

Day-care centres in Portugal (1974-2023): conceptions of children, education, and care^{*1,2}

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Abstract

Understanding education as a universally recognised right and a public good makes it relevant to explore its relation to children under the age of 3 in democratic Portugal and to debate the roles attributed to day-care centres, considering the interdependence between care and education. Grounded in the fields of educational sciences and the sociologies of childhood, family, and education, the aim of this study is to achieve these objectives by analysing five key legislative documents structuring social policies related to day-care – Normative Dispatch 131/84; Normative Dispatch 99/89; Order 262/2011; Order 271/2020; and Order 190-A/2023. The objectives are to identify conceptions of childhood, care, and education; to understand their continuities, changes, and tensions; and to problematise the social and/or educational response they propose. The findings highlight the predominance of a social policy that, despite some advancements and regressions over the period, primarily aims to serve working families, with early conceptions of day-care focusing on custodial and caregiving functions (Portugal, 1984, 1989). Later, a series of international and national recommendations reflected a shift towards viewing day-care as a socio-educational response, where children gained a degree of centrality rather than merely

^{*} English version by Dave Tucker. The authors take full responsibility for the translation of the text, including titles of books/articles and the quotations originally published in Portuguese.

1- The project “Day-care Centres in Portugal: Policies, Conceptions, and Practices – Contributions to the Training of Early Childhood Educators”, developed by the Centre for Research and Educational Intervention (CIE), was conducted under the framework of the first internal call for research project support (2020-2023) at the Faculty of Psychology and Education Sciences of the University of Porto (FPCEUP). It receives support through Pluriannual Funding (Base Funding, ref. UIDB/00167/2020), awarded to CIE by the Foundation for Science and Technology (FCT), I.P.

2- All the data supporting the results of this study has been published within the article itself.

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<https://doi.org/10.1590/S1678-4634202551283925en>

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serving families (Portugal, 2011, 2020). However, there is now a perceived educational regression (Portugal, 2023). The presence of ambiguities, tensions, and contradictions in the conceptions of day-care, care, and education thus opens space for debating the dichotomy between care and education, intending to improve its quality and promote justice and equity in the lives of children and adults.

Keywords

Social policies – Day-care centre – Children up to 3 years old – Care – Educate.

Introduction

“Free day-care centres start today. Some children still without placement” (Santos, 2023, s/p); “The government claims to have created 9,000 new free day-care places in two months” (Silva, 2023, s/p); or “More children per room, less bureaucracy in conversions: Government rushing to address the shortage of places in day-care centres” (Carvalho, 2023, s/p), these are three newspaper headlines among many more depicting the current state of policies concerning early childhood care and education, particularly since 2020 when the socialist majority government prioritised this issue.

With democracy nearing its 50th anniversary, a set of social policies related to day-care centres has been rapidly developed and implemented over the past three years, affirming the principle of free access to day-care (Decree 271/2020, of 24 November 2000), launching the ‘Creche Feliz – Network of Free Day-Care Centres’ programme, and extending its scope to the for-profit private sector (Decree 304/2022, of 22 December 2022a, and Decree 305/2022, of 22 December 2022b). Finally, in response to the shortage of day-care centres and available places, the number of children per existing room was increased (Decree 190-A/2023, of 5 July 2023), as reflected in the last headline.

This opens a new pathway for the expansion and democratization of access to day-care for the youngest children day-care, which has constituted part of the process of institutionalization of contemporary childhood in Western societies (Näsman, 1994; Zeiher, 2009) preceding school – specifically the expansion and near-universalisation of kindergarten as an educational context for children aged 3 to 6 years. Attention is now increasingly directed towards children under the age of 3 and day-care, conceived as a service where social functions of care, custody, and education coexist, responding both to the needs of working families and the holistic developmental needs of children.

This focus on the provision of day-care for children reflects international and European appeals and recommendations that have been made since 2000. The European Council, at the Barcelona Summit, advocated for “care structures for at least 35% of children under 3 years of age by 2010” (CE, 2002). Likewise, General Comment No. 7 “Implementing Children’s Rights in Early Childhood Education” (UNCRC, 2005) asserts the right to education for all children, their holistic development, and their participation, including policies for young children. Furthermore, UNESCO (2010), at the World Conference

on Early Childhood Care and Education, advocated for “Early Childhood Education (ECE)” as the foundation for social, human, and economic development, encompassing services for care, education, health, nutrition, and protection for children up to 8 years of age.

The World Bank (WB), perceiving children as the ‘human capital’ necessary for a prosperous economy, has advocated since 2000 for early education to achieve better and more sustainable outcomes, a stance also supported by the Organisation for Economic Co-operation and Development (OECD, 2006). Recently, the European Council Recommendation of 22 May 2019 reiterated the importance of high-quality early childhood education and care systems. Within the context of globalization, this involves re-evaluating a “global and structured agenda for education” (Dale, 2004, p. 424) under the aegis of the principle of equal opportunities, which is paramount to capitalist democracies.

In Portugal, concerning day-care, this development occurs through legal regulation and the transfer of state funds in social benefits, responding to the urgency of reconciling market needs with those of families, particularly considering the feminization of employment and the deregulation of working conditions and hours. Structuring the cost-effectiveness of this long-term state investment in a competitive economy, therefore, supports childbirth, parenthood, and social inclusion. This is achieved through the provision of care for the children of working parents; combating poverty and social inequalities; the early integration of migrant populations; timely identification of risk and danger situations; intervention with children with specific needs; and the improvement of service quality, among other aspects (Moss; Pence, 1994; Moss, 2007; Vandenbroeck; Lehrer; Mitchell, 2022).

Education is understood as a common and public good, as well as a universal right for children, including those up to three years of age (UN, 1989). Thus, the provision of free day-care centres in Portugal, alongside the increase in the number of rooms and the rise in the number of children per room, leads us to question: how does the right to education relate to children up to three years old and the functions assigned to day-care centres? In what ways do the traditional functions of day-care – care and supervision – and the right to education manifest in the policies that have been developed concerning these children since the establishment of democracy in Portugal?

Drawing on insights from the sciences of education and the sociologies of childhood, family, and education, and following previous works (Ferreira; Tomás; Rocha; Nazário, 2024), we selected five foundational documents of social policies for day-care – Normative Dispatch 131/84 (Portugal, 1984); Normative Dispatch 99/89 (Portugal, 1989); Order 262/2011 (Portugal, 2011); Order 271/2020 (Portugal, 2020); and Order 190-A/2023 (Portugal, 2023) – to be analysed with the aim of: i) identifying the conceptions of child, care, and education; ii) understanding their continuities, changes, and tensions; and iii) problematising the social and/or educational response that is advocated.

A critical reflection on the presence of ambiguities, tensions, and contradictions in the conceptions found of day-care, care, and education opens space for a debate aimed at challenging and overcoming the dichotomy of care/education to ensure greater quality, justice, and equity in the lives of children and adults.

Caring, educating, and “educare”? Theoretical coordinates

In most European countries, various services aimed at early childhood (0–6 years) have a history rooted in the 19th century, which is based on two associated discursive traditions linked to age groups and is reflected in a structure referred to as “split systems” (Bertram; Pascal, 2016; Moss, 2017; Moss; Urban, 2020). On one hand, care and supervision for children aged 0–3 years are regarded as measures of protection and well-being, ensured by a range of regulated services integrated into the social security system, intended to support families – these are the day-care centres. On the other side, education for children aged 3–5/6 years is provided by a set of regulated services integrated into the educational system – namely, kindergarten/preschool education – which complements family education and precedes formal education. This general separation operates under different political and administrative principles regarding the type of service, funding, admissions, hours, personnel, regulation, functions, and practices (Moss, 2006).

Within this structure of separate services for early childhood, different theoretical-conceptual understandings accompany the age classifications, the history of which is important to recall. The discourse of care related to day-care centres dates to the medico-hygienist tradition of the early 20th century. In combating high infant mortality and morbidities stemming from inadequate nutrition and lack of hygiene and basic care, the necessity of conditions provided by the physical and social environment was emphasised to ensure the healthy survival of children up to 3 years old (Ferreira, 2001). It was about “saving bodies” (*Idem*), according to the principles of paedology, which, by means of methods such as pedometry, anthropometry, anatomy, and physiology, sought to understand and preserve normal bodily growth. Medical-pedagogical applications and techniques were provided for schools and other social contexts (Martins, 2021), thereby fostering connections with an increasingly affirmative developmental psychology.

Here, the contributions of Arnold Gesell and his maturation theory (1925) merit particular highlighting, especially regarding infants’ motor behaviour, along with those of John Bowlby and attachment theory (1969), which emphasises the role of primary attachment figures, notably the mother (cf. Whitebread, 2019). These contributions legitimise a rationale for the healthy and secure development of young children, which in day-care centres pays special attention to manifestations of infant motor skills and advocates for the replication of home-like conditions and practices, according to a “pedagogy of attachment” (Moss, 2006) modelled on the mother-child dyadic relationship. This generates specific understandings of the functions and operation of day-care centres as being derived from the home to meet the needs of certain families; of young children, as physical bodies to be provided for and cared for because they are at risk due to the disruption of “natural” forms of family education; and of professional women as individuals possessing supposedly innate qualities and competencies (Dahlberg *et al.*, 1999; Duncan *et al.*, 2004). This historical legacy of a domestic-maternal nature, associated with day-care

centres as a custodial support response, has reinforced the division between the functions of care and education, failing to recognise them as complementary and inseparable.

Thus, it is this reciprocity that the Anglicism ‘Educare’⁶ refers to, derived from the combination of the English words “education” and “care” (Caldwell, 1995), which is currently used in the field of early childhood education as an expression of the right to education for children up to three years old and a reconceptualisation of the place, value, and educational status of care actions in the education of infants and young children. It is essential to qualify care as an indispensable function of day-care centres, understanding them as spaces of relational, holistic, and inclusive living (Nowak-Lojewska *et al.*, 2019), guided by ethics of care and by democratic values, rights, and practices (Coelho, 2004; Duncan *et al.*, 2004; Guimarães, 2011; Vasconcelos, 2014; Tomás; Almeida; Lino, 2018; Almeida; Lino, 2018; Correia, 2018).

Methodology

The online documentary research concerning policies for early childhood produced in democratic Portugal between 1974 and 2023, conducted on public and accessible websites, has allowed for the reconstruction of the process of institutionalising day-care centres (Ferreira; Tomás; Rocha; Nazário, 2024). It has also enabled the identification of a specific corpus for analysis, representative of the legislative framework governing day-care centres, based on five documents: i) Normative Dispatch 131/84, dated 25 July 1984; ii) Normative Dispatch 99/89, dated 27 October 1989; iii) Regulatory Order 262/2011, dated 31 August 2011; iv) Regulatory Order 271/2020, dated 24 November 2020; and v) Regulatory Order 190-A/2023, dated 5 July 2023.

These official texts, produced in specific national socioeconomic, political, and educational contexts and influenced by international factors, are understood as cultural and ideological artefacts and as political discourses that are not neutral. By privileging and prioritising certain ideas and options while excluding other possibilities (Ball, 2008), they employ an objective and transparent language necessary for the “engineering” of consent (Codd, 1988), consensus, and compromise among potentially conflicting groups and forces, thus generating specific realities whose meanings are neither explicit nor literal. Therefore, the analysis of policy documents, as discursive constructions, cannot be reduced to the application of a set of technical and nomothetic procedures; instead, it requires a process of textual deconstruction capable of combining the unspoken, divergent meanings, contradictions, and structured omissions, clarifying the ideological processes behind the production of the text (Codd, 1988), thereby allowing for a critical examination of policies.

In this text, such purposes focus on the corpus for analysis and, in line with the legal framework of policies for day-care centres in Portugal, aims to: i) identify the conceptions

6 - This word, though homographic with the Latin *educare* – meaning “to instruct” or “to teach” – does not endorse these connotations. Instead, it aligns with *educere* – “to draw out from within” – a notion that informs contemporary pedagogical paradigms.

of the child, care, and education; ii) understand their continuities, changes, and tensions; and iii) problematise the social and/or educational responses advocated.

National childcare policies: legal framework and objectives

In the democratic period in Portugal, between 1974 and 2023, there was a progressive reinstitutionalisation of day-care centres as a specific and increasingly structured social response to support families, a process highlighted by five foundational legal acts (Vilarinho, 2001; Ferreira; Tomás; Rocha; Nazário, 2024).

In the 1980s, the first stone was laid in the state regulation of social support responses with a profit motive aimed at children up to 6 years of age through Normative Dispatch No. 131/84, 25 July 1984. This document established three objectives: i) to provide children with opportunities that facilitate their physical-emotional, intellectual, and social development according to their needs; ii) to foster relationships with families; and iii) to enable early intervention to compensate for various deficits (see Table 1). The significance of this document also lies in the definition of regulatory standards that outline the conditions for the establishment and operation of day-care centres, which subsequently became the basis for later legal initiatives and enhancements.

Indeed, by the end of this decade, Normative Dispatch No. 99/89, dated 27 October 1989, introduced two major innovations: the reorganisation of day-care centres, with the age of 3 as the dividing line, and the modernisation of their nomenclature, now referred to as “day-care centres”. Its central objectives reaffirm the trilogy – child development, family relationships, and early compensatory intervention (see Table 1) – and the conditions for establishing and operating day-care centres became more refined and explicit. From then on, day-care centres began to exclusively accommodate children up to 3 years old, assuming the roles of care and supervision under the Ministry of Social Security (MSS), while kindergartens, under the Ministry of Education (ME), were responsible for promoting educational functions for children aged 3–6 years. This established a separation in policies for early childhood, distinguishing between two contexts and their respective recipients, oversight, and functions, thereby also instituting the binary of care/nursery and education/kindergarten (Ferreira; Tomás; Rocha; Nazário, 2024).

This document, which was to endure for 22 years, confirmed the nursery as a social, privately managed response under the regulation and supervision of the Ministry of Social Security (MSS), aimed at meeting the care and supervision needs of children up to 3 years of age arising from their parents’ employment.

Table 1 – Day-care centre: objectives over time (legal frameworks from 1984, 1989, 2011, 2020, 2023)

Legislation	Objectives
1984 (Normative Dispatch No. 131/84, of 25 July)	* a) To provide children with opportunities that facilitate their physical-emotional, intellectual, and social development , through appropriate support, either individually or in groups , adapted to express their needs ; ** b) To collaborate with the family in an effective and ongoing participation in the child's educational process; *** c) To compensate for physical, social, or cultural deficiencies, as well as to identify maladaptation or deficiencies.
1989 (Normative Dispatch No. 99/89, of 27 October)	* a) To provide individualised care for the child in an environment of emotional and physical safety that contributes to their overall development ; ** b) To collaborate closely with the family in a shared responsibility for care throughout the developmental process of each child; *** c) To collaborate in the early detection of any maladaptation or disability , ensuring that identified situations are appropriately referred.
2011 (Order No. 262/2011, of 31 August)	** a) To facilitate the reconciliation of family and professional life within the household; ** b) To collaborate with the family in sharing care and responsibilities throughout the child's developmental process; * c) Ensure individualised and personalised care based on the specific needs of each child ; *** d) To prevent and identify early any maladaptation, disability, or risk situation, ensuring the most appropriate referral ; * e) To provide conditions for the holistic development of the child in a physically and emotionally safe environment ; **** f) To promote coordination with other existing services in the community.
2020	***** To improve the reconciliation between work, personal life, and family;
2023 (Order 190/A/2023, of 5 July)	***** The increase in the responsiveness of daycare centres is essential to ensure equality of opportunities in the workplace between women and men, to enhance support for families with children, and to guarantee equal opportunities for children, regardless of the socioeconomic conditions in which they live.

Source: Authors' elaboration.

Caption: * Development; ** Relation with the family; *** Deficit; Compensation; **** Relation with the community; ***** Equality of opportunities

The legislative consistency regarding the tripartite nature of day-care centres continues with the publication of Order No. 262/2011, dated 31 August 2011, which clarifies their socio-educational vocation (cf. Table 1).

[...] socio-educational facility aimed at supporting families and children, designed to accommodate children up to 3 years of age during the period corresponding to the absence of parents or those exercising parental responsibilities (art. 3, our emphasis).

The expression of pedagogical concerns is highlighted in the specification of facilities, objects, and various activities to be carried out in the transition room, dining area, and playground, as well as in the aim to “Promote coordination with other existing services in the community” (item f). This suggests a conception of the nursery as a social service integrated into the local network of social, health, cultural, recreational, educational support, as well as mobility resources and even natural resources (cf. art. 16).

The following decade, beginning in 2020, has been prolific in legislative production, now emphasising concerns regarding the democratization of access to day-care centres.

This movement began with the publication of Order 271/2020, dated 24 November 2020, which defines specific conditions for the principle of free access to day-care centres; it extended until 2023, reinforced by the launch of the “Creche Feliz” programme and ultimately reached the profit-oriented private sector (Order 304/2022 and Order 305/2022, both dated 22 December 2022). The legislation from 2020 to 2023 maintained the objectives already defined for day-care centres in 2011, reinforcing their social component, but went further in its commitment to facilitating the personal, family, and work lives of parents of children under three, improving their circumstances through the provision of free access for all social groups, ensuring equality of opportunity (cf. Table 1).

It can therefore be stated that, after half a century of democracy approaches, a preliminary assessment of the social policies established for day-care centres is underscored by the specification of this service in 1984. Thereafter, with great continuity, a consolidated vision was aimed at prioritising responses for working families, ensuring caregiving and custodial functions for their children (Portugal, 1984, 1989, 2022, 2023). The way this relationship between day-care centres and families is emphasised varies; in 1984, “effective and permanent participation” is highlighted, while later, “close collaboration” (Portugal, 1989) and “sharing of care and responsibilities” (Portugal, 1989 and 2011) are underscored, ultimately leading the nursery to comply with the demands that the working world places on families (Portugal, 2020, 2023).

Across the legislation under analysis, preventive and compensatory objectives are consistent, reflecting a certain resemantisation of deficits. These are variously articulated, such as “compensating for physical, social, or cultural deficiencies, as well as identifying maladaptation or deficiencies” (Portugal, 1984), “collaborating in the early identification of any maladaptation or deficiency” (Portugal, 1989), and “preventing and identifying early any maladaptation, deficiency, or risk situation” (Portugal, 2011). However, the potential actions for addressing and mapping these situations often fall short of substantial commitments, as seen in vague statements like “ensuring the most appropriate referral” (Portugal, 1989, 2011).

The influence of both international and national recommendations is evident in the conceptualisation of the nursery as a socio-educational response, where children are afforded some centrality, not just families (Portugal, 2011). This perspective persists today. Amidst advancements, continuities, and setbacks in the institutionalisation of day-care centres and their core objectives, what conceptions of children, care, and education are present in their foundational policies?

This inquiry invites a critical examination of the underlying philosophies that inform early childhood education policies, focusing on the evolving definitions of childhood, the role of caregiving, and educational practices.⁷ Sources such as Moss (2017) and Ferreira *et al.* (2024) can provide valuable insights into these dynamics, contributing to a nuanced understanding of the legal frameworks and their implications for children’s rights and educational experiences.

7 – Ordinance 190-A/2023, dated 5 July 2023, introduces amendments to only eight articles of the 2011 Ordinance (Articles 1, 7, 8, 9, 11, 12, 15, and 17), focusing on the increase in child capacity, the dual accumulation of technical and pedagogical responsibilities, and matters related to infrastructure.

Day-care centre: conceptions of child, care, and education – (dis)continuities, ambiguities, and tensions

Revisiting the key policies for day-care centres between 1984 and 2023, this analysis delves deeper into identifying the underlying conceptions of the child, care, and education present in the definitions of their objectives and in the organisation and functioning of their spaces, seeking to understand continuities, changes, and tensions.

Conceptions of the child

In the 1980s, the gradual definition of the target children for nursery [infantários] (designated as such until 1984, later renamed as day-care centres - “creches” - in 1989) is evident in the shift from a generic, singular, and abstract conception of the child to a more concrete one, delineated by specific and distinctive age brackets reflected in their spatial organisation.

Thus, up to the age of 3, age categories become explicit, with the term “younger children” introduced in 1984. This creates a significant initial division: on one side, “children from 3 months until they acquire walking” and on the other, “children over 24 months”. From 1989 onwards, three new categories were defined, aligned with developmental timelines and the acquisition or mastery of specific childhood competencies, particularly motor skills: the first covers “children up to the acquisition of walking”, the second encompasses “children aged between the acquisition of walking and 24 months”, and the third includes “children aged between 24 and 36 months”.

This classification of ages assigned to day-care centres, reinforced by the organisation of their internal spaces, which include a “nursery” comprising a “crib room” and “transition room”, as well as an “activity room”, has stabilised and has been reproduced in legislation published from 1989 to the present (cf. Table 2).

Table 2 – Day-care centre: designations, target children, and spatial organisation (legislative documents from 1984, 1989, 2011, 2020, 2023)

Legislation	1984 (Order No. 131/84, 25 July)	1989 (Order No. 99/89, 27 October)	2011 (Order No. 262/2011, 31 August)	2020*	(Order 190/A/2023, 5 July)	Organization of space	
Designation	Nursery [Infantários]	Day-care centres [creches]					
Children aged between 3 months and 3 years	Children from 3 months to the acquisition of walking Transition room					Nursery	Crib room
							Transition room
	Children over 24 months	Children between the ages of acquisition of walking and 24 months				Activity room	
		Children aged between 24 and 36 months					

* Legislation on the free attendance at day-care centres (2020-2023), cf. <http://cnis.pt/respostas-sociais/infancia-e-juventude/creche/>.

Source: Authors' elaboration.

The criterion of age, associated with stages of motor development in children, is prominent, particularly with the significant achievement of functional autonomy as children transition to walking. The “nursery” and “transition room” are designated for “children from 3 months until the acquisition of walking” (1984 onwards), while the “activity room”, initially aimed at older children “over 24 months” (Portugal, 1984), subsequently accommodates groups aged “between the acquisition of walking and 24 months” and “between 24 months and 36 months” (from 1989 onwards, cf. Table 2).

In this context, the “nursery”, reserved for infants, and the “rest times” contrast sharply with the “transition room”, which is designed for the “active time” of older children who are in the process of acquiring walking. This active time extends into the “activity room”, where children, now moving independently, have additional space to express their competencies and sociomotor autonomy.

This conception of the child reflects a notion of development (1989) that remains visible in a physical body emphasising either their extreme dependence on others for basic activities – eating, drinking, sleeping, being cleaned, and moving – or their growing autonomy, marked by the achievement of walking. The chronological framework is fixed within a numerical sequence of ages (cf. Table 2).

However, the stability of this combination of child development with the tripartite organisation of nursery space is not without its tensions. The first signs of tension can be identified as early as 1984: in a law defining regulatory norms for the installation and operation of profit-oriented day-care centres and kindergartens, which established the goals of these establishments as “providing opportunities [...] that facilitate their physical-emotional, intellectual, and social development” (Norm II, a, 1984), the organisational design of the nursery suggests a bias and dichotomisation. On one side, there is a focus on physical-emotional development linked to the “nursery” and the “walking room”, while on the other, there is an emphasis on physical-emotional, intellectual, and social development associated with the “activity room”, where “playful and pedagogical activities” are expected to take place.

More subtle tensions arise in the use of generalisations such as “global development” (1989) or “integral development” (Portugal, 2011), which contrast with the age/motor development logic that structures nursery organisation, along with statements that emphasise their evolutionary phase (Portugal, 1989, 2011).

The revival of the notion of “specific needs of the child” in the 2011 legislation reflects adult concerns regarding a critical stage of human development where extraordinary transformations occur up to the age of three. However, it also suggests a teleological view of child development, where milestones are achieved in stages tied to specific ages and their internal classifications. Consequently, the interpretation of these needs does not disregard the age categories established by developmental psychology, which were explicitly defined and stabilised from 1989 onwards—namely, “children from 3 months until the acquisition of walking”, “children between the acquisition of walking and 24 months”, and “children aged between 24 and 36 months”.

Given the social character of day-care centres, the concept of the ‘child as a dependent’ stands out, as it underpins the primary objective of supporting families in balancing their personal, familial, and professional spheres, particularly highlighted in

the legislation concerning free access (2020–2023). Simultaneously, a conception of the child as vulnerable and impoverished re-emerges, with their level of vulnerability now categorized into ‘[income]tiers’ – the ‘[income] tiered child’.

[...] the provision of free access to day-care centres is aimed at all children whose families, regardless of the number of children, fall within the lower income brackets of the family contribution scale. This includes children covered by the first and second income tiers (Order n° 271/2020, 24 November, our emphasis).

The initiative for free nursery access also seeks to implement a decisive and priority measure in the fight against child poverty, promoting full integration and equal opportunities for all children, regardless of their socioeconomic context, to break cycles of poverty (Order n.º 198/2022, 27 July, our emphasis).

In matters concerning poverty and inequalities, specific groups of children are identified as vulnerable, including those with disabilities (Order No. 198/2022, Art. 7 – funding reinforcement), as well as measures for promotion and protection (Art. 9 – admission and prioritisation criteria).

By 2023, the conceptions of children as developing individuals, children with deficits, ‘children as dependents’, and ‘children to be cared for’ remain prevalent, highlighting the dimensions of comfort and security (cf. Table 1). Additionally, new conceptions emerge, including ‘tiered children’ and ‘children with rights’, reflecting the concern to ensure equal opportunities for all children, regardless of their socioeconomic conditions. However, the increasing number of children per room indicates a view of children as objects rather than as subjects.

Conceptions of care and education

The objective of the nursery is to promote the development of children, considering multiple dimensions – physical, emotional, intellectual, and social – while considering both the individual and the group, and in accordance with their needs (Portugal, 1984). However, this reverts to a generalised language singularly focused on the child and their overall development, which emphasises “individualised care” within an environment of “emotional and physical safety” (Portugal, 1989), to the detriment of group relationships (cf. Table 1).

It appears that there is a shift from focusing on children and their multidimensional and holistic development (Portugal, 1984) to a perspective where, behind the seemingly consensual language of individualisation and the abstract reference to global development, central dimensions of protection emerge. This focus on emotional and physical safety points to a logic of care (Portugal, 1989) that continues into 2011 (cf. Tables 1 and 3). Here, the objectives related to the nursery and the child unfold into two clauses that combine and reaffirm “individualised care” and “integral development” (Portugal, 1989) but maintain the same matrix of protection characterised by a “physical and emotional safety environment”. The novelty lies in the personalisation of care, although it is based

on the idea of the specific needs of each child, which was already present in 1984 (cf. Tables 1 and 3).

The conceptions of care and education within nursery legislation, although not always explicit, have also been identified and inferred from the analysis of its spatial organisation. Beginning with the nursery (cf. Table 3), in the “crib room” and the “transition room”, a conception of care for children emerges, characterised by constant adult supervision, where routines of feeding, sleeping, and hygiene are central.

In the first instance, which entails specific conditions regarding location, accessibility, sound, and lighting, the emphasis is on providing safe and individualised care for rest. In the second, hygiene care stands out (Portugal, 1984, 1989, 2011) along with its details (Portugal, 1989). It was in 2011 that the “transition room” began to integrate educational functions into the active times of children: in addition to safety considerations related to physical mobility and the acquisition of walking – such as cushioned and washable flooring – material conditions for observation and interaction with others, such as resting chairs, and stimulating play activities, like various toys and mirrors, are mentioned, thus contributing to their holistic development. These conceptions remained consistent from 1984 to 2023.

Table 3 – Nursery: concepts of care and education (legal frameworks of 1984, 1989, 2011, 2020, 2023)

CARE		EDUCATE
NURSERY (Norma V, 1984; 1989; 2011, Anexo 3, 2023)		
Nursery is the space designated for younger children to stay in, as outlined in 1984; for children between 3 months and the acquisition of walking (1989); and for children up to the acquisition of walking (2011). It must consist of a crib room and a transition room , connected either by doors or glass partitions to ensure permanent observation (1984, 1989).		
CRIB ROOM	TRANSITION ROOM	
The crib room, intended for children's resting times , can accommodate a maximum of 8 to 10 individual cribs , depending on the children's age . However, the maximum capacity should not exceed 8 children, with a minimum area of 2 m ² per child (1989). The room must have natural ventilation and lighting, good sunlight exposure, and a darkening system. (...) The cribs should be arranged to allow easy adult access and circulation (1984, 1989).	(...) with a minimum area of 2 m ² per child, it is intended for the children's active times and should be equipped with a hygiene care counter , complete with hot and cold running water (1984). (with a padded top and an integrated bathtub, equipped with a mixer for hot and cold running water, storage for hygiene products, and shelves for spare clothes – 1989). The spaces must be suited to their function, autonomous, and connected to each other in a way that allows for both permanent observation and privacy for the children who are sleeping (2011).	
located in a quiet area of the building, (...) the crib room should not be used as a passageway or thoroughfare. (...) the choice between barred beds or cribs (...) (2011).	(...) the mobile equipment should enable professionals to maintain contact with the children in a comfortable and convenient manner. The space must include toys that meet safety standards, appropriate for the children's age and their developmental and play needs . It should also feature cushioned, well-protected areas for babies , reclining chairs, an unbreakable mirror, and a shock-absorbent, easy-to-clean floor (2011, Annex 3).	

Source: Author's elaboration.

The concept of education in the context of childcare encompasses the development of an educational project (Portugal, 1984, 1989) and a pedagogical project (Portugal, 1984, 1989, 2011, 2020, 2023). These projects are focused on the planning and monitoring of the socio-pedagogical activities conducted by the nursery across all its facilities, from the nursery to the activity room. These educational actions aim to promote the holistic development of children, including motor, cognitive, personal, emotional, and social growth (2011, art. 6).

However, it is important to note that in 2011, the number of children in each room increased by two (art. 7), and staffing could include “volunteer collaboration” (art. 10, n.º 3) – two factors that create tension regarding the concepts of care and education for children.

In the activity and dining rooms, the coexistence of care and education concepts has been present since 1984, but became more explicit and detailed starting in 2011, now also encompassing recess (cf. Table 4).

Table 4 – Organisation and functioning of the activity room, dining room, and playground: concepts of care and education (legal frameworks of 1984, 1989, 2011, 2020, 2023)

CARE	EDUCATION
<p>ACTIVITY ROOM</p> <p>the activity room may also be used as a resting area when a separate space for this purpose does not exist, and, exceptionally, as a dining room (Regulation VI – 1984 and 1989).</p> <p>it must be equipped with adequate ventilation, natural lighting, and good exposure to sunlight (Regulation VI, 1984 and 1989).</p> <p>it may be used for the children's rest if it is equipped with shading systems and suitable resting equipment (cot, individual sheet, and blanket) (2011, Annex 3).</p> <ul style="list-style-type: none"> - it enhances the social responsiveness of childcare facilities by increasing the number of available places (2023, Article 7, 8). - this involves accommodating more children in existing rooms and diversifying services – simplifying procedures for the installation and expansion of existing childcare facilities and the conversion of spaces (2023, Articles 17, 9, 10, 11). - additionally, it includes expanded hours – operating continuously, including overnight and during weekends (2023, Article 8, 2). 	<p>ACTIVITY ROOM</p> <p>Activity Area (Regulation VI, 1984 and 1989) and Social Interaction and Dining Area (Annex 4, 2011)</p> <p>This area is designated for the development of play and pedagogical activities, as well as for the meals of children over 24 months (1984) (ages ranging from 24 to 36 months – 1989) (from the acquisition of walking until 36 months (2011) and includes:</p> <p>a) Playrooms and activities organised flexibly, suited to the playful needs of children, with a recommendation for connection to the playground. These rooms should be equipped with furniture and didactic materials appropriate for the age group (2011).</p>
<p>DINING ROOM (all legislation)</p> <p>It should be equipped with seated areas and tables, auxiliary work surfaces properly protected from children's access, and wall panels that allow for the display of drawings without posing any risk to the children (2011, Annex 3 – b).</p>	
<p>PLAYGROUND</p> <p>Consisting of a fenced outdoor area with a covered zone, featuring various points of interest for children that facilitate the use of wheeled toys. When the playground is shared with babies, it should provide for the separation of spaces. Additionally, it should include diverse equipment, fixed or movable structures that allow for climbing, sliding, and other activities, as well as drinking fountains, benches for adults, tables and benches for children, containers for selective waste collection, and adequate lighting (2011, Annex 3 – d).</p>	

Source: Authors' elaboration.

As in the nursery, the dimension of care continues in the activity room, with a focus on maintaining conditions of cleanliness, safety, and comfort to create a healthy environment. This space can also serve multiple functions by accommodating routines for rest and meals. The educational dimension, which has been present since 1984, becomes clearer with the recommendation to meet children's play needs by providing games, activities, materials, and outdoor spaces like the playground (Portugal, 2011). This playground, which can also be shared with infants, combines elements of care focused on the safety of the children using it – such as being covered, fenced, separate, illuminated, and equipped with drinking fountains and waste bins – with educational aspects regarding the type and diversity of equipment and toys suggested based on an interpretation of the interests of children aged between one and three years. It particularly emphasizes promoting motor skills in several ways, such as pedalling, climbing, sliding, and running (Portugal, 2011).

In the dining room, care concerns are present through the hygiene and safety routines during meals, alongside educational considerations such as wall decorations and designated spaces for celebrations or indoor play.

These concepts of care and education were affirmed until 2011 and have remained consistent since then. However, the increase in the number of children per room and their length of stay, including overnight and weekend periods starting from when they can walk (Order 190-A/2023, 5 July, arts. 7 and 8), introduces a bias that contradicts any concept of education within the nursery, rendering it instrumental in addressing an urgent social problem.

Indeed, in the Portuguese context, particularly in urban areas where the lack of day-care centres has already been identified as a problem (Peralta; Carvalho; Fonseca, 2023), the opportunities created by the legislation on free access (Portugal, 2020, 2022) quickly became a difficult promise to fulfil due to the disconnection between high demand and low supply. Under these conditions, greater access to day-care centres for children facilitated by the principle of free access (Portugal, 2020, 2021, 2022, 2023) would imply that they are receiving care and education.

Thus, it is precisely this aim that is being called into question with the recent changes, whose remedial and palliative nature threatens the quality of these services – overcrowding of children, and full-time operation (Portugal, 2023) – representing a setback. In other words, the increase from 14 to 16 children between the acquisition of walking and 24 months, and from 18 to 20 between 24 and 36 months, in a minimum area of 2 m² per child, which can be reduced to 1 m² under the pedagogical supervision of an educator, undermines any quality of care/education.

Final considerations

Between 1974 and 2023, there has been a process of institutionalisation of day-care centres in mainland Portugal within the framework of the MSS, albeit in a zigzag manner, where a balanced relationship between care and education – EDUCARE – appears fragile, leaning towards care. This emphasis on care intensified in 2023, with an increase in the

number of children per room and extended hours. This division between care and education has probably also been influenced by issues of professionalisation, as the recognition of the professional role of early childhood educators in day-care centres only occurs explicitly after children acquire the ability to walk, as noted in 2011. In this sense, one might question whether financial considerations underpin this dichotomy, given that babies, due to their high dependency, are highly demanding in terms of necessary work time, while the cost of assistants is significantly lower than that of early childhood educators. Thus, social and financial distinctions compound the care and education dichotomy.

In this context, and considering the ambiguities, tensions, and contradictions present in the concepts of day-care centres, care, and education, there arises an opportunity to challenge the care/education dichotomy in favour of the EDUCARE perspective, which advocates for quality, justice, and equity in the lives of children and adults. Authors such as Coelho (2004), Correia (2018), Dahlberg, Moss, and Pence (1999), Moss (2007), and Vasconcelos (2014) underscore a comprehensive understanding of the role of day-care centres in society, which necessitates a reorientation of the structural perspective on reconciling family and work within the framework of rights to education and culture. This implies incorporating day-care centres within the educational system and conceptualising early childhood education as a continuum. From this perspective, EDUCARE requires not only physical/material conditions but also qualified professionals for the nursery. This means having multi-referenced theoretical training capable of understanding the diversity and bio-sociocultural inequalities of children, which should inform pedagogical practices based on the contextual observation of their relationships and a reflective intervention that is simultaneously protective, challenging, and ethical. The aim is for day-care centres to transition from spaces for children and their families to spaces for children themselves. The challenge lies in breaking away from normalising care and a school-centric education in favour of broadening children's social and cultural repertoires.

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Received on February 28, 2024

Revised on August 06, 2024

Approved on September 24, 2024

Editor: Prof. PhD. Viviane Potenza Guimarães Pinheiro Fonseca

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