

Study on the Development of Infant and Child Care and the Construction of Legal System

Yue Zhou, Qiuzheng Sun*

Jiangsu Police Institute, Nanjing, Jiangsu, 210000, China

Abstract

The next decade will be a critical time for us to respond to the demographic changes in China, which are becoming increasingly evident in terms of the trend towards an aging and low birth rate. Childcare services can help to alleviate the pressure on families to have children and coordinate the need for "parenting", thus contributing to the development of a national strategy. However, the current childcare sector is not yet fully developed and lacks the support of a relatively well-developed legal system. To this end, consideration can be given to building a sound legal support system for childcare services, starting with international legislative experience and the direction of development in the construction of a legal system, in order to stabilize people and clean up the industry atmosphere.

Keywords

Infant and Child; Childcare Services; Legal System.

1. Introduction

The key to the real implementation of the three-child policy is "ensuring universal access to childcare". In *The Book of Rites*, it is said that "providing for the elderly, ensuring mid-aged people work for society, and ensuring universal access for child to grow up healthily". At present, only by first "ensuring universal access for child to grow up healthily" can middle-aged people work with peace of mind, and provide for the aged, and ultimately promote social harmony. In reality, the cost of raising young children is getting higher and higher, so young people will be less and less willing to have children under the stimulation of such fertility pressure. According to data as of the end of 2021, the number of births in China has declined for five consecutive years. In order to help alleviate the pressure brought about by childbirth, in 2022, the government clearly proposed in its work tasks to "improve the supporting measures for the three-child birth policy and develop inclusive childcare services". It can be seen that the development of childcare services has become the needs of the times and the aspirations of the people.

There are many problems in the development of childcare services, the key one being that the development of childcare services must be governed by law. However, the current legal system for infants and child aged 0-3 and the related childcare services is not yet well established, with only the newly amended Law of the People's Republic of China on Population and Family Planning in August 2021 mentioning administrative penalties for breaches of relevant standards and norms by childcare institutions. A well-constructed legal support system for childcare services is the basis for the development of childcare services and can guarantee the universality and viability of childcare services to a certain extent. For these reasons, this article analyses the current state of childcare development based on the data from the survey and proposes legal constructs for its continued development.

2. The Current Development of Childcare and People's Attitude Towards it Today

UNICEF defines childcare as a service mechanism whereby infants and young children are removed from their parents at certain times of the day due to inadequate family care, and are provided with complementary or alternative care by another person or agency during this time, due to multiple factors including the environment. It was not until 1931 that the first institution providing childcare services in China was established. The emphasis on childcare services and their development is relatively recent and there are still many issues that need to be improved. The two main areas of concern are the following.

On the one hand, there is an imbalance between supply and demand for childcare. With the liberalization of the “two-child”, “three-child” and “extension of maternity leave for women” policies, women are facing a greater degree of invisible workplace discrimination while enjoying greater maternity protection. Due to traditional attitudes, the upbringing of infants and young children aged 0-3 is more borne by the mother. As the economy develops and women move out of the home and into the labour market, the traditional notion that women are bound to the home in the name of nurturing is broken. There is a growing demand for childcare services for working women, but the corresponding supply is inadequate. In Nanjing, Jiangsu Province, for example, there are 1,295 registered childcare institutions by the end of 2021, of which 610 are government-run and 685 are privately-run, covering approximately 28,000 infants and children aged 0-3, with 3.2 childcare spaces per 1,000 population. There is still a gap between the number of childcare places for infants and children under the age of 3 and the national target of 4.5 per 1,000 population by 2025, as proposed in the 14th Five-Year Plan for Public Service Plan.

On the other hand, childcare services are chaotic, overpriced and lacking in audience satisfaction. In this paper, 10 childcare providers were randomly visited in the pre-preparation stage and 340 parents who opted for childcare services were surveyed by questionnaire. According to the survey results, the prices of the 10 childcare providers ranged from RMB 2,000 to 5,500 per month, with four of them installing monitoring in their classrooms for real-time parental viewing, four community-based providers offering only simple care services, and only two of the more expensive providers requiring teachers to have qualifications related to nursery teacher certification. Overall, there are problems with childcare providers such as uneven quality, low barriers to entry, vague terms of service and many other issues, resulting in chaos in the industry and a lack of parental satisfaction.

Table 1. Parents' attitudes towards current childcare providers

What are your views on childcare prices?		
A.Low	B.Fair	C.Expensive
10.6%	16.5%	72.9%
What are your views on safety Issues in childcare providers?		
A.More assured	B.Normal	C. Not very trustworthy
17.6%	21.2%	61.2%

Generally speaking, as people's living standards improve and the concept of scientific childcare becomes more popular, families' expectations of the quality of care and training for infants and

young children are gradually increasing. At present, however, childcare services that meet parents' expectations in the market are often beyond the budget of the average family and are less inclusive, so they have to settle for less expensive childcare providers, but this in turn adds to parents' concerns to a certain extent and does not solve the problem of inclusive childcare at root. Therefore, the most effective way to solve the childcare problem is to improve the relevant legislation to change the public's attitude towards childcare services.

3. International Experience in the Construction of a Legal System for Childcare Services

Legislation helps to identify whether childcare services are operating in a regulated or unregulated manner. Western countries have placed earlier and greater emphasis on the legal development of childcare services compared to China. For example, the US has established a number of laws to protect the legal rights of childcare, such as the Child Care Act, the Early Childhood Education Act and the 1999 Act: Providing Quality Education for All Children in the 20th century, and the No Child Left Behind Act in the 21st century, all of which are forward-looking. Although China attaches equal importance to the rights and interests of children and has been insisting on safeguarding their interests since acceding to the Convention on the Rights of the Child, the relevant safeguards have mostly been limited to planning outlines, government measures and social support, but have not yet been studied in depth at the legal level for legislation. The adoption of legislation to define the legal system for childcare services is conducive to the regulation of the legal relationships that arise in the course of the construction and development of childcare services. Combining this with national practice and absorbing the detailed and comprehensive legal norms already constructed in Western countries will also help to make our legislation scientific and convenient.

4. The Direction of Development of the Law on Childcare Services

At all stages, the development of childcare services requires the law to play its regulatory role. At present, the most important thing is to strengthen the law according to the current situation of childcare services in China and to promote the development of childcare services towards safety, fairness and standardization through the law.

Firstly, the primary objective of the legal framework for childcare services should be safety, i.e. the need to ensure the maximum safety and health of infants and children. At present, safety problems in China's childcare institutions are frequent, and even incidents of childcare staff abusing and injuring infants and children for various purposes are often reported in the press. According to existing studies in the academic field, the incidence of unintentional injuries among infants and children in childcare institutions in China is 2.54% - 13.18%, which is extremely high. Legislation will be able to fill the relevant legal gaps, strictly control and regulate the whole process, and clarify the responsibilities of the subjects. While different subjects enjoy legal rights, they must also fulfil their legal obligations. At the same time, strict law enforcement can strictly rectify the chaos in the industry and make the whole childcare service industry safe and controllable.

Secondly, the legal construction of childcare services needs to focus on fairness, and emphasize the equality of legal subjects, the equal application of the law and the reciprocity of rights and obligations. Infants, their guardians, teachers and other workers in the childcare industry are all equal subjects in the process of providing care service, and the law is therefore constructed in such a way as to guarantee the reasonable rights and interests of each of them as well as to regulate their obligations on a relatively equal basis. In addition, equity should not be limited to the individual, but should also work for the group, which can be achieved through the legal

construction of a legal source of funding for childcare and the macro regulation of urban-rural differences to promote inter-regional equity.

Thirdly, the need for long-term healthy development of childcare services also requires attention to standardization, management at source, institutional improvement, and the establishment of a licensing system. Meanwhile, the law is required to be structured to achieve strict control of industry entry standards, competition mechanisms and practitioner qualifications, to build a comprehensive legal regulatory system and to standardize and clarify sectoral management, to strictly regulate the law, to clean up the industry and to curb market disorder.

At present, the development of childcare services and the construction of laws related to them are still in their infancy, and there are not too many cases for reference in legislation, law enforcement and justice, which require continuous feedback in the construction and implementation of laws. As for the loopholes found in the practical application of childcare services, timely amendments should be made in the light of current social developments in order to eventually establish a sound regulatory system. As a newly developing industry, childcare services have unlimited potential for development with the support of policies and laws and regulations. Therefore, immediate legal regulation to clarify its legality and rationality will facilitate its long-term stable development and promote a harmonious society.

References

- [1] Liu Zhongyi. Countermeasures and Suggestions for the Development of Childcare Services in China under the Comprehensive Two-child Policy [J].Hunan Social Sciences.
- [2] Zhang Qinna. Research on Legal Support in Childcare Services for Infants and Children Aged 0-3 in China [J]. Survey of Education.
- [3] Cai Jun; Quguoyu. International Experience and Insights into the Provision of Community-based Childcare Services for Infants and Children [J]. Journal of Xi'an University of Arts and Sciences (SOCIAL SCIENCES EDITION).
- [4] Zhou Lei. A Study on the Construction of A Safety Assessment Index System for Urban Childcare Institutions for Infants and Children aged 0-3 in Sichuan Province [C].Chengdu University of TCM.
- [5] Pang Lijuan. Developing A System of Inclusive Childcare and Education Services for Infants and Children [J].Educational Research.