagne, tandis que l'importance de la branche Famille de la Sécurité sociale est croissante en France. La réponse à la pandémie a confirmé le rôle central des *Länder* en Allemagne : l'État fédéral a pu coordonner leurs décisions mais pas les diriger. En France, au contraire, l'État a utilisé les pouvoirs étendus de l'état d'urgence sanitaire pour orienter la réponse à la crise et la branche Famille a renforcé son soutien financier aux crèches touchées par les fermetures.

MOTS-CLÉS : gouvernance, services d'éducation et d'accueil du jeune enfant (EAJE), crèches, branche Famille, municipalités, coordination

As elsewhere, the French and German early childhood education and care (ECEC) systems had to respond to the Covid-19 pandemic. Unprecedented decisions had to be made about the closure and reopening of childcare facilities, the health protocols to be put in place, and the financial support to facilities or parents. This situation has thus tested the governance of this policy, understood as the set of norms and processes that allow the various competent actors to ensure its functioning (Kaufman *et al.*, 1999).

A comparison of the French and German responses during the period between the start of the pandemic and the end of year 2021 is interesting in several respects. First, both countries adopted similar public health strategies, referred to as "population strategies", aimed at limiting the circulation of the virus within the population, as opposed to "risk group strategies" prioritising the protection of risk groups (Blum and Dobrotic, 2021). The way in which this common public health approach has been translated into policy towards the ECEC sector can therefore provide an experimental illustration of the role played in each country by the sector governance.

Second, both countries share an ECEC multi-actor governance, involving the central state, the intermediate local level (*Länder* in Germany, *départements* in France) and municipalities, as well as the family branch of the French social security system. Observing how such complex governance systems have adapted to a crisis situation such as the Covid-19 pandemic is engaging.

Third, both countries attach great importance to ECEC policy and devote significant financial resources to it. In France, this is a long-standing priority, whereas Germany has historically been lagging behind, due to a strong maternalistic tradition, yet it has recently been catching up (Collombet *et al.*, 2017; Klinkhammer and Riedel, 2018). The relevant actors in both countries have been confronted with a tension between the public policy objectives assigned to ECEC (child development, women's employment, and the fight against social inequalities) (Thévenon, 2016), which persist through the pandemic, and public health imperatives that may lead to restricting supply.

The article is focused on the period between March 2020 and the end of the year 2021, when the pandemic had the greatest impact on both societies. It aims to show how the balance of power inside the multi-actor governance has been modified by the crisis in France and in Germany, furthering former trends in these two countries. It explores the compared dynamics of the two countries in response to the same shock.

It is based on the analysis of, first, the decisions made by central and local authorities and, second, of the coordination between them during the crisis. Methodologically, the article relies on document analyses (e.g. legal directives, circulars, FAQs and guides) and data from national statistical sources. Quantitative data for Germany comes from the "Kita-Register", a panel survey based on the weekly participation of about 10% of daycare centres across Germany and a small number of childminders, as well as representative surveys, both specifically designed to monitor the performance of daycare centres during the Covid-19 pandemic¹. Quantitative data for France comes from the National Early Childhood Observatory (Onape), led by the Caisse Nationale des Allocations Familiales (Cnaf), that brings together all the statistical and research services of the institutions involved in the analysis of early childhood policies. Since these events are very recent , academic literature on the subject is still sparse. While other studies have analysed the impact of the Covid-19 pandemic on the ECEC sector (European Commission, 2021), they seldom established connections with governance patterns existing in the countries under study and how they adapted to the crisis.

^{1.} www.dji.de/corona-kita (consulté le 10 mars 2023).

The definition of the scope of childcare for the purpose of this study is made more difficult by the differences between the two countries in this regard. While Germany has an integrated system (characterised by ECEC structures that do not distinguish between children's age) under the responsibility of the Ministry of Family (Schreyer and Oberhuemer, 2017) providing both for children from 1 to 2 years old and for children from 3 to the age of mandatory schooling, France presents the archetypal split system (characterised by the existence of an institutional divide between structures taking care of the youngest and the oldest within the age group), with a clear division between childcare for children below 3 years old, under the responsibility of the Social Affairs department and écoles maternelles (nursery schools), and childcare for children between 3 and 6, under the responsibility of the Education department (*ibid*.). Nursery schools are included in the same system as primary schools, with the State as the main provider. However, the focus of the article is on governance, and this issue being very different in French nursery schools, it seemed more coherent to exclude them from the analysis, even if it means that the age groups studied in the two countries are not identical. This choice allows to focus on governance features specific to the ECEC sector.

We will first compare the governance of childcare policy, as it existed in the two countries before Covid-19, before examining the governance's response to the pandemic in this sector and how it has changed the sector's governance.

Before the Pandemic: A Greater Centralisation of Childcare Policy in France than in Germany

The central Role of Municipalities and Länder in Germany

Germany has an integrated ECEC system for which the Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) has national responsibility. *Kindertageseinrichtungen* ("*Kitas*"), as traditional centre-based settings, are the predominant form of early childhood care and most often cater for children of different age groups from the age of 1 to school entry (European Commission, 2019).

Due to their origins in the local tradition of poverty law and to the influence of churches, childcare in Germany is part of the social welfare system, not the educational system (Evers and Sachße, 2003). This has led to two major characteristics: a high degree of decentralisation and the important role of independent non-profit organisations as service providers and policy actors in the ECEC sector.

Given the strong tradition of subsidiarity inscribed in "Christian Democratic" welfare states (Van Kersbergen, 1995), governance of the early childhood sector is largely bottom-up. The maintenance and subsidisation of childcare services was historically the task of municipalities and districts. It is only in the last two decades that public responsibility for ECEC has emerged as a major political issue, accompanied by a delineation—albeit not uncontested—of roles and responsibilities in a multi-level governance system. Within this system, responsibilities are shared between the national level (the federal government), the regional level of the 16 states (*Bundesländer*) and the local level (municipalities and districts) (Evers et al., 2005). Municipalities and districts remain the main actors in the development of local childcare provision and policy implementation. They are responsible for meeting the legal right to a childcare place, which was introduced in 2008 (KiFöG, 2008) and became effective on 1 August 2013, and they bear nearly half of the public expenditure for the provision of ECEC. The 16 federal states exercise regulatory authority upon facilities and professionals. In addition, *Länder* contribute a further 43% of total ECEC public funding (FiBS, 2016).

According to Germany's federal constitution, the national government's competency in the field of ECEC is very limited. Since 2005, however, the German government has set the course for quantitative expansion and quality improvement at the legislative level (Fagnani, 2018). This has led to models of intensified cooperation between administrative levels, with leadership and additional funding coming from the national level.

The Growing Role of the Family Branch of the Social Security System and the Central State in France

As in Germany, municipalities were one of the key actors in the development and management of childcare provision on the eve of the Covid-19 crisis. However, they do not have as coherent a role as in Germany. They do not have compulsory competences over early childhood and take on this responsibility in a heterogeneous way (IGAS/IGF, 2017). The role of the *département* is not the same as that of the *Land* in Germany. Its powers are limited to the authorisation and control of ECECs and childminders with the aim of verifying compliance with applicable regulations. Within this framework, departments do not have the capacity to initiate, drive and steer: they can only authorise or refuse projects submitted to them (*ibid*.).

The family branch of the social security system, which has no equivalent in Germany, plays a leading role in terms of financing, which is evolving towards a steering role. In 2015, the branch covered 70% of all public spending in the sector (collective childcare, individual childcare, pre-school, compensation for parental leave) (*ibid.*), while municipalities covered 20% and the State 10%.

Finally, in France, the central government is the only actor with the power to define the legislation and regulations applicable to different types of childcare (Cour des Comptes, 2013). As in Germany, it gives impetus by setting targets for the creation of places and planning funding, but the methods of implementation are very different. In Germany, nothing can be done without the agreement of the *Länder*, and there is permanent consultation between the federal minister and the *Länder*'s ministers, who are on an equal footing (Roth, 2019). In France, the State has been steering the sector since the 1990s *via* Cnaf, with which it signs a multi-year agreement (the agreement on objectives and management) defining the objectives for the creation of places and the programming of resources (Libault, 2015). This growing role in the field of childcare fits into a broad landscape of family policies where the French State has always enjoyed a strong legitimacy (Letablier, 2022).

During the Pandemic: An Intensification of Previous Trends in Both Countries

The Confirmation of the Pivotal Role of Länder in Germany

The proclamation of an "epidemic situation" on 28 March 2020 by the German Federal Parliament granted the Federal Ministry of Health far-reaching powers and allowed the *Länder*, which were responsible for the implementation of the pandemic control, to restrict fundamental constitutional rights. The "population approach" (prevention approach that addresses the whole population) pursued by Germany to contain the pandemic led to the promotion in spring 2020 of the complete closure of ECEC services and schools (Blum and Dobrotic, 2021). Very quickly, however, a debate developed calling for reopening, fuelled by different concerns, such as the need to support working parents, concern about the negative effects of closing ECEC, especially on children from less favourable backgrounds, or advocacy for children's right to education and social

participation (e.g. Deutsche Liga für das Kind 20.4.2020; DGfE 21.4.2020, Forum Transfer 15.12.2020). During the second pandemic wave in the fall of 2020, early childhood services were consequently kept open even during the second "strict" containment from mid-December 2020 onwards (Neuberger et al., 2022).

Whereas regulations including decisions on the closure and operation of ECEC services fall under the jurisdiction of the 16 states, during the full closure period in March-April 2020, the Länder agreed on a coordinated procedure for reopening ECEC centres. On 28 April 2020, the state ministers released a resolution, which described a number of phases for ECEC operation (*Jugend- und Familienministerkonferenz der Länder* (JFKM), 2020). The "AG Kita", a standing working group of administrative experts responsible for early childcare services in the *Länder*, which had prepared this roadmap, also issued guidelines for ECEC operation under pandemic conditions. Main aspects included the formation of small, fixed groups of children/staff assigned to separate rooms and areas; the limitation, as well as staff assignment criteria (AG Kita, 2020).

At the same time, the BMFSFJ increasingly acted as crisis manager to support evidence-based political decisions and coordinated action by the *Länder*. For this purpose, it convened the "Corona Kita Rat" (Corona Kita Council), a new consultative body composed of representatives of the Ministry of Family Affairs, *Länder*, municipalities, professional associations, welfare associations and scientific experts to focus dialogue with all stakeholders, jointly assess developments and proceed in as coordinated a manner as possible.

Although the 16 states thus agreed on a common roadmap, the reopening of early childhood centres has proceeded at different rates. By mid-May 2020, participation rates in ECEC ranged from 10% to 35% (*Autorengruppe Corona-Kita-Studie*, 2020). Short of the second "strict" lockdown from December 2020, ECEC centres have remained open, in principle, for all families. However, most *Bundesländer* appealed to parents to keep their children at home, if possible, so much so that actual attendance dropped to 45% of the normal rate in the last week of January (Autorengruppe Corona-Kita-Studie, 2021). This approach was maintained in the third pandemic wave (February-May 2021). The gradual return to regular operation in spring 2021 was defined by the infection levels of each county (*Kreis*), and hence again varied considerably between and within *Bundesländer* (Neuberger et al., 2022).

With regard to funding, the municipal and state levels granted public subsidies unchanged for the periods of total or partial administrative centre closures. The federal and state governments provided additional funds in order to stabilise municipal budgets. Among those Länder where parental fees are applied (with a number of Länder offering free childcare for certain age groups), Länder and municipalities negotiated solutions to relieve families during periods of closure by covering parental fees in whole or in part from the public budget (Rumpff, 2020).

The Growing Influence of the State and the Family Branch in France

In France, the response to the health crisis was very closely controlled by the central State. The state of health emergency, declared for the first time by the law of 23 March 2020 and re-established in October 2020, gave the central State very extensive powers to suspend or regulate numerous activities.

There was a sharp contrast between the first lockdown, from 17 March to 11 May 2020, where the government decided the nearly-full closure of childcare facilities, and the subsequent pandemic waves, from 11 May to the summer of 2020 and from September 2020 onwards, where the State has maintained an open childcare facilities (like schools)

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policy as much as possible, for children's welfare and education and for parents to stay at work. France was one of the countries where the duration of school and nurseries closures was the shortest, with only 12 weeks of closure between the beginning of the pandemics and February 2022 (UNESCO, 2022). Decisions on the closure and reopening of childcare facilities were all taken by decree at the national level and applied uniformly throughout the country.

During these different phases, a national steering committee has been established, which met very regularly and where decisions regarding adaptation to the crisis in the ECEC were prepared. The General Directorate for Social Cohesion (*Direction Générale de la Cohésion sociale*, DGCS), the directorate responsible for children and other social groups within the Ministry of Social Affairs and Health, published ministerial guides at short intervals, specifying the national framework for each stage of confinement and deconfinement. In each department, a local steering committee was set up by the *préfet*, representing the State, in close collaboration with the Family allowance fund (*Caf*) and local authorities. The *préfet*'s steering is part of an overall coherent approach to the health crisis: the *préfet*, who plays an inter-ministerial coordination role within the department, is the central actor in the response to the crisis as a whole. The creation of these new steering and coordination committees fits into a broader French pattern during this crisis that has been described as an "organisational frenzy" (Bergeron *et al.*, 2020). Instead of using existing bodies or coordination groups, the State has created new ones dedicated to the crisis.

The pandemic has also reinforced the role of the family branch as the primary childcare financer. With regard to collective childcare, Cnaf quickly decided to set up and finance exceptional aid to support childcare facilities, maintaining and even extending this aid over the period. As far as childminders are concerned, the activity drop linked to the health situation has been compensated for by the furlough scheme, the financing of which is provided by the State and the unemployment insurance and is therefore also a national responsibility.

For their part, local authorities (departments and municipalities) did not appear to be in a position to manage the response to the crisis. The State gave *départements* the role of relaying and supporting national instructions (DGCS, 24 mars 2020), while municipalities have been strongly impacted as structure managers, but have not been in a position to make decisions.

The table below (table 1) summarises the governance measures taken by both countries during the pandemic.

	Germany	France
Rulemaking process	Regulations issued by the <i>Länder</i> Coordination efforts at the federal level	Decrees of the national government
Financing responsibility	Additional funding shared between the Federal State and the <i>Länder</i>	Decisions of the Cnaf's Board
Coordination framework	Standing Conference of the <i>Länder</i> 's Youth and Family Ministers (JFMK) <i>Ad hoc</i> Corona-Kita-Rat as consultative body at the federal level	Ad hoc committees created during the pandemic: - National steering committee chaired by the State directorate in charge of childcare (DGCS) - Departmental Covid-19 Child/ Youth committee, chaired by the <i>préfet</i> .

Table 1. Overview of Childcare Governance Measures During the Pandemic in Germany and in France

Conclusive Lessons

The French-German comparison of ECEC governance measure shows a reinforcement of the former governance trend in both countries during the pandemic. Germany kept its decentralised approach during the crisis resulting in highly diverse local solutions. Attempts to succeed with a more coordinated approach among the 16 Länder failed due to political competition between the states, but also to different pandemic regional dynamics.

Meanwhile, in France, the crisis strengthened the role of the national government and the family branch of the social security system. Starting from the end of the first lockdown, it allowed the State to lead a policy of keeping childcare open during the various waves of the pandemic, with few local differences.

While in less difficult times decentralisation can have positive effects (such as the proximity to local needs, embeddedness in local communities and the potential for high staff engagement), it proved ambivalent in face of the crisis. In France as in Germany, the multi-level governance has provided some financial support and guidance. However, a great part of the protocols' implementation remained the responsibility of childcare facility managers. The pivotal role ECEC providers and centre managers have played as the crisis "street level managers" (Lipsky, 1969), not just delivering, but translating Covid-19 policies into organisational and pedagogical practice and communicating it to families, would deserve an article in itself.

In France more than in Germany, the crisis seems to have tipped the scales in favour of the national level. In Germany, cooperation between governance levels is still put to a test when planning for common standards for childcare quality, while in France, the new advisory councils in charge of childcare and services to the family in each *département* will be headed by the prefect, which means they will be led by the central State. However, it is still too early to assess if this change will be lasting and if this increased centralisation will be relevant to address the challenges the childcare and education system has to face.

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