

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Education and Culture, Finland

Act on Early Childhood Education and Care

(540/2018; amendments up to 700/2024 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Objectives and scope of the Act

This Act lays down provisions on the rights of children to receive early childhood education and care (ECEC), the organisation and provision of early childhood education and care, and the data repository for early childhood education and care.

Early childhood education and care is provided as:

- 1) centre-based early education and care organised in early education centres;
- 2) home-based childcare organised in home-based premises;
- 3) open activities in early childhood education and care organised in a suitable place.

This Act applies to centre-based early education and care and home-based childcare organised or provided by a municipality, joint municipal authority or independent service provider. The centre-based early education and care and home-based childcare referred to in this Act may be organised by and provided for the organising party by a municipality, joint municipal authority or a private service provider referred to in chapter 9.

In addition, municipalities or joint municipal authorities may organise open activities in early childhood education and care as required in their area by providing the activities by themselves or by procuring them from a provider referred to in subsection 3. In addition to the provisions of this chapter, the organisation and provision of open activities in early childhood education and care is

subject to the provisions in sections 4, 10, 11, 20–22 and 24, chapters 10 and 11, and sections 63 and 64 of this Act.

Early childhood education and care may be provided for children who have not yet reached the age of compulsory education and, when special circumstances so require, also for older children. Provisions on pre-primary education are laid down in the Act on Primary and Lower Secondary Education (628/1998). It shall be ensured that children have the opportunity to participate in pre-primary education that is compliant with the Act on Primary and Lower Secondary Education. The provisions of this Act on group size and staffing levels in early education centres apply to pre-primary education organised in early education centres. In addition, sections 55–57, 57a, 57b and 58 apply to the supervision of pre-primary education organised in early education centres and the notification obligation of the staff. (453/2021)

Section 2

Definition of early childhood education and care

Early childhood education and care refers to a systematic and goal-oriented entity that consists of upbringing, education and care, with special emphasis on pedagogy.

Section 3

Aims of early childhood education and care

The aims of the early childhood education and care referred to in this Act are to:

- 1) promote the holistic growth, development, health and wellbeing of every child according to the child's age and development;
- 2) support the conditions for the child's learning and promote lifelong learning and the implementation of equality in education based on inclusive principles; (1183/2021)
- 3) carry out versatile pedagogical activities based on the children's play, physical activity, arts and cultural heritage, and enable positive learning experiences;
- 4) ascertain that the children's early childhood education and care setting fosters development and learning and is healthy and safe;
- 5) safeguard an approach that respects children and ensure that the interpersonal relationships between the children and the early childhood education and care staff are as stable and long-standing as possible;

- 6) provide all children with equal opportunities for early childhood education and care, promote equity and gender equality, and help the children develop their capacity to understand and respect the general cultural heritage and each other's linguistic, cultural, religious and ideological background;
- 7) recognise the children's need for individual support and organise appropriate support in early childhood education and care for the children, including support involving multidisciplinary cooperation where necessary;
- 8) develop the children's interpersonal and interaction skills, promote the children's ability to act in a peer group, and guide the children towards ethically responsible and sustainable action, respect for other people and membership in society;
- 9) ensure that the children can participate in and have a say in matters concerning them;
- 10) act together with the children and the children's parents or other persons who have custody of the child (custodians) for the benefit of the child's balanced development and holistic wellbeing, and support the parents or other custodians in their task of bringing up the child.

Open activities in early childhood education and care follow the aims listed in subsection 1 in a manner that suits their activities.

Chapter 2

Organisation and provision of early childhood education and care

Section 4

Primacy of the interests of the child

The planning, organisation or provision of early childhood education and care and associated decision-making shall take into account the interests of the child as the first priority.

Section 5

Obligation of municipalities to organise early childhood education and care

Municipalities shall organise the early childhood education and care referred to in this Act to the scope and in types of activity that meet the needs in the municipalities.

Municipalities may organise early childhood education and care as provided in sections 8 and 9 of the Municipalities Act (410/2015). When procuring services from another service provider, the procuring municipality or joint municipal authority shall ensure the services being procured meet the same standards as those required for equivalent municipally organised activities.

Users of early childhood education and care services may be provided with a service voucher in accordance with the Act on Service Vouchers in Social Welfare and Health Care Services (569/2009). Municipal authorities and joint municipal authorities are obliged to pay compensation to a private service provider only for the early childhood education and care services used by the persons designated by the municipality or joint municipal authority, and when a service voucher is used, to pay in compensation to a private service provider endorsed by the municipality or joint municipal authority a sum which shall not exceed the value of the service voucher.

Municipalities shall strive to organise early childhood education and care near the users of the service, with consideration given to the location of the residential area and transport connections. The annual operation and daily opening hours of early education centres shall be organised so that they meet local needs.

Section 6

Obligation of municipalities to organise early childhood education and care on the basis of habitation and residence

Municipalities shall organise early childhood education and care for children whose municipality of residence as referred to in the Municipality of Residence Act (201/1994) is the municipality in question. For support measures in open care referred to in section 16b, subsection 1 of the Child Welfare Act (417/2007), where a child is placed in out-of-home care, the municipality where the placement is located is responsible for organising early childhood education and care, and in the case of a child placed in after-care it is the child's municipality of residence. (1284/2023)

Municipalities shall organise early childhood education and care for children who live in the municipality due to the work, studies, illness or comparable reasons of the parents or other custodians, even if the child has no municipality of residence in Finland or if the child's municipality of residence is another municipality pursuant to the Municipality of Residence Act.

In urgent cases or if circumstances otherwise so require, a municipality shall ensure that early childhood education and care is also organised for children staying in the municipality who are not residents in the municipality.

Municipalities can also organise early childhood education and care for children living in another municipality in cases other than those referred to in subsections 1–3.

Section 7

Multidisciplinary cooperation and development

When organising early childhood education and care, municipalities shall collaborate with those responsible for education, physical activity and culture, child welfare and other social welfare, maternity and child health clinic services and other healthcare, and with any other organisations as needed.

Children's right to obtain healthcare and social welfare services and supportive measures in support of their development and wellbeing is subject to the provisions in the Social Welfare Act (1301/2014), the Act on Services and Assistance for the Disabled (380/1987), the Act on Special Care for People with Intellectual Disabilities (519/1977), the Health Care Act (1326/2010), and the provisions on healthcare and social welfare services elsewhere in the law. Where necessary, the organisers and providers of early childhood education and care shall collaborate with those responsible for healthcare and social welfare to comprehensively assess, plan and implement the support and services needed by the child. Provisions on contacting social welfare services for the purpose of assessing support needs are laid down in section 35 of the Social Welfare Act.

The organisers and providers of early childhood education and care can develop their activities in collaboration with municipalities and other organisers of early childhood education and care, as well as with the authorities, higher education institutions and other educational institutions, and research institutes and organisations.

The Act on Disability Services and Assistance (380/1987) was repealed by a new Act on Disability Services (675/2023), which entered into force on 1 October 2023.

Section 8

Language used in early childhood education and care

Municipalities shall ensure that children can receive early childhood education and care in Finnish or Swedish, or in a Sámi language referred to in section 3, paragraph 1 of the Sámi Language Act (1086/2003), depending on which of these is the child's mother tongue.

In bilingual municipalities or joint municipal authorities comprising both Finnish-speaking and Swedish-speaking municipalities, early childhood education and care is organised in both languages of the municipality or joint municipal authority, so that the users of the service can receive early childhood education and care in the language of their choice, in either Finnish or Swedish.

Section 9

Daily duration

As a rule, the daily duration of early childhood education and care may not exceed 10 consecutive hours, excluding early childhood education and care with extended hours, where the daily duration is set to suit the needs of the child.

Section 10

Early childhood education and care setting

The setting in early childhood education and care shall foster development and learning and be healthy and safe, having regard to the children's age, development and other abilities. The children shall be protected from violence, bullying and other harassment. The premises and equipment shall be healthy, safe and expedient, and shall take accessibility into account.

Section 11

Nutrition and meals

Children in early childhood education and care shall be provided with the necessary healthy nutrition that meets each child's nutritional needs, subject to the nature of early childhood education and care provided in a location other than an early education centre or home-based

premises. Mealtimes are organised in a supervised manner and meals shall be provided for all children who are present.

The provisions in subsection 1 do not apply to clinical nutritional preparations or comparable products which are compensated for under the Health Insurance Act (1224/2004), nor to compensation for foodstuffs when organising early childhood education and care for the children of a single family in their own home.

Chapter 3

Right to early childhood education and care

Section 12 (1228/2020)

Right to early childhood education and care

In addition to the provisions in section 5, municipalities shall ensure that, before the beginning of compulsory education referred to in the Act on Compulsory Education (1214/2020), children receive early childhood education and care in accordance with section 1, subsection 2, paragraphs 1 or 2 of this Act from the beginning of the calendar month in which the child reaches nine months of age. However, early childhood education and care shall not be organised for the period during which, under the Health Insurance Act, a parental allowance is being paid for the care of the child. However, early childhood education and care shall be organised for the period during which the parental allowance is paid in part on account of part-time work. (30/2022)

If a child participates in pre-primary education referred to in the Act on Primary and Lower Secondary Education, or in other activities that achieve the objectives of pre-primary education, or in primary education before the age of compulsory education referred to in the Act on Compulsory Education, early childhood education and care is organised in a complementary manner.

Section 13

Organising early childhood education and care with extended hours

Early childhood education and care with extended hours is organised in the evenings, at nights, on weekends and during bank holidays and public holidays in centre-based early education or home-based childcare. Early childhood education and care with extended hours shall be organised to the

extent necessary for children who need it due to the employment or studies of their parent or other custodian.

Section 14

Organising early childhood education and care by means of child home care allowance or private childcare allowance

Parents or other custodians referred to in section 12 who do not opt to use the early childhood education and care place organised by the municipality in accordance with the said section have the right to an allowance under the Act on Child Home Care Allowance and Private Daycare Allowance (1128/1996), as further laid down in the said Act, in order to organise childcare or early childhood education and care for their child in another way.

Section 15 (30/2022)

Retention of a place in early childhood education and care during the parental allowance period

The right to the same place in early childhood education and care is retained even if the child is absent from early childhood education and care during a period when parental allowance under the Health Insurance Act is paid for the child's care, if the child is absent for no more than 13 consecutive weeks.

Notification of an absence that is longer than 5 days, as referred to in subsection 1, shall be made to the early education centre or home-based childcare at least one month before the planned starting date of the absence. Similarly, notification of recurring absences of 1 to 5 days shall be made one week before the planned starting date of the first absence. Notification for a non-recurring absence of 5 days at most is not required.

Chapter 3a (1183/2021)

Right to support in early childhood education and care

Section 15a (1183/2021)

Support for children's development, learning and wellbeing

Children participating in early childhood education and care have the right, immediately when the need arises, to receive general educational support for their personal development, learning and wellbeing as part of the core activities in early childhood education and care. General educational support consists of individual types of support.

If the support referred to in subsection 1 is insufficient or the child needs more robust support, the support shall be provided as enhanced educational support based on the child's individual needs. Enhanced educational support consists of different types of support provided simultaneously on a regular basis.

If the support referred to in subsection 1 or 2 is insufficient or the child needs support due to a disability, illness, delay in development or other needs for support in learning or development that significantly impairs the child's ability to function, the support shall be provided as individually planned intensive educational support. Intensive educational support consists of a number of different types of support and is provided on a continuous and full-time basis.

Section 15b (1183/2021)

Implementation of children's support

The support given to a child may include pedagogical, structural and care-related measures needed by the child.

Provisions are laid down in section 23 on recording in the child's early childhood education and care plan the child's need for support, the support measures and their implementation as well as the assessment of the effectiveness of the support.

If a child participates in early childhood education and care provided by more than one organiser or provider of early childhood education and care and the child needs support, the support shall be planned, implemented and assessed in cooperation between the organisers and providers of early childhood education and care.

Provisions on taking into account the children's need for support in the number of children and staff members are laid down in section 35, subsection 2 and in section 38, subsection 2.

Section 15c (1183/2021)**Support services for children**

Where a child's need for support so requires, the child has the right to consultation and instruction provided by a special educational needs teacher in early childhood education and care, as well as the interpretation and assistance services and aids required for participating in early childhood education and care.

Section 15d (1183/2021)**Assessment of the need for support**

The need for, adequacy and implementation of children's support shall be assessed as necessary, but at least once a year or when the need for support changes.

A special educational needs teacher in early childhood education and care participates as necessary in the assessment of the child's need for support and of the child's support measures and of their implementation.

Other parties that can participate in assessing a child's need for support consist of other authorities, professionals and other stakeholders, if any, that support the child's development and learning. If the assessment of the need for support requires the expertise of healthcare and social services authorities, they shall participate in the assessment by request of the organiser of the early childhood education and care.

Section 20 contains provisions on taking the child's opinions and wishes into account in connection with the assessment and on cooperation with the child's parents or other custodians.

Section 15e (1183/2021)**Decision on support and support services**

An administrative decision on the support referred to in section 15a, subsections 2 and 3 shall be made without delay. The decision shall specify the forms of support in accordance with section

15b, the premises in which early childhood education and care is organised, and the support services in accordance with section 15c.

The decision is made by the municipality responsible for organising early childhood education and care. Where early childhood education and care is organised by a private service provider, the decision is made by the municipality where the early childhood education and care unit is located on the proposal of the service provider.

An administrative decision shall be issued on the support services for the child referred to in section 15c when the matter is not decided in connection with the decision referred to in subsection 1.

The decision referred to in this section may be enforced before it has become final.

Chapter 4

Procedural provisions

Section 16

Guidance and advice

Municipalities shall organise guidance and advice for the parents or other custodians on the early childhood education and care services available to them. The guidance shall describe the various types of early childhood education and care, the available options and any other factors that have a bearing on the organisation of early childhood education and care for the child.

Section 17

Application procedure

Parents or other custodians who want a place for their child in early childhood education and care organised by a municipality in accordance with section 12 shall submit an application at least four months before the child needs the place.

If the need for early childhood education and care is due to employment, studies, training or relocation to another municipality due to employment or studies, and the starting date for the

place cannot be determined in advance, a place in early childhood education and care shall be applied for as soon as possible, and no later than two weeks before the child needs the place. Early childhood education and care shall be organised within the timeframe referred to in subsections 1 and 2, and no later than starting on the day the child needs the place. To the extent possible, early childhood education and care shall be organised as the type of early childhood education and care desired by the child's parent or other custodian.

If a child in early childhood education and care needs more extensive early childhood education and care for unforeseen reasons related to employment, studies or training, the municipality shall, upon learning about the changed need, immediately organise an early childhood education and care place that meets the more extensive need. (1395/2019)

Section 18

Decision or agreement on early childhood education and care

Participation in centre-based early education and care or home-based childcare as laid down in this Act shall be based on a decision made by the municipality or a written agreement between a private service provider and the client, or both.

Section 19 (1395/2019)

Section 19 was repealed by Act 1395/2019.

Section 20

Participation and exertion of influence

When planning, implementing and assessing children's early childhood education and care, the children's opinion and wishes shall be ascertained and these shall be taken into account as appropriate for each child's age and stage of development.

Children's parents or other custodians shall be given an opportunity to participate in and influence the planning, implementation and assessment of the early childhood education and care of their child.

Children and their parents or other custodians shall be provided with regular on-site opportunities to participate in the planning and assessment of early childhood education and care.

Chapter 5

Planning and evaluation of early childhood education and care

Section 21

National Core Curriculum for Early Childhood Education and Care

The Finnish National Agency for Education issues the National Core Curriculum for Early Childhood Education and Care based on this Act.

The purpose of the National Core Curriculum for Early Childhood Education and Care is to promote the equitable implementation of early childhood education and care nationwide, implement the objectives laid down in this Act for early childhood education and care, and guide the development of the quality of early childhood education and care. The National Core Curriculum for Early Childhood Education and Care issues provisions on the key contents for implementing early childhood education and care, collaboration between the organiser of early childhood education and care and the child's parents or other custodians, multidisciplinary cooperation and the contents of the child's early childhood education and care plan. The Finnish National Agency for Education prepares the core curriculum in collaboration with the pertinent parties.

Section 22 (700/2024)

Section 22 was repealed by Act 700/2024, which entered into force on 1 January 2025. Previous wording:

Section 22

Local curricula in early childhood education and care

Municipal authorities, joint municipal authorities and private service providers use the National Core Curriculum for Early Childhood Education and Care as the basis for their local curriculum for early childhood education and care. The curriculum can be formulated for a given provider, unit,

group or type of activity, and it takes into account the pedagogical emphases and other factors pertinent to the organisation of early childhood education and care supplementing the National Core Curriculum for Early Childhood Education and Care. Municipalities may create a joint curriculum.

The local curriculum for early childhood education and care shall take into account collaboration between the authorities working in the execution of early childhood education and care, education, and healthcare and social welfare, as well as other stakeholders for cooperation referred to in section 7, and shall create the necessary structures for collaboration.

Section 23 (1183/2021)

A child's early childhood education and care plan

A personal early childhood education and care plan shall be prepared for each child in centre-based early education or home-based childcare, to implement the instruction, nurturing and care of the child. A child's early childhood education and care plan shall state the goals for implementing the early childhood education and care plan in a way that supports the child's development, learning and wellbeing, as well as stating the action to be taken to achieve these goals. In addition, the plan shall state the child's need for support as referred to in section 15b, the support measures and their implementation, and an assessment of the effectiveness of the support.

Each child's early childhood education and care plan shall be prepared together between staff members and the child's parent or other custodian. Those in charge of the child's education, upbringing and care take part in preparing the plan. In early education centres, a person with a teaching qualification in early childhood education and care is in charge of preparing the plan. The expertise of a social pedagogue in early childhood education and care can be used, especially in cases where knowledge of the service system for children and families is needed. The child's opinion shall be sought and taken into account in preparing the early childhood education and care plan. Other authorities, professionals and other stakeholders, if any, that support the development and learning of the child may participate in preparing a child's early childhood education and care plan.

The implementation of each child's early childhood education and care plan, the child's need for support and the adequacy and expediency of support shall be assessed, and the plan shall be revised at least once a year. Where the needs of the child so require, the plan shall be revised more frequently.

Section 24

Evaluation of early childhood education and care

The purpose of the evaluation of early childhood education and care is to ensure the implementation of the purpose of this Act, support the development of early childhood education and care and promote the conditions for the development, learning and wellbeing of children. The organisers and providers of early childhood education and care shall evaluate the early childhood education and care they provide and participate in external evaluations of their activities.

The key findings of the evaluations shall be published.

Chapter 6

Staff and qualification criteria

Section 25

Sufficient staffing

Municipal authorities, joint municipal authorities and private service providers shall ensure that early childhood education and care has a sufficient number of staff with the qualification requirements laid down in this chapter, so that the goals set for early childhood education and care can be achieved and so that support can be provided to children with a disability and other children who need it. Municipalities shall make sure that the services of a special educational needs teacher in early childhood education and care are available to the extent needed in early childhood education and care. Additionally, early childhood education and care may have other staff members with regard to the needs of the children and the objectives of early childhood education and care. Early education centres referred to in section 1 of this Act shall have a head who is in charge of the activities.

Section 26

Teacher in early childhood education and care

The qualification criterion for the role of teacher in early childhood education and care is at least a Bachelor's degree in education, which includes studies that give the teacher professional skills for tasks in early childhood education and care. Further provisions on these studies may be issued by government decree, and an existing Bachelor's degree in education may be supplemented with the above-mentioned studies to meet the qualification criterion.

Section 27

Social pedagogue in early childhood education and care

The qualification criterion for the role of a social pedagogue in early childhood education and care is at least a Bachelor's degree in healthcare and social services, comprising at least 60 credits' worth of studies oriented towards early childhood education and care and social pedagogy. Further provisions on these studies may be issued by government decree, and an existing Bachelor's degree in healthcare and social services may be supplemented with the above-mentioned studies to meet the qualification criterion.

Section 28

Childcarer in early childhood education and care

The qualification criterion for the role of childcarer in early childhood education and care is an upper secondary initial vocational qualification in education and guidance, an upper secondary initial vocational qualification in healthcare and social services or some other appropriate upper secondary qualification that includes or has been supplemented with adequately extensive qualification units related to the care, instruction and education of children.

Further provisions on appropriate qualifications and adequate qualification units referred to in subsection 1 are issued by government decree.

Section 29

Home-based childcare practitioner

The qualification criterion for the role of home-based childcare practitioner is a qualification in vocational training suitable for the task or other training suitable for the sector.

Section 30

Special educational needs teacher in early childhood education and care

The qualification criterion for the role of special educational needs teacher in early childhood education and care is:

- 1) a qualification for the role of teacher in early childhood education and care, in addition to which the person has completed studies that provide professional skills in special educational needs; further provisions on such studies are issued by government decree; or
- 2) a Master's degree in education with special educational needs pedagogy as the major subject (programme for a special educational needs teacher in early childhood education).

Section 31

Head of early education centre

The qualification criteria for the role of head responsible for centre-based early education and care consist of the qualification required of a teacher in early childhood education and care or of a social pedagogue in early childhood education and care referred to in sections 26 and 27 and at least a Master's degree in education, as well as sufficient leadership skills.

Section 31 enters into force on 1 January 2030.

Section 32

Qualifications for the staff of early education centres offering Steiner education

The scope of studies of educators in early childhood education and care based on Steiner pedagogy shall correspond to at least the studies that provide the qualification referred to in section 26. The Finnish National Agency for Education shall approve the curriculum of studies of educators in early childhood Steiner education and care, and any material changes to the curriculum before it is adopted.

In addition to the provisions on qualifications laid down in this Act, a person who has completed the studies in early childhood education and care based on Steiner pedagogy referred to in subsection 1 shall be qualified to work in an early education centre providing early childhood education and care based on Steiner pedagogy in a role that requires a qualification referred to in section 26.

Section 33

Temporary derogation from the qualification requirements

If a position in early childhood education and care as laid down in sections 26–32 cannot be filled by a person who meets the qualification criteria, the position can be filled for a maximum of one year at a time by a person who, based on completed studies, has adequate capabilities and skills required for performing the tasks of the position.

Chapter 7

Staff size, composition and continuing professional education

Section 34

Forming groups in early childhood education and care

The groups in early childhood education and care shall be formed and the premises designed and used in a way that enables the objectives for early childhood education and care to be met.

Section 35

Number of staff in early education centres

Early education centres shall have a sufficient number of staff for tasks in upbringing, education and care relative to the number and age of the children in early childhood education and care and the time the children spend daily in early childhood education and care, and these staff members shall be qualified as teachers, social pedagogues or childcarers in early childhood education and care as laid down in this Act. Further provisions on the number of staff are issued by government decree. Separate ratios for children aged three or older and for those aged under three years of

age, and separate ratios for children aged three years or older who spend no more than five hours a day in early childhood education and care and for those who spend more than five hours a day in early childhood education and care may be issued by decree.

If an early education centre has one or more children with a disability or otherwise in need of support as referred to in section 15a, subsection 2 or 3, this shall be taken into account in the number of children or in the number of people referred to in subsection 1, if the early education centre does not have an assistant for such a child. Assistants are not included in the number of staff referred to in subsection 1. (1183/2021)

The maximum number of children permitted in a single group in an early education centre is a number of children that corresponds to three people acting in the role in early childhood education and care referred to in subsection 1.

Section 36

Departure from staff size in early education centres (453/2021)

An early education centre may depart from the ratios referred to in section 35 if the children's average number of early childhood education and care days is continuously and significantly lower than the number of operating days of the early education centre. The departure may take place in a way that the number of children simultaneously in an early education centre only exceeds the ratio briefly.

Additionally, the ratios referred to in section 35 may be departed from briefly and temporarily when the time spent by a child in early childhood education and care is extended in a manner referred to in section 17, subsection 4.

Derogating from the ratio referred to in section 35 is not permitted for reasons arising from staff absences. (453/2021)

Section 37

Composition of staff in early education centres

At least two thirds of the persons referred to in section 35 who work in an early education centre in upbringing, education and care tasks shall be qualified teachers or social pedagogues in early childhood education and care, and at least half of these staff members shall be qualified teachers in early childhood education and care. Other staff members shall be qualified at least as childcarers in early childhood education and care.

Section 37 enters into force on 1 January 2030.

Section 38

Number of staff in home-based childcare

To reach the goals laid down for early childhood education and care, home-based childcare premises shall have a sufficient number of people, in relation to the number of children, who are qualified as home-based childcare practitioners as laid down in this Act. Provisions on the number of children who can simultaneously be present in home-based childcare premises in early childhood education and care are issued by government decree. Additionally, provisions on the maximum number of children that may be cared for by two or three childminders together and the qualification criteria that apply in this case may also be issued by decree.

If the premises of home-based childcare have one or more children with a disability or otherwise in need of support as referred to in section 15a, subsection 2 or 3, this shall be taken into account in the number of people involved in the tasks of early childhood education and care, if the home-based childcare premises do not have an assistant for such a child or children. Assistants are not included in the number of staff referred to in subsection 1. (1183/2021)

The provisions of this section do not apply to circumstances where home-based childcare is organised for the children of a single family in their own home.

Section 39

Continuing professional education

The organisers and providers of early childhood education and care shall ensure that the early childhood education and care staff participate sufficiently in continuing professional education of

the kind that maintains and develops their professional skills. The implementation and effectiveness of continuing professional education shall be monitored and evaluated. Further provisions on the content, scope, organisation, monitoring and evaluation of continuing professional education may be issued in a decree by the Ministry of Education and Culture.

Chapter 8

Non-disclosure and exchange of information

Section 40

Non-disclosure

The provisions of the Act on the Openness of Government Activities (621/1999) on non-disclosure and the right of parties to obtain information and on access to non-disclosable documents also apply to early childhood education and care organised or provided by private service providers. In addition to the provisions in the Act on the Openness of Government Activities, information about a child's need for support, support measures and their implementation, and any information on the assessment of a child's personal characteristics, shall be non-disclosable information. The early childhood education and care plan referred to in section 23 of this Act shall be non-disclosable information.

Section 41

Right to derogate from the non-disclosure obligation

Notwithstanding non-disclosure provisions, in order to organise and provide early childhood education and care for a child, the organisers and providers of early childhood education and care have the right, free of charge, to obtain the information necessary from the parents or other custodians, from education authorities, healthcare and social welfare authorities and from other providers of early childhood education and care services, healthcare and social welfare providers, as well as from healthcare and social welfare professionals.

Notwithstanding the non-disclosure obligation, the people in charge of the early childhood education and care of a child and the people participating in the assessment of the need for support, support measures and implementation of support measures shall have the right to receive from and disclose to each other as well as to the organiser and provider of early childhood

education and care any information that is necessary for organising and providing early childhood education and care and for the assessment of support.

If a child transfers to early childhood education and care organised by another organiser of early childhood education and care in accordance with this Act, or to pre-primary education or comprehensive school education in accordance with the Act on Primary and Lower Secondary Education, the previous organiser of the early childhood education and care shall, notwithstanding non-disclosure provisions, provide without delay the information necessary for the organisation of early childhood education and care for the child to the new organiser, or the information necessary for the provision of instruction and organisation of early childhood education and care to the organiser of pre-primary education or comprehensive school education. The corresponding information may also be disclosed upon request by the organiser of early childhood education and care, pre-primary education or comprehensive school education.

Notwithstanding the non-disclosure obligation, any party performing duties referred to in this Act is entitled to disclose to the police information necessary for the purpose of assessing any threat to life and limb and preventing any acts of threat if they become aware of circumstances indicating that a person may be at risk of being exposed to violence.

The information contained in the registers created to enable the execution of tasks and duties laid down in this Act may be disclosed via a technical user connection to a party entitled to access the information. Before a technical interface is opened, the party disclosing the information shall ensure that adequate steps are taken to guarantee data security.

Section 42

Right of access of parties engaged in the planning, evaluation, monitoring and authorisation procedures (189/2024)

When carrying out their tasks and duties, the organisers of early childhood education and care have the right to obtain the statistical data and other corresponding information from central government or municipal authorities that are needed to plan and organise early childhood education and care.

Upon request, the organisers and providers of early childhood education and care shall submit to the central government authorities or municipal authorities, free of charge, the information they require in order to evaluate, develop, generate statistics on and monitor early childhood education and care.

The supervisory authorities specified in section 52 of this Act have the right, notwithstanding non-disclosure provisions, to obtain from the organisers and providers of early childhood education and care and from each other, free of charge, any information required to carry out their duties.

Notwithstanding non-disclosure provisions, the Regional State Administrative agencies and the National Supervisory Authority for Welfare and Health have the right, upon request and free of charge, to obtain information from other authorities and parties that perform a public duty on the fulfilment of registration, notification and payment obligations related to taxes, statutory pension, accident or unemployment insurance contributions, activities, finances and linkages that are necessary for processing an application for an authorisation to provide private centre-based early education activities or for investigating or supervising compliance with the general conditions referred to in section 43a. (189/2024)

Chapter 9

Early childhood education and care provided by private service providers

Section 43 (326/2022)

Privately run early childhood education and care

Privately run early childhood education and care means early childhood education and care that is provided by a private person, entity, foundation or an enterprise established by a public body as a business or professional activity in exchange for compensation. Private service providers are responsible for ensuring that the service package organised for the client on the basis of an agreement or administrative decision fulfils the requirements set for it.

Section 43a (326/2022)

General requirements for engaging in privately run early childhood education and care

Service providers shall fulfil the following general requirements throughout their period of operation:

- 1) the service provider is not bankrupt and, if the provider is a private person, is at least 18 years of age, the provider's legal competency has not been restricted and the provider is not banned from engaging in business activities;
- 2) the service provider has not been in a position of control of an entity that has been declared bankrupt within the past three years;
- 3) the service provider does not have tax debts or other public debts in enforcement proceedings, debts that have been returned from enforcement proceedings with a certificate of lack of means nor any neglected obligations associated with taxes, statutory pension, accident or unemployment insurance contributions or other non-minor debts with regard to the service provider's solvency that endanger the service provider's trustworthiness;
- 4) no serious shortcomings in client safety have been detected in the service provider's earlier activities, or if such shortcomings have been detected, the earlier notices and orders issued by the supervisory authorities have resulted in the remedying of the shortcomings and removal of irregularities.

If the circumstances referred to in subsection 1, paragraphs 1 and 3 change, where centre-based early education and care is concerned, a written notification of the changes shall be submitted without delay to the authorising authority, and, in the case of home-based childcare services, to the multi-member municipal body in the municipality where the services are provided.

The provisions on a service provider laid down in section 43 and subsection 1 shall also apply to a party who, on the basis of ownership, agreement or other arrangement, has control on behalf of the service provider. If the authorisation has been granted to a legal person and control based on ownership, agreement or some other arrangement of the legal person is transferred, the holder of the authorisation shall notify the granting authority of this within two weeks of the transfer of control.

Section 44 (326/2022)

Authorisation to engage in privately run centre-based early education and care

Private service providers that organise or provide early childhood education and care shall have an authorisation to engage in centre-based early education and care before they commence such activities. The authorisation is granted by the Regional State Administrative Agencies upon application.

The authorisation determines:

- 1) the municipalities in whose area the centre-based early education and care takes place;
- 2) the units where the centre-based early education and care takes place;
- 3) the number of places available in early childhood education and care in each unit;
- 4) the organisation of early childhood education and care in accordance with section 13.

The authorisations under this Act and the rights included in them may not be sold or otherwise transferred in full or in part to another party.

Section 44a (326/2022)

Applying for an authorisation

An authorisation application for engaging in centre-based early education and care shall include:

- 1) the service provider's name, personal identity code or business ID, contact details and the name, personal identity code and contact details of the managing director or other person in charge of the business; (189/2024)
- 2) the names and contact details of the units where the activities are due to commence;
- 3) the type of activity and method of provision of the services and their planned extent at each unit;
- 4) the number of places available in early childhood education and care in each unit;
- 5) the name, personal identity code, contact details, education, work experience and role in the unit of the head in charge of the activities of the early education centre;
- 6) the staff number and tasks in each unit;
- 7) information on registration in an employer register referred to in the Prepayment Act (1118/1996);
- 8) the planned starting date of activities;
- 9) the storage location of client documentation, a report on the main principles for client registry control, the person in charge of controlling the register and the Data Protection Officer;
- 10) an account showing that each unit can secure the children's right to support in early childhood education and care in accordance with the provisions of chapter 3a of this Act;
- 11) information other than that referred to in paragraphs 1–10 required for the evaluation of the quality, safety and appositeness of the services and for evaluating whether other objectives of early childhood education and care are met; (189/2024)

12) the information necessary to ensure the user management and data content of the data repository for early childhood education and care. (189/2024)

A multi-member municipal body or an officeholder designated by it shall provide guidance and advice to the service provider for applying for an authorisation.

Once the authority issuing the authorisation has received an authorisation application, the authority shall request the multi-member municipal body to carry out an inspection at the early childhood education and care unit to ensure that the environment in which the unit operates is suitable for the planned organisation of early childhood education and care and meets the requirements laid down in the law. To carry out the inspection, the authority issuing the authorisation shall hand the multi-member municipal body a copy of the service provider's authorisation application. The multi-member municipal body shall, upon receipt of the request, carry out an inspection of the early childhood education and care unit without delay. In connection with the inspection, the applicant for an authorisation shall present to the multi-member municipal body their unit's self-supervision plan referred to in section 48 and, in the case of persons working with children other than those in contractual employment relationships, an extract from the criminal records (criminal record extract) referred to in section 4, subsection 2 of the Act on Checking the Criminal Background of Persons Working with Children (504/2002). Where necessary, the multi-member municipal body may request a statement from rescue, building supervision and health protection authorities. After receiving the statements, the multi-member municipal body shall, without delay, formulate a statement on the inspection performed by the authorising authority and on the statements received from other authorities. In its statement, the multi-member municipal body shall record information on the presentation of the self-supervision plan and the criminal record extract. The multi-member municipal body shall append the statements submitted by the authorities to its statement. In other respects, the provisions of section 39 of the Administrative Procedure Act (434/2003) are observed.

Further provisions on the submission and content of the authorisation application and documents to be appended to the application may be issued in a decree by the Ministry of Education and Culture.

Section 44b (326/2022)

Granting of authorisation

An authorisation to engage in private centre-based early education and care is granted for an indefinite period if the service provider and its units meet the requirements laid down in this Act for engaging in centre-based early education and care activities.

Section 44c (326/2022)

Amendment of an authorisation or termination of activities

Authorisation holders shall apply for an amendment to their authorisation if there are changes in the circumstances referred to in section 44, subsection 2, or if the authorisation holders otherwise fundamentally change the nature or scope of their activities in such a way that the authorisation no longer covers the changes made to the activities.

The application for amending the authorisation shall contain the information referred to in section 44a, subsection 1 to the extent necessary for making a decision on an application submitted for amending an authorisation. The inspection of a new early childhood education and care unit is governed by the provisions of section 44a, subsection 3 on the inspection of a unit related to an authorisation application. No changes are permitted until the authorising authority has approved the application for amending the authorisation.

Service providers shall without delay submit a written notification of termination of activities to the authorising authority. The authorising authority shall notify the multi-member municipal body or an officeholder designated by it of the termination notification in the municipality in which the early education centre is located.

Section 44d (326/2022)

Revoking an authorisation

After consulting the service provider, the authorising authority may revoke an authorisation in full or in part if:

- 1) service providers fail to meet the general requirements for carrying out the activity laid down in section 43a, subsection 1;
- 2) early childhood education and care is otherwise organised substantially in violation of this Act or the provisions or regulations issued under it.

The authorising authority shall give service providers the opportunity to remedy the shortcomings referred to in subsection 1 within a reasonable period of time established by the authorising authority before revoking an authorisation.

In addition to the provisions in subsection 1, where a service provider has no longer engaged in centre-based early education and care for two years and the service provider has failed to submit a notification of termination of activities, the authorising authority may revoke the authorisation of the service provider in accordance with section 44c, subsection 3.

The authorising authority shall notify the multi-member municipal body or an officeholder designated by it of the decision to revoke the authorisation in the municipality in which the early education centre is located.

Section 44e (326/2022)

Private home-based childcare notification

Private service providers that organise or provide home-based childcare shall submit a written notification to the multi-member municipal body responsible for early childhood education and care in the municipality where the services are provided before commencing or substantially changing their activities.

The notification shall include the name, personal identity code, contact details, education, work experience and role in the unit of the person in charge of the activities in the unit as well as the information referred to in section 44a, subsection 1, paragraphs 1–4 and 6–11. Further provisions on the submission and content of the notification and documents to be attached to the notification may be issued in a decree by the Ministry of Education and Culture.

Once the multi-member municipal body has received an authorisation application, the body shall, in collaboration with other authorities, carry out an inspection at the early childhood education and care unit without delay to ensure that the environment in which the unit operates is suitable for the planned organisation of early childhood education and care and meets the requirements laid down in the law. Where necessary, the multi-member municipal body may request a statement from rescue, building supervision and health protection authorities. In connection with the inspection, the service provider shall present to the multi-member municipal body their unit's self-

supervision plan referred to in section 48 and, in the case of persons working with children other than those in contractual employment relationships, an extract from the criminal records (criminal record extract) referred to in section 4, subsection 2 of the Act on Checking the Criminal Background of Persons Working with Children. Activities may commence or material changes to the activities may be carried out once the multi-member municipal body has verified that the requirements have been met. However, premises used for living of a permanent nature may only be inspected if it is imperative to verify that the operating environment is safe and suitable for early childhood education and care, and the safety and suitability cannot be adequately verified on the basis of the notification. In other respects, the provisions of section 39 of the Administrative Procedure Act are observed.

Multi-member municipal bodies shall keep a list of practitioners of private home-based childcare. Service providers shall submit, without delay, a written notification on the termination of activities to the multi-member municipal body that received the notification referred to in subsection 1.

Section 45

Appointment of head of early education centres and person in charge of home-based childcare (326/2022)

Private service providers shall appoint a head in charge of the early education centre referred to section 31; if the provider provides home-based childcare, the provider shall appoint a person in charge that fulfils the qualification criterion laid down in section 29. These persons are responsible for ensuring that the premises in which early childhood education and care is organised and the early childhood education and care provided therein meet the requirements set for them.

If the head of an early education centre changes, the private service provider shall submit, without delay, a written notification of the change in head of the early education centre and any changes to the contact details of the head of the early education centre to the Regional State Administrative Agency that granted the authorisation referred to in section 44. If the person in charge of home-based childcare changes, the private service provider shall submit, without delay, a written notification of the change in the person in charge of home-based childcare and any changes to the contact details of the person in charge of home-based childcare to the multi-member municipal body that received the notification referred to in subsection 44. (326/2022)

The notification shall include the name, personal identity code, contact details, education, work experience and role in the unit of the head of the early education centre or of the person in charge of home-based childcare. The authorising authority makes the decision on the change of the heads of early education centres. (326/2022)

Section 46

Data provision and storage in a register (189/2024)

The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies maintain a national information system (register of private service providers) for processing the authorisation matters referred to in section 44 and for supervision of and statistics on privately run centre-based early education and care. For the purposes of processing of authorisations and registration, service providers shall provide the authorising authority the information through the online service. Where the authorising authority grants authorisation for centre-based early education activities, the authority registers each service provider and their units. Information related to the service providers shall be erased from the register within one year of the end of the calendar year in which the service provider has notified of the termination of their activities or the authorisation to provide centre-based early education activities is revoked in a situation referred to in section 44d. (189/2024)

The following information on early education centres is stored in the register:

- 1) information referred to in section 44a, subsection 1, section 44c, subsection 3, section 44d and section 45, subsection 2; (326/2022)
- 2) information on changes to the activities;
- 3) information on any breaches of this Act and any provisions, regulations and administrative decisions issued under it, and on penalties imposed by supervisory authorities, as well as information on any inspections carried out by supervisory authorities and the outcomes of such inspections, and other information needed in the supervision; and
- 4) other information needed for the processing of and statistics on notifications when this information does not contain information referred to in Article 9 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). (326/2022)

The service provider shall keep the contact details referred to in section 44a, subsection 1, paragraphs 1, 2 and 5 stored in the register up-to-date and report any changes in them through the online e-service. The authorising authority is responsible for the information stored in the register and for ensuring that the disclosure of the data is lawful. Supervisory authorities may use the information in the register to the extent required by their duties. (189/2024)

Subsection 4 was repealed by Act 326/2022.

Section 47 (742/2023)

Publication and disclosure of data in the register

Supervisory authorities may publish and disclose via a public information service a private service provider's name or company name, type of activities and addresses and contact details of all units of the private service provider from the private service provider register. However, self-employed persons may prohibit the publication of their address and other contact details. Information from public information services may only be sought in the form of individual searches by using the name or registration number of the registered person.

With regard to service providers other than self-employed persons, a public information service may also contain other public information about their business activities.

Information on service providers who have terminated their activities referred to in this Act may be published and disclosed in a public information service for a maximum of 12 months starting from the date the notification on termination reached the authorising authority or when the authorising authority revoked the service provider's authorisation.

Information contained in the register of service providers may be disclosed via a technical interface to parties entitled to access the information. Before a technical interface is opened, it shall be ensured that adequate steps are taken to guarantee data security.

Section 48

Self-supervision plan

Private service providers shall draw up a self-supervision plan to ensure the adequacy of the early childhood education and care activities. Private service providers shall keep the self-supervision plan publicly available and shall monitor its implementation. The National Supervisory Authority for Welfare and Health may issue regulations on the content, formulation and supervision of self-supervision plans.

Section 49 (326/2022)

Violation in early childhood education and care

Anyone organising or providing private early childhood education and care who intentionally fails to apply for an authorisation referred to in section 44 or to submit a notification referred to in section 44e, or organises or provides early childhood education and care even if their application for an authorisation has been turned down or their existing authorisation has been revoked under section 44d, or organises or provides early childhood education and care or pre-primary education in violation of an order or prohibition referred to in section 58, shall be sentenced for a violation in early childhood education and care with a fine, unless a more severe penalty is otherwise prescribed by law. Before prosecuting, the prosecutor shall give the municipal multi-member body the opportunity to submit its statement.

Chapter 10

Administration and supervision

Section 50

Multi-member municipal body

The tasks and duties of municipalities laid down in this Act are managed by one or more multi-member bodies appointed by the municipality.

The task of the multi-member municipal body is also to represent the municipality, supervise its rights and exercise the right to be heard in matters concerning the individual execution of children's early childhood education and care and to make agreements and other legal transactions on behalf of the municipality.

The statutory decision-making power of the multi-member municipal body and its right to exercise the right to be heard may be transferred by an administrative regulation referred to in the Municipalities Act to officeholders under the multi-member body.

When the early childhood education and care of two or more municipalities are managed entirely by one joint municipal authority, the joint municipal authority shall set up one or more multi-member bodies referred to in subsection 1 jointly for the member municipalities.

Section 51

Central government governance system

The Ministry of Education and Culture is responsible for the overall planning, governance and monitoring of early childhood education and care.

Regional planning, guidance and supervision of early childhood education and care as well as the duties of the national authorising authority are the responsibility of the Regional State Administrative Agencies. (326/2022)

The Finnish National Agency for Education acts as the expert agency in early childhood education and care.

In addition, the National Supervisory Authority for Welfare and Health guides the operation of Regional State Administrative Agencies to harmonise their operating principles, procedures and decision-making practices in the guidance and supervision of early childhood education and care. Furthermore, the National Supervisory Authority for Welfare and Health guides and supervises early childhood education and care especially in the following:

- 1) matters that are important in principle or have far-reaching consequences;
- 2) matters that concern the area of operation of several Regional State Administrative Agencies or the whole of the country;
- 3) matters that the Regional State Administrative Agency is disqualified to handle.

After negotiating with the Ministry of Social Affairs and Health, the Ministry of Education and Culture together with the National Supervisory Authority for Welfare and Health draw up a performance target document for early childhood education and care.

Section 52

Supervisory authorities

For early childhood education and care organised and provided by a municipality or a joint municipal authority, the supervisory authorities are the pertinent Regional State Administrative Agency and the National Supervisory Authority for Welfare and Health. For early childhood education and care organised and provided by private service providers, the supervisory authorities are the pertinent Regional State Administrative Agency, the National Supervisory Authority for Welfare and Health and the multi-member municipal body or an officeholder referred to in section 50.

Section 53

Guidance, advice and the ombudsperson for social services (740/2023)

The supervisory authorities referred to in section 52 shall carry out the supervision primarily by providing necessary guidance and advice for organisers of early childhood education and care and by monitoring the development of the activities in collaboration with the organisers.

Provisions on the organisation of the activities of social services ombudspersons in early childhood education and care are laid down in the Act on Patient Ombudspersons and Social Services Ombudspersons (739/2023). (740/2023)

Section 54

Objection and complaint

A child's parent or other custodian who is dissatisfied with the quality of early childhood education and care or treatment associated with it has the right to submit an objection about the activities to the head of the early education centre in charge of activities, to a person in charge of the unit or to a senior officeholder of early childhood education and care. Units shall adequately inform its clients on the right of objection and ensure that submitting an objection is as easy as possible for the clients. As a rule, objections shall be submitted in writing. An objection may also be made orally on special grounds.

The objection shall be registered and processed appropriately and shall be replied to in writing within a reasonable time of submission of the objection. Appeals against responses given to an objection are not permitted. Making an objection does not restrict the right to appeal as provided separately. Furthermore, making an objection does not have any effect on the right to file a complaint on the case to the supervisory authorities.

A complaint is subject to the provisions on an administrative complaint procedure in chapter 8a of the Administrative Procedure Act.

If no objection has been made on the case and the supervisory authorities assess that the most expedient way to process the complaint is to process it as an objection, the authorities may transfer the case to a relevant unit or to a senior officeholder in early childhood education and care for processing. The transfer shall be made immediately after the assessment. The complainant shall be notified of the transfer. The unit shall inform the transferring supervisory authorities about the reply to the transferred case. If the case is transferred, no decision is made on a ruling of inadmissibility of the complaint.

Section 55

Right to inspect

Supervisory authorities may inspect the activities, units and premises referred to in this Act of organisers and service providers of early childhood education and care.

The National Supervisory Authority for Welfare and Health or a Regional State Administrative Agency may order a multi-member municipal body to inspect the unit of a private service provider for justifiable reasons.

Section 56

Carrying out an inspection

The inspector shall be given access to all facilities of the unit. However, premises used for living of a permanent nature may be inspected only if the inspection is necessary to secure the client's

position and appropriate services. In other respects, the provisions of section 39 of the Administrative Procedure Act are observed.

Notwithstanding non-disclosure provisions, all documents that are requested by the inspector and required to carry out the inspection shall be presented to the inspector. Moreover, the inspector shall be given, free of charge, any copies the inspector might request of documents necessary to carry out the inspection. The inspector has the right to take photographs during the inspection. Outside experts whose assistance is necessary to carry out the inspection may accompany the inspector. Outside experts are subject to the provisions in the Administrative Procedures Act, Language Act (423/2003), Act on the Openness of Government Activities and sections 14 and 15 of the Act on Public Officials in Central Government (750/1994). Experts do not have the right to perform their tasks and duties in premises used for living of a permanent nature except when accompanying the inspector they are assisting.

Section 57

Admonition and calling attention

If, during the course of guidance and supervision of early childhood education and care, it is found that the organiser of the activities has acted wrongfully or neglected their obligations when organising or implementing activities pursuant to this Act, and the matter does not give rise to other action, the supervisory authorities may issue an admonition for future activities to the organiser of early childhood education and care, the person in charge of wrongful acts in a municipality or joint municipal authority, or the person in charge of the activities of a private service provider.

If the matter does not give rise to an admonition or other action, the supervisory authorities may call the attention of parties referred to in subsection 1 to the appropriate organisation of activities and adherence to good governance.

Section 57a (453/2021)

Staff notification obligation

Staff members in early childhood education and care referred to in sections 26–30 of this Act shall act in such a way that early childhood education and care for children is provided in the manner required by this Act.

Those in a contractual or public-service employment relationship referred to in subsection 1 shall, without delay, inform the person responsible for the activities of the early childhood education and care unit if they, in performing their tasks, observe an irregularity or a manifest risk of an irregularity in the provision of early childhood education and care to a child as provided in this Act. Such a notification shall be made in writing. The person who receives the notification shall notify a senior officeholder in early childhood education and care of the matter.

Notwithstanding non-disclosure provisions, a notification may be made if this is necessary in order to fulfil the notification obligation and to remove the irregularity or manifest risk of an irregularity. The organisers and providers of early childhood education and care shall inform their staff of the notification obligation and matters related to its use. The procedural instructions for the fulfilment of the notification obligation shall be drawn up in writing and kept available for public inspection. No retaliatory actions may be taken against the person who made the notification.

The notifications referred to in this section are kept for one year from the end of the calendar year in which the notifications were made.

Section 57b (453/2021)

Measures in response to a notification

The person responsible for the activities of the early childhood education and care unit who receives the notification referred to in section 57a, subsection 2 shall, without undue delay, undertake the necessary measures to remove the irregularity or manifest risk of an irregularity. If the irregularity or manifest risk of an irregularity cannot be removed independently at an early childhood education and care unit, the senior officeholder in early childhood education and care shall provide the necessary guidance and advice to remove the irregularity or manifest risk of an irregularity.

The senior officeholder in early childhood education shall inform the Regional State Administrative Agency or the National Supervisory Authority for Welfare and Health of the matter, if the

irregularity or manifest risk of an irregularity is not removed regardless of the measures referred to in subsections 1 and 2. Notwithstanding non-disclosure provisions, the notification may be made if this is necessary for the consideration of the matter and for removing the irregularity or manifest risk of an irregularity.

The Regional State Administrative Agency or the National Supervisory Authority for Welfare and Health may issue an order to remove the irregularity and decide on further measures concerning it as provided in section 58.

The person who submitted the notification has, within a reasonable time, the right to know what measures have been taken as a result of the notification.

If early childhood education and care activities are altered in order to remove an irregularity or manifest risk of an irregularity and the changes are of particular significance for the child's growth and development, the parents or other custodians of the child concerned shall be notified of the change in early childhood education and care activities.

Section 58

Issuing an order

If shortcomings or other irregularities that endanger client safety are detected in the organisation or provision of early childhood education and care, or if the activities are otherwise in breach of this Act, the supervisory authorities may issue an order to remedy the shortcomings or remove the irregularities. When issuing the orders, a deadline for undertaking the necessary measures shall be determined. If it is deemed necessary for client safety reasons, activities may be ordered to be suspended at once, or the use of a unit, a part of a unit, or a device may be prohibited with immediate effect. If a service provider has failed to fulfil its notification obligation or a service provider has not been issued an authorisation to operate centre-based early education and care, the unit shall be ordered to cease operating immediately. (326/2022)

Supervisory authorities may require the organiser of the activities to comply with the order referred to in subsection 1, under threat of a fine or discontinuation of activities, or prohibition of the use of the unit, a part the unit, or a device.

Section 59

Cooperation between supervisory authorities and authorising authorities (326/2022)

The supervisory authorities and the authorising authority shall cooperate in carrying out the tasks and duties laid down in this Act. (326/2022)

If, under this Act, as a result of supervision of all early childhood education and care activities, a multi-member municipal body learns of any shortcomings or irregularities, it shall immediately notify the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency and also report to these parties the action the multi-member municipal body has taken pursuant to sections 55–58 of this Act. The National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency shall report any action they have taken regarding private service providers pursuant to sections 55–58 to the multi-member bodies of municipalities in whose area the services are being provided.

Supervisory authorities have the right to receive executive assistance from the police to carry out an inspection under section 56 and to impose a suspension and prohibition on use under section 58.

If the supervisory authorities referred to in section 52 learn that irregularities referred to in section 44d exist in the activities of a service provider that warrant revoking an authorisation, they shall notify the authorising authority about it. Before making a decision to revoke an authorisation, the authorising authority may request an opinion from the supervisory authorities. (326/2022)

Chapter 11

Funding and client fees

Section 60

Funding and government transfers, grants and aid

The activities organised by municipalities under this Act are subject to the Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009).

Municipalities shall allocate resources to children's early childhood education and care activities that are contingent on central government transfers.

Municipal authorities and joint municipal authorities may be granted discretionary government grants, within the limits of the appropriation allocated in the national budget, for operations under this Act as laid down in the Act on the Financing of Educational and Cultural Provision (1705/2009). In addition, discretionary government grants may be granted to municipal authorities and joint municipal authorities for investments as laid down in the Act on Discretionary Government Grants (688/2001). The government grant authority in matters concerning government grants for investment purposes is the pertinent Regional State Administrative Agency. For support measures in open care referred to in section 16b subsection 1 of the Child Welfare Act (417/2007), or in out-of-home care or after-care, the municipality of residence of the child shall pay compensation to the municipality where the child is placed corresponding to the costs incurred by the child in early childhood education and care, and, for a child in after-care, to the child's municipality of residence for the costs incurred for organising early childhood education and care. (1284/2023)

The Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009) was repealed by the Act on Central Government Transfers to Municipalities for Basic Public Services (618/2021).

Section 61

Client fees

Fees charged for children's early childhood education and care are subject to the provisions of the Act on Client Fees in Early Childhood Education and Care (1503/2016).

Chapter 12

Legal remedies and request for review

Section 62 (1183/2021)

Request for a review against a decision on the right to early childhood education and care, child support, and inclusion in early childhood education and care

A request for a review against a decision on early childhood education and care of a child may be made to the multi-member municipal body referred to in section 50. An administrative review of a

decision on support for children and support services referred to in section 15e may be requested from the Regional State Administrative Agency.

The provisions of the Administrative Procedure Act apply to requesting an administrative review referred to in subsection 1.

A request for a judicial review by an administrative court is governed by the provisions laid down in the Administrative Judicial Procedure Act (808/2019).

Section 63

Appeal against decisions of the authorising authority and supervisory authorities (326/2022)

When appealing against a decision of an authorising authority or supervisory authorities, the provisions of the Administrative Judicial Procedure Act (808/2019) apply. (326/2022)

No review by appeal may be requested against admonitions or attention calling referred to in section 57.

Section 64

Implementation

If it is deemed necessary for client safety reasons, a decision made by supervisory authorities to suspend activities or to prohibit the use of a unit, or part of a unit, or a device may be put into immediate effect.

The appellate authority may prohibit enforcement of the decision or may order that it cease to have effect.

Chapter 13

Data repository for early childhood education and care

Section 65

Scope of application

This chapter lays down provisions on the data repository for early childhood education and care, data to be stored in the repository, transfer of the data stored in the repository and online services associated with the data repository. The data repository is not subject to the provisions on data disclosure in the Act on the Openness of Government Activities, with the exception of data disclosure for scientific research, nor is the data repository subject to the provisions in section 21 on the production of sets of data on request referred to in the Act on the Openness of Government Activities.

Section 66

Intended purpose of the data repository

The intended purpose of the data repository for early childhood education and care is to:

- 1) enable data on early childhood education and care to be collected, processed and disclosed securely and electronically to the person in question or to their legal representative and to authorities and researchers who need the information;
- 2) secure the consistency and reliability of the data on early childhood education and care specified in this Act, and to make administration more efficient;
- 3) promote the development of and decision-making on early childhood education and care that is based on correct and sufficient information.

The authorities may use the data stored in the data repository as necessary in order to carry out their statutory duties. The data in the data repository may also be used in the evaluation, statistics, monitoring and research of early childhood education and care.

Section 67

Joint controllers of the data repository and their areas of responsibility

Municipal authorities, joint municipal authorities or private service providers are responsible for the content and correctness of the data they have stored in the repository and are also subject to all the obligations of a controller, with the exception of obligations provided in this Act as falling within the scope of responsibility of the Finnish National Agency for Education. Municipal authorities, joint municipal authorities or private service providers that act as a controller shall ensure that the data stored in the repository are up to date.

The Finnish National Agency for Education is responsible for the general operations of the data repository and its application programming interfaces for data storage, processing and disclosure. The Finnish National Agency for Education is also responsible for the availability, integrity, immutability, security and storage of the data repository. The Finnish National Agency for Education is responsible for the legality of data disclosure from the repository and for investigating whether the prerequisites for opening the application programming interfaces are met. The Finnish National Agency for Education is obligated to inform other controllers about the opening of application programming interfaces. The Finnish National Agency for Education is responsible for granting research permits for the disclosure of the data in the data repository. With respect to the data stored in the data repository, the Finnish National Agency for Education is responsible for the data subject's right of access and right to restrict processing pursuant to Articles 15 and 18 of the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), and the notification obligation pursuant to Article 19 of the Regulation.

If the controller referred to in subsection 1 ceases to exist and the duties of the controller are not transferred to another legal person, the Finnish National Agency for Education is the controller for the data in question stored in the data repository.

The Finnish National Agency for Education records the use of the service in a log. The data in the log form a log data register, the controller of which is the Finnish National Agency for Education.

Section 68

Storing data in the data repository

Municipal authorities, joint municipal authorities and private service providers are obligated to store in the data repository the data referred to in section 70 on the service they provide.

By derogation from subsection 1, municipal authorities or joint municipal authorities store, in addition to the data on the services they provide themselves, the data referred to in section 70, subsection 3, paragraphs 1 and 3–7 and in section 70, subsection 4 on children in early childhood education and care organised in the manner referred to in section 5. Private service providers shall store the data referred to in subsection 4, paragraphs 1 and 2 on children whose early childhood

education and care is not organised in the manner referred to in section 5. In addition, municipalities and joint municipal authorities store the data referred to in section 70, subsection 5 on their administrative decisions made in accordance with section 15e, subsection 2. (1128/2023)

The Finnish National Agency for Education issues further regulations on how the parties that store data shall keep the data up to date. The Finnish National Agency for Education issues further regulations on the data structures of the data provided in this chapter.

When storing data referred to in this Act on persons for the first time, the storing party shall obtain the person's national learner ID from the Finnish National Agency for Education. If the person has no learner number, the Finnish National Agency for Education shall create a learner number pursuant to section 3 of the Act on the National Registers of Education Records, Qualifications and Degrees (884/2017).

Section 69

Generating sets of data

The Finnish National Agency for Education uses the data stored in the repository to generate sets of data for the evaluation, development, statistical analysis, research and other monitoring and guidance of early childhood education and care as issued by the Ministry of Education and Culture. (1047/2020)

When creating the sets of data, the Finnish National Agency for Education may combine the data in the data repository with the data stored in the national data repository for primary and lower secondary education, upper secondary education and vocational education and training and the data in the national data repository for higher education institutions on the degrees and professional specialisation programmes completed by a person and the person's right to study in a degree-awarding programme.

When creating the sets of data, the Finnish National Agency for Education may also combine the data in the data repository with the data possessed by another authority when the authority grants permission to do so.

The combined personal data may not be disclosed to other parties.

Section 70

Data on early childhood education and care

The following data on providers of early childhood education and care and their units shall be stored in the data repository:

- 1) name, business ID and contact details;
- 2) number of places in early childhood education and care;
- 3) forms in which early childhood education and care is organised;
- 4) types of activity;
- 5) languages and weighted areas.

The following data on the staff of providers of early childhood education and care shall be stored in the data repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact details;
- 2) units and the tasks and duties referred to in this Act;
- 3) employment relationship and working time of the person;
- 4) degree or qualification completed that confers the qualification referred to in this Act;

Paragraph 5 was repealed by Act 700/2024, which entered into force on 1 January 2025. Previous wording:

- 5) participation in continuing professional education;

The following data on children in early childhood education and care shall be stored in the data repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact details;
- 2) the unit where the child takes part in early childhood education and care;
- 3) the date of submission of the application referred to in section 17;
- 4) the starting and end date of the decision or agreement referred to in section 18;
- 5) the scope of the right to early childhood education and care in hours and information on its use;
- 6) information on the organisation of early childhood education and care in the form of early childhood education and care with extended hours;

7) the form in which early childhood education and care is organised.

The following data on the parents or other custodians in early childhood education and care shall be stored in the data repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact details;
- 2) the amount of the client fee for early childhood education and care and the value of a service voucher;
- 3) family size referred to in the Act on Client Fees in Early Childhood Education and Care;
- 4) starting and end date of a payment decision.

In addition, the number of decisions referred to in section 15e, broken down by the child's age, shall be recorded in the data repository. The data must be stored separately for municipal and private service providers. (1128/2023)

Section 71

Verifying data from other data sources

To verify the rights of parents or other custodians and the identifying details and contact details referred to in section 70 stored by municipal authorities, joint municipal authorities or private service providers, the necessary data shall be disclosed to the data repository from the national learner ID register pursuant to the Act on the National Registers of Education Records, Qualifications and Degrees.

Section 72

Data retention period in the data repository

The data on the organisers and providers of early childhood education and care referred to in section 70, subsection 1 are stored in the data repository until five years have passed from the end of the calendar year in which the activities of the organiser or provider of early childhood education and care terminated. (1128/2023)

The data on the staff of early childhood education and care referred to in section 70, subsection 2 are stored in the data repository until five years have passed from the end of the calendar year in which the person's employment relationship in early childhood education and care terminated.

The data on a child and the child's parents, other custodians or other legal representatives referred to in section 70, subsections 3 and 4 are stored in the data repository until five years have passed from the end of the calendar year in which the right of the child to early childhood education and care referred to in section 12 ended.

Information on the number of administrative decisions on support for early childhood education and care referred to in section 70, subsection 5 above are stored in the data repository until five years have passed from the end of the annual data collection. (1128/2023)

The national learner ID and the identifying data based on which the national learner ID is issued are stored as provided in the Act on the National Registers of Education Records, Qualifications and Degrees.

The data in the log data register referred to in section 67, subsection 4 of the Act are stored for a period of five years starting from the date when the data was created.

Section 73

Disclosure and viewing of data

The Finnish National Agency for Education maintains a disclosure service for data on early childhood education and care. This service combines the data in the data repository and offers it in a centralised manner via a user interface to be viewed by individuals themselves or by their legal representative and also discloses the data to the parties entitled to receive it. The right of individuals to view the data applies to the individual's own data or the data of a person whose legal representative the viewer is.

The data contained in the data repository referred to in this Act may be disclosed to an authority under the right to information pursuant to the law or statutory task of the authority; however, secret information may only be disclosed if specific provisions exist in law on the disclosure of such information or the right to such information. The information may be disclosed by means of a

disclosure service that provides information on early childhood education and care via a technical interface, viewing access or in some other electronic format. Provisions on the disclosure of information via a technical interface and on opening a viewing access to an authority are laid down in sections 22 and 23 of the Act on Information Management in Public Administration (906/2019). (1047/2020)

Subsection 3 was repealed by Act 1047/2020.

The disclosed data are not stored in the service provided by the Finnish National Agency for Education.

Chapter 14

Entry into force and transitional provisions

Section 74

Entry into force and transitional provisions

This Act enters into force on 1 September 2018.

Section 31 of this Act enters into force on 1 January 2030. Before the section referred to above enters into force, the qualification criterion for the role of a head responsible for the activities of an early education centre is a qualification for the role of teacher in early childhood education and care, or the qualification of social pedagogue in early childhood education and care, and a Master's degree in education, as well as sufficient leadership skills.

Section 37 of this Act enters into force on 1 January 2030. Before the section referred to above enters into force, at least one out of three persons referred to in section 35, subsection 1 who work in an early education centre in upbringing, education and care tasks shall be a qualified teacher in early childhood education and care or a social pedagogue in early childhood education and care, and the other staff members shall be qualified childcarers in early childhood education and care.

This Act repeals the Act on Early Childhood Education and Care (36/1973) and the Decree on Children's Daycare (239/1973).

If either the Act or Decree mentioned above is referred to elsewhere in the law, this Act shall be applied instead. The provisions elsewhere in the law or laid down pursuant to it on child daycare apply to early childhood education and care as referred to this Act.

Section 75

Transitional provision regarding staff members

Persons who, pursuant to the statutes in force at the time this Act enters into force, are qualified to work as a kindergarten teacher referred to in section 7 of the Act on Qualification Requirements for Social Welfare Professionals (272/2005) are qualified to act in the role referred to in sections 26 and 27. Likewise, those who have received a conditional decision on the recognition of professional competence in the role of a kindergarten teacher from the Finnish National Agency for Education and who receive a final recognition decision from the Finnish National Agency for Education by 31 December 2021 are qualified to act in the roles referred to in sections 26 and 27. Persons who, at the time this Act enters into force, have been admitted to a university or university of applied science to study in a kindergarten teacher education programme referred to in section 7 of the Act on Qualification Requirements for Social Welfare Professionals or who, within a year of the entry into force of this Act, are admitted to a university or a university of applied sciences to study in a programme that leads to the qualification referred to in sections 26 or 27 of this Act, are eligible to act in a role referred to in sections 26 and 27 after completing their studies, on condition that the studies are completed by 31 July 2023.

Persons who, pursuant to the provisions in force at the time this Act enters into force, are qualified to work as a special education kindergarten teacher are qualified to act as a special educational needs teacher in early childhood education and care. Likewise, those who have received a conditional decision on the recognition of professional competence in the role of a special education kindergarten teacher from the Finnish National Agency for Education and who receive a final recognition decision from the Finnish National Agency for Education by 31 December 2021 are qualified to act as a special educational needs teacher in early childhood education and care. Persons who, at the time this Act enters into force or for a maximum of five years before this Act enters into force, have been in a public-service employment relationship or a contractual employment relationship in tasks involving care and upbringing in early childhood education and care for which they have been considered to fulfil the qualification requirement laid down in

section 8 of the Act on Qualification Requirements for Social Welfare Professionals, or who have completed the studies that qualify for said qualification no more than five years before this Act enters into force, or who have started such studies and complete them by 31 December 2021 or who have received a decision from the Finnish National Agency for Education on the recognition of professional qualification for the role of a practical nurse in children's daycare, or who have received from the Finnish National Agency for Education a conditional decision on the recognition of a professional qualification for the role of a practical nurse and receive a final decision on the recognition of competence from the Finnish National Agency for Education by 31 December 2021, are qualified to act in the role of childcarer in early childhood education and care referred to in section 28.

Persons who, at the time this Act enters into force or for no more than five years before this Act enters into force, have been in a public-service employment relationship or a contractual employment relationship in a professional or administrative managerial task in early childhood education and care for which they have been considered to fulfil the competence requirement laid down in section 10 of the Act on Qualification Requirements for Social Welfare Professionals fulfil the qualification requirement laid down in section 74, subsection 2 and are qualified to act in the role of a head of an early education centre referred to in section 31.

Persons who, at the time this Act enters into force, have completed studies in Steiner education in early childhood education and care and have been eligible to give pre-primary education based on Steiner pedagogy to a pre-primary education group that does not include pupils and students in primary and lower secondary education, and who have, at the time this Act enters into force, started the studies referred to in this subsection and complete them by 31 July 2022, are qualified to act in the role referred to in section 32, subsection 2 after completing the additional studies required by the Finnish National Agency for Education.

The Act on Qualification Requirements for Social Welfare Professionals (272/2005) was repealed by an Act Repealing the Act on Qualification Requirements for Social Welfare Professionals (287/2016).

Section 76 (1021/2021)

Application provision on the data repository for early childhood education and care

Municipal authorities and joint municipal authorities shall store the data referred to in section 70, subsection 1 and the data on children referred to in section 70, subsection 3 in the data repository as of 1 January 2019.

Municipal authorities and joint municipal authorities shall store the data on parents or other custodians referred to in section 70, subsection 4 in the data repository for early childhood education and care as of 1 September 2019.

Municipal authorities and joint municipal authorities shall store the data on staff referred to in section 70, subsection 2 in the data repository for early childhood education and care as of 1 September 2020.

Private service providers shall store the data referred to in section 70, subsection 1 and the data on children referred to in section 70, subsection 3 in the data repository for early childhood education and care as of 1 January 2020.

Private service providers shall store the data on staff referred to in section 70, subsection 2 and the data on parents and other custodians referred to in section 70, subsection 4 in the data repository for early childhood education and care as of 1 September 2020.