

Early childhood development challenges and the proposed Ten-Nodal Point Regulatory Compliance Framework

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Background: Access to quality early childhood development (ECD) is a fundamental right for all children. However, many children worldwide are deprived of quality early childhood outcomes because of the non-compliance of ECD programmes with the sector's quality standards and the regulatory landscape.

Aim: This article, therefore, aimed to explore the compliance challenges impacting the non-government-owned ECD centres and proposes the application of the ECD Centre Ten-Nodal Point Regulatory Compliance Framework to address the identified compliance impediments in the sampled ECD centres.

Setting: The study was located at 12 ECD centres in Kempton Park, a city in the Ekurhuleni Metropolitan Municipality, Gauteng province, South Africa.

Methods: The study employed qualitative methods to investigate the non-compliance in the sampled ECD centres. Data were collected from 12 participants through semi-structured interviews supported by document analysis and analysed thematically.

Results: Findings revealed that most of the sampled ECD centres operate outside the regulatory framework because of the ECD operators' failure to navigate the demanding legislative landscape.

Conclusion: This research concludes that despite the desire to comply, most of the ECD centres in Kempton Park operate outside the regulatory framework because of the compliance managers' need to traverse the ECD regulatory system.

Contribution: The research advocates for applying the ECD Centre Ten-Nodal Point Regulatory Compliance Framework, which can significantly improve ECD centres' compliance management. Such improvements are crucial for the sustainability of quality ECD programmes that benefit children, societies and economies.

Keywords: early childhood development; compliance challenges; compliance management; Ten-Nodal Point Regulatory Compliance Framework; ECD sector.

Introduction

The global significance of quality early childhood education and childcare has sparked a collective interest across nations, with an increasing number of countries recognising the pivotal role that early childhood development (ECD) plays in shaping the future of societies. As per Blanch (2022), several terms, such as Early Childhood Education and Development (ECED) and Early Childhood Care and Education (ECCE), among others, are used to refer to the early childhood concept. These terms are often used interchangeably. However, it is crucial to note that they each have specific nuances. The Department of Higher Education and Training (DHET) 2017 policy underscores a significant historical shift in how the early childhood concept is defined and understood in South Africa (DHET 2017). The policy highlights the discriminatory connotations associated with the definitions of ECCE, leading to the acceptance of the term ECD as an all-inclusive term for early childhood in South Africa. In this framework, this article uses the term ECD as an umbrella term to incorporate the integrated concepts of early education, care, well-being and holistic development of children from birth to the school-going age.

Early childhood is a critical developmental stage, as research consistently highlights the positive impact of high-quality ECD on children's cognitive, social and emotional development

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(Bianchi et al. 2022; Cohrssen et al. 2023). As nations strive to develop sustainable and resilient societies, there is a shared understanding that investments in early learning are essential for securing children's rights and creating a solid foundation for their future success.

Internationally, countries such as South Africa, Canada, Brazil, Australia, Kenya and Tanzania embrace ECD as a public good that must be prioritised. Thus, governments worldwide are aligning ECD policies and regulatory frameworks to ensure children's well-being and access to quality educational opportunities (Adewusi et al. 2023; Raikes, Alvarenga Lima & Abuchaim 2023). Like other nations, South Africa has made significant strides in developing legal frameworks that are aligned to international legal frameworks such as the 1989 United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare in recognising and protecting children's rights within the ECD sector (Ashley-Cooper, Van Niekerk & Atmore 2019; Atmore, Van Niekerk & Ashley-Cooper 2012; Matlala & Molokwane 2024). This recognition of ECD as a fundamental right is reflected in developing national legislative frameworks and quality standards that regulate ECD activities to ensure children's safety, health and educational development (Bianchi et al. 2022; Matjokana & Bipath 2024).

These efforts emphasise the social value of quality childcare, where providing a safe and nurturing environment is directly linked to children's future educational success and economic and societal contributions (Sello et al. 2024). High-quality ECD programmes contribute to long-term positive outcomes for individual children and society. They help break the cycle of poverty, reduce inequalities and enhance children's learning and development. The social value of quality childcare and early learning is therefore inextricably linked to a nation's social, economic and developmental progress, providing benefits that extend beyond individual families to the broader community (Aina & Bipath 2022). When the well-being of children is prioritised and they have access to safe, high-quality education during their formative years, the positive ripple effects reach across generations.

However, delivering the needed quality ECD programmes is often fraught with challenges, particularly regarding the need to comply with the ECD regulations that ensure quality care. Compliance with these regulations ensures the safety of children, the quality of education and the proper functioning of ECD centres. Therefore, the social value of this research is paramount as it aims to address these compliance challenges, ensuring that children across South Africa, particularly in private ECD centres, receive the quality early education and care they deserve.

While the global importance of ECD is well established, substantial gaps remain in implementing regulatory frameworks that ensure compliance with the set standards, particularly in the ECD settings. Studies have highlighted

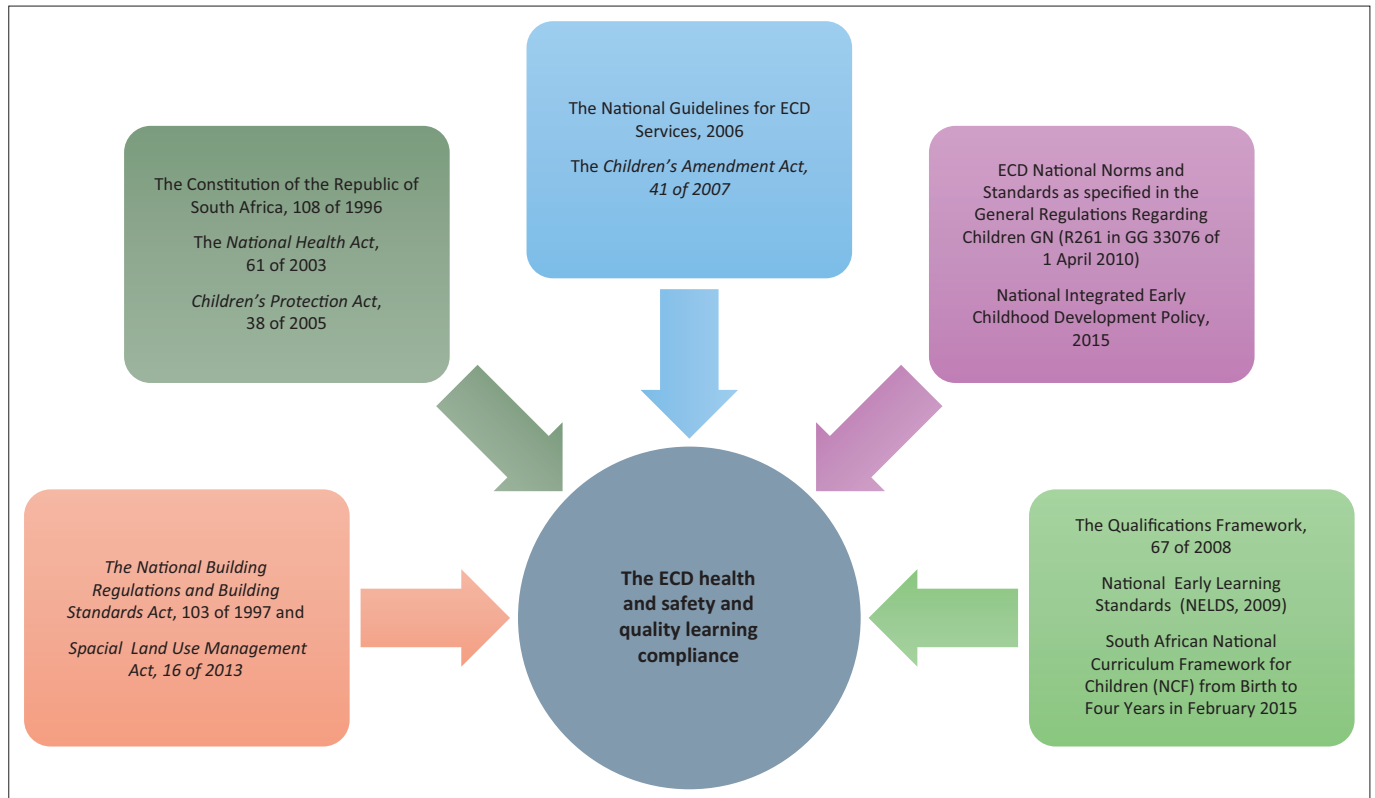
significant disparities in ECD compliance across countries, indicating that while the necessity of these frameworks is recognised, their enforcement often faces considerable obstacles (Bianchi et al. 2022). Non-compliance in the ECD sector, concerning health, safety or educational quality, has become a critical international issue.

In countries such as Malaysia, Lesotho and Zimbabwe, where inadequate infrastructure, lack of licensing and subpar learning conditions persist, children's rights to education and safety are frequently compromised (Chin et al. 2021; Davis et al. 2021; Ndengo & Richard 2022). South Africa, as a developing nation, faces similar challenges. The Department of Basic Education (DBE) ECD 2021 Census, accepted as the most recent ECD survey in South Africa (Wills & Leach 2024) at the time of writing this article, revealed that 60% of the 42 420 identified ECD programmes operate outside the regulatory framework, without proper licensure, and thus fail to meet the required standards (DBE 2023). This alarming statistic underscores the need for urgent and effective compliance management strategies within the ECD sector, hence the significance of this research.

The implications of non-compliance of the ECD programmes extend far beyond administrative failure. Non-compliant ECD centres expose children to many risks, including inadequate safety measures, poor sanitation, insufficient learning resources and neglect of health and safety regulations (Madyibi & Bayat 2021; Mathwasa & Shumba 2020). These failures not only jeopardise children's immediate health and safety but also have long-lasting effects on their learning outcomes, further perpetuating social inequalities. The scientific value of this study lies in its focus on filling the existing knowledge gap regarding compliance challenges in the South African ECD sector. The research aims to understand the specific compliance barriers faced by private ECD centres from the operators' perspective, particularly in Kempton Park, and to develop practical solutions that can be implemented within South Africa's unique regulatory context.

Figure 1 is a diagrammatic overview of the ECD regulatory and legislative framework that governs ECD provisioning in South Africa, particularly the health and safety and the provision of quality learning in the sector.

Current research has focused on identifying the non-compliance as a problem but has not fully addressed the underlying causes of compliance failures or provided effective frameworks for overcoming the identified challenges. This study fills this gap by exploring the compliance challenges from the compliance managers' perspective and by proposing the ECD Centre Ten-Nodal Point Regulatory Compliance Framework as a potential solution to overcome the identified challenges. The proposed framework provides a comprehensive approach to addressing regulatory challenges and routine compliance practices within ECD settings.



ECD, early childhood development.

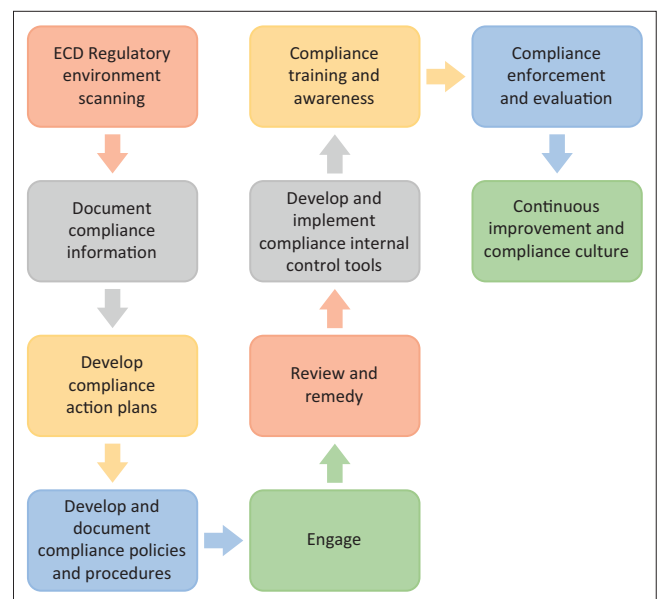
FIGURE 1: An overview of the South African early childhood development quality learning, health and safety regulatory framework.

The proposed ECD Centre Ten-Nodal Point Regulatory Framework

The 10-nodal points in the proposed conceptual framework are paramount, as they represent the 10 critical processes that ECD service providers can apply to manage regulatory and operational compliance in the ECD sector. These nodal points, derived and consolidated from various compliance theoretical approaches, form the backbone of the compliance management process. The proposed *ECD Centre Ten-Nodal Point Regulatory Compliance Framework* presents 10 critical steps that can aid ECD operators to manage regulatory and operational compliance in the ECD settings. Figure 2 presents the 10 crucial components of the proposed framework.

The objective of the proposed ECD centre regulatory compliance framework is to guide and empower the ECD community, instilling them with the confidence and capability to navigate the intricacies of the arduous ECD regulatory system in the ECD settings, mainly to help the ECD community to navigate the compliance intricacies and equip the operators with the needed compliance knowledge. The theoretical foundations of the study draw from existing research on compliance management, risk mitigation, quality management and the regulatory environment in the ECD sector, providing a robust conceptual base for the research.

The first two nodal points, environmental scanning and compliance information compilation, are informed by Bognár and Benedek's (2021) proposition that managing compliance entails risk assessment and compliance information compilation.



ECD, early childhood development.

FIGURE 2: The early childhood development centre Ten-Nodal Point Regulatory Framework.

The third nodal point underscores the need for action plans in the ECD centre's compliance management. As per Lofton and Grant (2021), an *action plan* is a structured document that postulates the resources and procedures required to accomplish specific goals. The fourth nodal point, shaped by Lindh and Mansikka (2023), underscores the significance of documentation in compliance management. According to Lindh and Mansikka (2023), documentation in compliance

management refers to developing, compiling, filing and maintaining information that demonstrates the ECD centre's compliance with the regulatory requirements and crucial processes in ECD compliance.

Working with government departments requires continuous and dedicated follow-ups to engage the ECD regulatory compliance departments to track the compliance process's progress. Hence, the fifth nodal point signifies actively making physical contact and continuously following up with the relevant departments to enhance compliance. Syarifudin (2023) emphasises the significance of policy review and remediation as critical tools in management sciences, informing the sixth nodal point of the proposed framework. Since sector policies and regulatory systems are constantly reviewed and updated (Syarifudin 2023), the ECD operational policy review and remedy process becomes vital for the ECD centres' compliance achievement. This process ensures that ECD service providers remain well-informed of changes that may impact ECD provisioning in the early learning programmes' continuous, dynamic legal and regulatory environment.

The seventh nodal point is derived from strategic management sciences, a field that underscores the need for evaluation tools in strategic management. It stresses the need for compliance conceptual evaluation tools, such as compliance checklists, in the ECD centre compliance process. The significance of training and compliance awareness cannot be overstated in the ECD compliance management paradigm. Nodal Point 8 addresses the need for more skills and qualifications in ECD settings. Safrida et al. (2023) stress the importance of teacher qualifications and training for quality achievements. The training and awareness nodal point advocates for extending ECD training and skills development to integrate compliance training and awareness. As per the proposed framework, compliance training programmes need to emphasise the significance of compliance in ECD settings and simultaneously address the dangers and consequences of non-compliance within the sector.

Coglianesi and Nash (2020) stresses the need for top management compliance commitment to achieve total compliance in an organisation, shaping Nodal Point 9, compliance enforcement and evaluation. The tenth nodal point, compliance culture and continuous improvement, is informed by the Total Quality Management (TQM) quality management concept that emphasises and advocates for organisations to regard quality as an ongoing process of analysing products and processes to enhance quality (Bognár & Benedek 2021).

By examining the challenges to compliance in private urban ECD centres and proposing the ECD Centre Ten-Nodal Point Regulatory Framework, the study introduces a fresh perspective on ECD compliance management in South Africa, offering theoretical and practical contributions to the broader field of ECD research. This original contribution aims to improve compliance management practices and provide valuable information that can be useful in the ECD policy formulation and changes in the South African ECD

sector. The framework provides a clear pathway for improving compliance and enhancing the quality of ECD services, ultimately contributing to children's safety, health and high-quality learning outcomes in South Africa's private ECD centres. The findings of this study, coupled with practical potential solutions, are critical in providing quality early childhood education, care and safety, ensuring that children have access to the nurturing and educational environments they need to thrive.

Research methods and design

This study employed a qualitative research design to explore the lived experiences of ECD centre managers concerning their compliance management practices. Qualitative research was chosen because of its capacity to provide a deeper understanding of complex, context-specific challenges, particularly those related to the subjective experiences of individuals in the field of ECD (Cuthbertson, Robb & Blair 2020). The study adopted an interpretive paradigm, which allowed for investigating social phenomena and individual experiences through the participants' perspectives. This approach was instrumental in understanding the nuanced challenges of regulatory compliance within the ECD sector in Kempton Park, South Africa.

The study was conducted in Kempton Park, a town within the Ekurhuleni Municipality in the East Rand region of Gauteng province, South Africa. Kempton Park covers an area of approximately 149 km² and is an economically active city adjacent to O.R. Tambo International Airport, one of the busiest airports in Africa (InfoSA 2023). The town comprises 21 low- to medium-income suburbs, home to a diverse range of ECD centres. Some of these centres operate entirely within the regulatory framework, while others face significant challenges related to non-compliance. The setting provided an opportunity to examine how compliance is managed across different types of ECD centres, with varying levels of adherence to the regulatory standards.

The target population for this study comprised compliance managers at ECD centres in Kempton Park, including both licenced and unlicensed centres. Participants were selected based on their role in managing compliance within their respective centres. To ensure diversity and capture a range of experiences, the sample included compliance managers from a mix of fully registered ECD centres, centres in the registration process and unregistered centres. The study focused on 12 participants, including 1 male and 11 females, who held compliance management positions. The participants were drawn from various suburbs within Kempton Park to ensure geographic diversity.

A multi-method sampling strategy was undertaken, combining convenience, snowball and purposive sampling techniques. Convenience sampling allowed for the inclusion of participants who were easily accessible, while snowball sampling enabled the identification of additional participants through referrals from initial interviewees. Purposive

TABLE 1: The sampled early childhood development centres and participants profile.

Centre name	Participant code	Age (years)	Gender	Job title	Centre's operation period (years)	Registration status
Centre Blue	P001	36–45	Female	Director and Principal	4	Registered
Centre Green	P002	> 55	Female	Principal	35	Registered
Centre Red	P003	46–55	Female	Principal and Owner	7	Registration in progress
Centre Yellow	P004	46–55	Female	Principal and Owner	12	Registered
Centre Cream	P005	36–45	Female	Principal and Owner	12	Registered
Centre Peach	P006	46–55	Female	Principal and Owner	12	Registration in progress
Centre Khaki	P007	36–45	Female	Principal and Owner	16	Not registered
Centre Orange	P008	25–35	Male	Principal and Owner	2	Not registered
Centre Purple	P009	36–45	Female	Principal and Owner	8	Not registered
Centre Brown	P010	25–35	Female	Principal	16	Registration in progress
Centre Pink	P011	36–45	Female	Practitioner and Supervisor	12	Registered
Centre Grey	P012	36–45	Female	Principal and Owner	11	Registered

sampling ensured that key individuals, specifically those directly responsible for compliance management, were included in the study. This combined approach minimised sampling bias and enhanced the credibility and dependability of the findings. The sample, Table 1, consisted of:

Six fully registered early childhood development centres:

- Three centres are in the process of registration (with operational histories of 7, 12 and 16 years).
- Three unregistered ECD centres.

The sample size was deemed appropriate for the qualitative approach, providing sufficient data for thematic analysis and ensuring transferability while maintaining depth and richness in the data collected.

This study did not have a formal intervention, as it aimed to explore the existing regulatory compliance practices and challenges faced by ECD centres. The focus was on understanding the participants' experiences and perceptions rather than introducing or testing a specific intervention. However, the study aimed to generate insights that could inform future regulatory practices or interventions to improve compliance management in the ECD sector.

Data were collected using multiple methods to provide a comprehensive and nuanced understanding of compliance challenges in ECD centres. Face-to-face semi-structured interviews were conducted with each of the 12 participants. These interviews allowed for an in-depth exploration of the participants' experiences, perspectives on compliance and challenges in managing compliance within their centres. A semi-structured format was chosen to allow flexibility in the interview process, enabling the researcher to probe further into areas of interest while maintaining consistency across interviews.

Documents related to ECD centre operations, including registration certificates, compliance reports and internal policies, were reviewed to supplement the interview data. This analysis helped to contextualise the findings and provided additional insight into the regulatory landscape and practices within the centres. Observations of the ECD centres, particularly the physical environments and compliance-

related practices, were conducted where possible. Field notes were taken during these observations to record the researcher's impressions and any relevant contextual details that emerged during visits to the centres.

These data collection methods were chosen to capture comprehensive information, providing both subjective (interview) and objective (document analysis, observations) data. The credibility of the data collection tools was ensured through the careful development of interview guides and the triangulation of data from multiple sources.

Data were captured through digital recordings of interviews, which were transcribed verbatim for analysis. A thorough review followed the transcription process to ensure credibility and dependability. The transcribed data, field notes and document analysis were coded using thematic analysis. Thematic analysis was chosen as it allowed for the identification of patterns, themes and key insights related to compliance management practices.

The analysis process involved several steps:

- Initial coding of the interview transcripts, field notes and documents to identify recurring themes and categories.
- Grouping of related codes into broader themes that captured the key aspects of compliance management in the ECD sector.
- Interpretation of the themes to develop a deeper understanding of the challenges and practices associated with regulatory compliance.

The coding and theme development process was iterative, constantly comparing data sources to ensure the findings were grounded in the participants' lived experiences.

Ethical considerations

The study adhered to ethical standards in research and received approval from the Management College of Southern Africa (MANCOSA), Human Research Ethics Committee (MHREC) under reference number 017/2021. Ethical approval was obtained before data collection, ensuring the study adhered to ethical guidelines for human research.

Permission was sought from all participating ECD centres through gatekeeper letters, and all participants were fully informed about the purpose of the study, their rights and the voluntary nature of their participation. Informed consent was obtained from each participant, and they were assured that they could withdraw from the study without any negative consequences. Anonymity and confidentiality were maintained throughout the study using pseudonyms in the transcripts and reports, ensuring that participants' identities were protected. Participants were also informed of the steps to safeguard their data and were allowed to review their responses before final submission. By maintaining these ethical standards, the study aimed to ensure the integrity of the research process while safeguarding participants' rights and well-being.

This methodological approach was designed to provide a comprehensive and ethically sound framework for exploring the regulatory compliance challenges faced by ECD centres in Kempton Park. Through rigorous data collection and analysis, the study sought to contribute valuable insights into improving compliance management practices in the South African ECD sector.

Results

The emerging themes of this research article are summarised in Table 2.

Theme 1: Compliance information scarcity

Data revealed that participants needed more knowledge and information about compliance, especially the non-registered ECD centres. Expressing concern over the lack of compliance information, participant from one of the unregistered ECD centres that has been operational without an operating licence for 8 years mentioned that:

'I do not remember anyone coming to give me any compliance information as well as any tips about how to run my centre. What I know and do is what I hear from colleagues, parents and on the news.' (Centre Purple, P009, Female, Principal and Owner)

Other participants required assistance navigating the compliance requirements and more knowledge about the physical locations of the relevant departments to submit compliance documents and applications:

'And another problem is that when it comes to compliance ... there's so many things, nobody explains them to you. I approached the Social Department, and they just gave me a check list. The question is ... Who do I contact if I want a health certificate or a health permit, what is a constitution? How do I do a business plan, a fire escape and all those things? Nobody explains anything to you. It seems small, you know, but it's actually a great deal.' (Centre Brown, P010, Female, Principal)

Participants expressed concern over the inadequate communication in April 2022 when the government moved the ECD sector's regulation responsibility from Department of Social Development (DSD) to DBE. With its significant impact on compliance, such a development shocked participants.

Theme 2: Early childhood development centre pre-registration intricacies

There was a consensus among all participants that the ECD health and safety pre-registration regulatory requirements, such as the land use zoning approvals and staff clearances, were complex and challenging to attain as discussed in the following sub-themes.

Sub-theme 2.1: Government departments administrative bureaucracy

The sampled ECD operators explained the complexities of getting staff clearances on the child abuse register from the DSD Child Protection Unit. There was a shared consensus among all the 12 participants who shared the hindrances regarding the superfluous paperwork, especially ECD centre registration application requirements by the DBE and DSD. Expressing frustration over the excessive paperwork associated with the ECD, registration processes and procedures, Centre Brown clarified that voluminous documents must be handed to different departments. As per the participants, the main challenge was navigating the long and strenuous processes in these government offices, resulting in unreasonably high turnaround times. Centre Brown's worry is expressed in the following extract:

'... It takes six months to get staff police clearances, I have to wait; and after six months, I must engage the child protection unit for staff to be cleared from the child abuse register and that took three months, I then submit the registration application supported by all those supporting documents to DSD, that's another six months ... so when you put it all together, it is two years.' (Centre Brown, P010, Female, Principal)

Sub-theme 2.2: Municipal zoning challenge

There was a consensus among all participants that municipal administrative bottlenecks hindered the obtaining of zoning approvals. Overwhelming data revealed that most of the sampled ECD centres struggled to meet the parking space requirements and that zoning applications were cumbersome and lengthy. Centre Cream confirmed that the zoning process took 4 years to conclude, from 2017 to 2021. Similarly, Centre Blue confirmed that centre's zoning delay struggles took 3 years to be approved.

TABLE 2: Snapshot of themes.

Emerging themes – Main themes	Sub-theme
1. Compliance information scarcity	1.1. Lack of compliance knowledge
2. ECD centre pre-registration intricacies	2.1. Administrative bureaucracy in government departments 2.2. Zoning bureaucracy
3. High compliance costs	3.1. High zoning expenses 3.2. Health and safety compliance costs
4. Management incapacities	4.1. Lack of proper management structures 4.2. Documentation incapacities

ECD, early childhood development.

In the similar vein, Centre Yellow confirmed that:

'It took forever. I waited for 4 years. I started my rezoning process before I even opened the crèche. It took a long time because it was cumbersome and I feel this prolonged approval time is unfair and discouraging. I believe that's why many operators don't bother to register their centres.' (Centre Yellow, P004, Female, Principal and Owner)

Theme 3: High compliance costs

The findings on compliance cost challenges are presented in two sub-themes, the zoning compliance and the health and safety compliance cost.

Sub-theme 3.1: Zoning costs challenges

Besides the zoning bureaucratic challenges, overwhelming findings indicated that high compliance costs, including exorbitant zoning costs, posed a compliance threat to the sampled ECD centres. Participants confirmed they paid between R27 000.00 and R180 000.00 and even more for road use and parking requirements. In addition, the study revealed that the three non-registered centres in the sample were barred from starting with the centre registration processes because of financial constraints and affordability issues. Centre Orange explained that through the consultations done to establish the zoning requirements:

'It costs a lot of money. The thing is, even to start the process, we have to spend R28 000 ... and then from there, I have to give like R80 000 to the municipality for the roads use. To use the roads for my business, I must pay R15 000, R18 000, R25 000 ... where do we get the money from?' (Centre Orange, P008, Male, Principal and Owner)

Centre Khaki revealed that despite the centre's quality programme, which parents in the community strongly support, the hopes of being registered were barred because of the zoning requirements and high costs. The centre owner's compliance desire and effort is captured in the following extract:

'I went to Social Development to ask what I need to be registered. They gave me a checklist. Then I went to the municipality and they told me to apply for consent use because the property we are using is not zoned for crèche purpose. It's not easy because they need a lot of money, like the town planners and the engineers need something like R20 000, my neighbour told me she paid R50 000 but the town planners who didn't even do it ... to do a consent for me the town planners charged me R16 000. The money is just too much and we are failing to afford it.' (Centre Khaki, P007, Female, Principal and Owner)

Sub-theme 3.2: Health and safety compliance costs

The sampled ECD centre owners elaborated on architect costs associated with renovations to comply with health and safety needs such as fire safety and ablution facilities ratios, and making the facility suitable and child-friendly. While one participant confirmed incurring extra costs in adding the additional emergency exit doors, Centre Blue cited that:

'... so we had to get the plans redrawn and that needed a lot of money, we had to get the whole place restructured, rebooked ... we had to remove bathtubs and add toilets to make it school suitable.' (Centre Blue, P001, Female, Director and Principal)

Participants further pointed out the financial challenges associated with the operational ongoing health and safety prescriptions, such as training courses for fire safety and health and safety. Centre Cream explained the financial burdens related to fire safety compliance and mentioned that:

'... to obtain the fire certificate staff should be trained, I paid close to R16 000 to get all my staff trained for first aid training, evacuation and fire-fighting. It's expensive so most crèches remain non-compliant because they can't afford.' (Centre Cream, P005, Female, Principal and Owner)

Theme 4: Management incapacities

Sub-theme 4.1: Lack of proper management structures

Overwhelming evidence indicated that most ECD centres lacked proper management structures as most of the sampled ECD centres were single-handedly managed by the principals, who happened to be centre owners performing all general management tasks. One of the participants mentioned that:

'... I am the owner, principal and administrator for my centre. Bookkeeping challenges me, but I have to do it because I need fee records.' (Centre Purple, P009, Female, Principal and Owner)

In similar vein, Centre Brown shared that:

'Despite being a principal, I basically perform all the administration duties, including printing, receipting, filing, receipting, documenting school policies, marketing, applying for and obtaining the needed certificates ...' (Centre Brown, P010, Female, Principal)

Sub-theme 4.2: Documentation incapacities

Research findings revealed that most ECD managers managed routine operations and staff without written internal health and safety policies. Some of the sampled ECD centres, including the licenced ECD centres, lacked centre operational policies, such as policies for sick children and staff. Participants further admitted inadequacy in documenting the ECD legislative and national regulatory policies. One participant explicitly admitted that:

'We don't specifically have a policy at the moment, but we take very good care of our children.' (Centre Green, P002, Female, Principal)

Discussion

This research investigated the compliance challenges that affect the private ECD centres in Kempton Park. The study revealed a significant compliance gap in the sampled ECD centres owing to the sector's onerous regulatory framework. Early childhood development discourse has established that compliance with the ECD regulatory and quality standards is crucial to ensuring children's safety, well-being and quality life-long early learning programmes (Madyibi &

Bayat 2021; Muthoni et al. 2021). However, studies have shown that compliance with the sector standards and regulatory framework is not unique to South Africa, but an international and global challenge (Davis et al. 2021; Matjokana & Bipath 2024). The findings indicate that despite the ECD centre owners and compliance managers' strong desire to comply, the ECD operators needed assistance to navigate the complex regulatory framework and requirements. Ally (2023) argues that the dire state of the ECD provisioning in South Africa, particularly in the urban areas, is ascribed to the sector's onerous regulations. The regulations are overly burdensome to the providers, barring ECD centre compliance, hindering the formalisation of the ECD facilities and programmes, denying children of their right to proper care and early learning (Ally 2023; Van der Walt, De Beer & Swart 2014).

Our findings showed that Kempton Park had a mixture of registered and non-registered ECD centres. Only half of the sampled ECD centres were fully registered, and the other half operated outside the regulatory landscape, reflecting a significant compliance gap. The findings indicate that three centres were in the registration process, with operational histories of 7, 12 and 16 years. Despite the lack of proper licensing, these long operational histories reveal the subtle compliance struggles in the sector and the strong desire of private ECD operators in Kempton Park to comply with the sector's regulatory requirements. Studies done by Sello et al. (2024) and Matlala and Mokwane (2024) reveal similar registration compliance challenges facing the private ECD sector. The findings also confirmed that the sampled ECD operators face difficulties navigating complex ECD regulatory requirements. The identified compliance management challenges in this research and the willingness of the sampled ECD owners to comply, underscore the urgent need for practical compliance management tools. The proposed ECD Ten-Nodal Point Regulatory Compliance Framework is one such tool that can help the ECD service providers navigate the strenuous regulatory framework.

The proposed ECD Ten-Nodal Point Regulatory Compliance Framework, as depicted in Figure 2, is a powerful and comprehensive compliance management tool that compliance managers can use in ECD settings as an extensive approach to compliance management. The proposed framework's strength lies in providing compliance managers with knowledge and a systematic approach to compliance, resulting in compliance cultures and, ultimately, compliance successes. The evaluation of the identified compliance challenges shows that ECD operators' failure to navigate the ECD regulatory framework was a significant compliance obstacle. Thus, this research proposes applying the proposed nodal points of the framework to address the compliance challenges identified in this research, offering a clear and effective solution to the sector's compliance issues.

The findings presented compliance information scarcity and the operators' lack of compliance knowledge as a significant compliance threat. Compliance information deficiencies

were reflected in the unclear compliance requirements, lack of knowledge on the physical locations of the ECD regulatory compliance departments and navigating the ECD centre pre-registration processes, such as land zoning and staff clearance processes, which barred ECD centre compliance. Similarly, Sello et al.'s (2024) findings highlighted the lack of compliance information as a barrier to ECD centre registration. The proposed framework, which includes ECD regulatory environmental scanning and the compliance information documentation nodal points, is designed to address the lack of compliance information challenge identified in the study. As per Bognár and Benedek's (2021) proposition, the environmental scanning nodal point in the proposed framework enables the ECD operators to do the ECD environment compliance requirements analysis, conduct the compliance risk assessment and gather the crucial compliance information. The second nodal point proposes the need to systematically record and file compliance information. The gathered and documented compliance information has the potential to provide the centre managers and owners with clear compliance guidelines, paving the way for a more efficient and compliant ECD system. Hence, the first two processes of the framework are fundamental in building compliance competencies and thus dealing with the compliance information scarcity problems identified in this research.

Section 79 of the *Children's Act* (No. 38 of 2005) mandates ECD centre compliance managers to document the ECD facility's health and safety compliance policies, procedures and action plans as part of the supporting documents for the ECD centre and programme registration process (Republic of South Africa 2010). An *action plan* is a structured document that outlines the resources and procedures needed to achieve specific goals (Lofton & Grant 2021). This study revealed a lack of ECD policy and action plan development competence among ECD operators, which hindered compliance. The results indicate that the centres lacked strict documented child supervision safety policies, posing a threat to the safety of children in the ECD centres. As per the *Children's Act* (No. 38 of 2005), operational policies and action plans are prerequisites for registering ECD centres (Republic of South Africa 2010). The proposed framework's third and fourth nodal points empower ECD compliance managers to develop and document action plans and operational policies. De Boer (2021) emphasises that written policies foster accountability, consistency, transparency and regulatory compliance – all crucial elements of high-quality early childhood education programmes. The proposed framework, if implemented, will significantly enhance the safety and quality of early childhood education, making it a significant step towards ensuring the well-being of children in ECD settings.

Overwhelming evidence in this research designates that the ECD pre-registration regulatory requirements, such as the land use zoning approvals and child abuse staff clearances with South African Police Services (SAPS) and the DSD Child

Protection Unit, were complex and challenging to attain because of the government departments' administrative bureaucracy. The research established that the main challenge was navigating these government offices' long and strenuous processes, resulting in unreasonably high turnaround times. Parking requirements were equally quoted as a significant zoning compliance obstacle for ECD centres in medium- to high-density suburbs in urban areas. This research established that very little scientific research has recorded findings on the sources of the zoning barriers, particularly from the ECD operators' compliance experiences, making this research and findings crucial in the ECD literature. The strength of this research lies in its use of the semi-structured interview technique that enabled data collection on the specific obstacles barring compliance in the sector. While several researchers have recommended the need for a streamlined ECD regulatory framework (Sello et al. 2024; Visser et al. 2021), this research recommends the role of compliance managers to navigate the bureaucratic challenges.

The fifth nodal point proposes that the non-compliant ECD operators take an active role in navigating through this bureaucracy by physically engaging other compliant service providers and the relevant ECD compliance departments to obtain compliance information. Furthermore, the fifth nodal point entails that the ECD operators and compliance managers consistently follow up with the relevant departments to track the progress of the compliance processes. Participants in this research confirmed that engaging departments to obtain compliance information and follow-ups yielded positive results in their compliance endeavours. Therefore, the engagement nodal point promotes compliance pro-activeness instead of being passive and blaming the government departments for non-compliance. The proposed engaged nodal point enables the ECD service providers to take control and deal with the administrative bureaucracy intricacies, cutting off the long turnaround time challenges identified in this research.

Findings further revealed that ECD centre pre-registration intricacies presented a significant hurdle to compliance achievements. Participants shared valuable insights into the need for health certificates, constitutions, business plans and fire safety compliance documents as some of the pre-registration and operational compliance requirements. Research evidence reveals that such requirements present compliance obstacles to the centre managers (Kika-Mistry & Wills 2022). Matlala and Molokwane (2024) report similar compliance challenges where operators strongly desire to comply but fail to meet the challenging registration requirements. In addition, the research findings deemed excessive compliance paperwork a stumbling block to compliance, especially for ECD centre operators with varying educational backgrounds needing assistance interpreting various compliance documents. Sello et al. (2024) similarly establish the registration technical documents as one of the barriers to ECD registration compliance, accumulatively amounting to an ECD compliance regarded by Matjokana

(2023) and Ally (2023) as a rigid regulatory system barring the formalisation of ECD centres and their eligibility to access and benefit from the government funding. Matjokana (2023) argues that such compliance complexities and realities starkly contrast with the South African Government's ECD policies, such as the National Development Plan (NDP) 2030 that aims to increase ECD accessibility of quality ECD provisioning to all children in line with the global Millennium United Nations Sustainable Development Goal (SDG) 4.2 (Matjokana & Bipath 2024), highlighting the urgent need for aligning practice to policy.

The internal control tools development and implementation nodal point proposes the utilisation of compliance evaluation tools, an essential process for the ECD service providers and compliance managers to traverse the intricate ECD operational and regulatory requirements. The seventh nodal point entails developing compliance evaluation tools, such as a compliance checklist, to track regulatory and regular operational compliance, given the urgent need for children's safety in the centres. Compliance checklists can serve as compliance gap detectors while ensuring compliance consistency. The framework emphasises that compliance evaluation tools, such as a checklist depicted in Table 3, can be developed for all the ECD operational and regulatory compliance areas to guide and support compliance.

Findings highlighted management incapacities, stressing inadequacy in documenting the ECD legislative and national regulatory policies and the centre managers' failure to document internal routine health and safety policies, such as policies for sick children and staff to ensure children's safety. Visser et al. (2021) presented similar findings, where researchers reported participants' incompetence in the ECD legislation, regulatory policies and purpose. Research findings indicate the need for compliance training in the ECD settings. Therefore, nodal point eight of the proposed framework recommends that the ECD owners and personnel receive compliance training and be made aware of the significance of compliance in routine operations and within the sector regulatory standards. The ECD compliance training and awareness nodal point extends beyond the general ECD skills development training, but proposes the expansion of the training scope to integrate regular compliance training and development meetings and workshops coordinated within the ECD settings. A proposal that aligns with the recommendation by Sello et al. (2024) similarly recommends that government ECD officials

TABLE 3: Early childhood development regulatory compliance checklist example.

Questions	Compliance status	
	Yes	No
Are all the practitioners first aid trained?	-	-
Does the centre have a replenished first aid kit?	-	-
Are the first aid contents checked and replenished?	-	-
Are the first aid contents' expiry dates inspected?	-	-
Are the evacuation plans visible?	-	-
Are the fire extinguishers available?	-	-
Are the fire extinguishers serviced?	-	-
How often are the fire drills conducted?	-	-

offer ECD registration compliance training and information sessions to curb the compliance incompetence, which is a barrier to compliance in the ECD sector. Compliance training and awareness can mitigate compliance management incapacities and the lack of compliance knowledge revealed in this research.

Though not directly addressing the identified compliance challenges in this research, nodal point nine denotes compliance enforcement and evaluation. It underscores the crucial role of ECD centre compliance managers in ensuring compliance and quality early learning programmes in the sector. The compliance enforcement and evaluation nodal point urges compliance in all centre activities by monitoring practitioners' interaction with the children in the centre and the ECD environment. Importantly, the proposed ECD centre compliance enforcement and evaluation process is designed to guide the DBE and DSD officials in the ECD centre monitoring and evaluation process, thereby enhancing the effectiveness of compliance enforcement. Hence, the enforcement and evaluation nodal point provides valuable insights for the ECD regulatory departments to intensify ECD centre compliance monitoring and evaluation.

The tenth nodal point focuses on forming compliance cultures and continuous improvements. According to Bognár and Benedek (2021), the TQM continuous improvement concept advocates for all-inclusive compliance and management at all levels, creating a compliance culture in the organisation. The proposed all-inclusive compliance approach implies that compliance culture should be instilled even at the class level, where the ECD practitioners and children are made to understand and implement compliance at all times. Such compliance cultures have the potential to not only improve compliance but also significantly enhance learning outcomes. Syarifudin (2023) postulates that TQM concepts can be adopted in ECD settings to achieve quality; hence, compliance with quality standards equals quality. By adopting TQM principles in the ECD settings, we can see a direct improvement in learning outcomes, enhanced safety and well-being of children, and increased satisfaction among parents and stakeholders. This shift will transform ECD centres from mere compliance for stakeholder monitoring and licensing to a culture of compliance that reduces non-compliance risks in ECD institutions. All 10 components of the proposed framework serve as a comprehensive guideline, providing a clear path to achieving, managing and maintaining compliance in heavily regulated institutions such as the ECD sector.

This research revealed that high zoning and health and safety compliance costs are significant compliance obstacles. Overwhelming data from this research article reflected that the zoning process was associated with exorbitant costs far beyond the operator's affordability. Section 79 of the *Children's Act* requires the ECD facilities to comply with the fire safety, first aid, ablution ratio and structural safety requirements.

The research revealed the high cost of compliance associated with structural renovations and the continuous first aid and fire safety compliance, resulting in non-compliance. The findings align with Kika-Mistry and Wills' (2022) findings that established that compliance with the ECD health and safety norms and standards adds costs to ECD service delivery and bars ECD facilities from achieving compliance. The shocking unaffordability realities of the compliance costs, revealed by one of the unregistered ECD centres located in one of the affluent suburbs of Kempton Park, reverse the notion that only the ECD centres in informal settlements and low economic areas are affected by compliance costs. The previous research established the need for financial challenges and support for the ECD facilities in the informal and rural settlements (Atmore et al. 2012; Matjokana 2023). This research established that compliance costs equally affect the ECD facilities in middle- and low-income suburbs and urban areas such as Kempton Park, underscoring the urgent need for financial assistance for the ECD sector.

The proposed framework, while a step in the right direction, does not fully address the zoning and financial compliance challenges identified in this research. Therefore, the identified zoning and high compliance costs underscore the urgent need for the DBE to evaluate the existing land zoning scheme, parking requirements, and bureaucratic obstacles that hinder and prolong ECD centre compliance in urban areas such as Kempton Park. As the department responsible for ECD regulation, the DBE must collaborate with the local authorities responsible for the land zoning scheme for ECD provisioning. Together, they can develop compliance pathways that are sensitive to the realities of the ECD community, working towards eliminating compliance barriers and enabling full compliance.

Limitations of the study

Although the researcher applied measures to enhance the trustworthiness of the research results, it is vital to note that this research article was a cross-sectional study based on data collected at a specific time. As such, this study could only offer an overview of compliance problems at one particular time but does not reveal how these problems change over time. A balanced prolonged researcher involvement and audit trail strategies (Haq et al. 2023) enhanced the research credibility. In addition, most data were obtained from the 12 participants interviewed verbally and face-to-face, a method that has a danger of over-reliance on one data collection method. Nonetheless, the study used document analysis to avoid over-reliance on one data collection method, thus mitigating bias, increasing research findings and enriching the research, inspiring further studies in the field.

Conclusion

After analysing the above key findings, it was concluded that despite the operators' desire to comply, most of the ECD centres in Kempton Park operate outside the regulatory system because of the onerous regulatory system and lack of

compliance knowledge. The operators battle to meet the stipulated health and safety norms because of the regulatory system's myriad compliance obstacles. These impediments include the exorbitant costs and administrative bureaucracies associated with municipal zoning application procedures and processes, administrative red tape, high operational compliance costs, lack of compliance knowledge, compliance information scarcity and managerial incapacities. Given the detrimental effects of ECD centre health and safety non-compliance on vulnerable children, their future learning success, families, society and the economy, this research argues that compliance is urgently needed in ECD settings. The findings of this research underscore the need for comprehensive approaches to manage compliance. Therefore, the research recommends applying the proposed ECD Centre Ten-Nodal Point Regulatory Compliance Framework as an essential management tool for ECD service providers to manage routine and regulatory compliance in ECD settings. The proposed 10 nodal points have the potential to provide compliance guidelines, empowering ECD compliance managers to navigate the ECD quality learning, health and safety regulatory compliance framework. This commitment to compliance empowers ECD centres to significantly reduce children's health and safety risks, thereby increasing their licensing legibility by the relevant departments. This empowerment enables equitable ECD provisioning and quality early learning foundations for all children across nations, providing a pathway to attain the UN SDG 4.2 (Bianchi et al. 2022). The proposed framework is flexible and adaptable, fostering a collaborative approach. It can be applied to various ECD compliance facets, ensuring everyone is part of the team and contributing to the success of ECD compliance.

The findings have the potential to contribute significantly to the scientific findings that may be useful for evaluating the ECD regulatory framework. The article recommends insightful strategies for the sector practice. It equips ECD centres' compliance managers and practitioners with the tools to manage ECD programme compliance effectively. It can potentially reduce the gap between policy and practice in the sector. Compliance achievements yielded from the ECD Centre Regulatory Compliance Conceptual Framework application, coupled with the recommendations to the ECD compliance role players that are flagged from this research, have the potential to enhance robust internal and legislative compliance with health and safety, thereby reducing the prevalent ECD non-compliance that challenges the ECD sector, particularly in South Africa. Future research is needed to assess the applicability of the ECD Centre Ten-Nodal Point Regulatory Framework in the ECD settings towards achieving compliance.

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Authors' contributions

F.N. conceptualised the study, conducted the investigation and the actual research, and contributed to draft writing and the writing process. P.N. was responsible for the supervision of the research project.

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Data availability

The data of this research is available upon request from the corresponding author, F.N.

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