



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation Document

Professional Registration of the Childcare and Playwork workforce

Date of issue: 30 November 2023

Action required: Responses by 07 March 2024

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation is seeking your views on professional registration of the childcare and playwork workforce. This would involve developing a specific workforce register for those working in the childcare and playwork workforce.

In particular, it is seeking your views on:

- Whether a workforce register would be beneficial to the childcare and playwork workforce and
- Who from the childcare and playwork workforce should be included in a register.

Once the consultation phase concludes, responses will be analysed and advice will be provided to Welsh Government Ministers. Further consultation will take place if appropriate.

How to respond

Submit your response by **midnight 07 March 2024** in any of the following ways:

- Complete our [online](#) form
- Download, complete our response form and email it to:
Childcareandplayworkconsultation@gov.wales
- Download, complete our response form and post to:
Professional Registration Childcare and Playwork workforce
Early Years, Childcare and Play Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Early Years, Childcare and Play Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: Childcareandplayworkconsultation@gov.wales

This document is also available in Welsh: <https://www.llyw.cymru/cofrestrun-broffesiynol-y-gweithlu-gofal-plant-gwaith-chwarae>

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park

The contact details for the Information Commissioner's Office are:

CARDIFF

CF10 3NQ

e-mail: dataprotectionofficer@gov.wales

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: <https://ico.org.uk/>

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Background

The Welsh Government's [Childcare, Play and Early Years Workforce Plan](#), launched in 2017, set out the ambition *“to develop a skilled childcare and play workforce, which is highly regarded as a profession and a career of choice and recognised for the vital role the sector plays in supporting our children’s development”*. A long-term ambition of the plan is to explore the introduction of professional registration for the childcare and playwork workforce.

To progress this ambition, in 2022, the Welsh Government commissioned an [Independent Review](#) focused on understanding more about the potential to develop a professional register of the workforce.

The review report found that there was an overall *“agreement in principle with the establishment of a registry”* amongst stakeholders. However, it was inconclusive on a number of key elements regarding registration and recommended further work to scope what a potential workforce register could look like and how it would affect the workforce.

In September 2022, Welsh Government established a professional registration working group in order to:

- support the development of draft principles for a potential childcare and playwork register and
- support the development of a consultation to gather the views of the childcare and playwork workforce on how a potential register could work and determine the sector’s appetite for proceeding with the development of a mandatory workforce register.

Membership of the professional registration working group includes Cwlwm, Education Workforce Council, Local Authorities, Play Wales, Scottish Social Services Council, Social Care Wales, UNISON and Voice Unions and the Welsh Local Government Association.

What is this consultation about?

This consultation is seeking views from those managing, working in and using childcare and playwork settings across Wales on some fundamental questions regarding whether the childcare and playwork sector should have a workforce register and if so, who should be included in that register.

When providing your views and feedback, please refer to the document that has been prepared to sit alongside this consultation document, which is:

- Integrated Impact Assessment (IIA) – this provides an analysis of the impact of the professional registration of the workforce in terms of social, economic, cultural and environmental aspects.

The responses we receive to the consultation will help inform the next steps in relation to professional registration of the childcare and playwork workforce.

Following this consultation, if it is decided that a workforce register is to be developed for the childcare and playwork sector, there will be a further period of consultation. This additional consultation will provide an opportunity to shape the specific details of that register.

Why has a childcare and playwork workforce register been suggested?

Childcare and playwork have an important role in giving children a good start in life, closing the attainment gap and tackling poverty. The childcare and playwork workforce in Wales provide a vital service both in supporting the development of our children and in enabling parents to work and train. Welsh Government's 10-year Childcare, Play and Early Years Workforce Plan sets out our ambition for the development of a highly skilled and qualified workforce to enable high quality provision. It also sets out Welsh Government's ambition for a professional registered childcare and playwork workforce which is focused on realising the benefits a workforce register may offer.

Benefits for the public

- Public assurance and confidence that the childcare and playwork workforce has the skills, knowledge, and character to care for children safely and effectively;
- Promoting understanding of the workforce and the key role it plays in providing the best start for children.

Benefits for employers

- Reassurance that those on the registry fulfil requirements/adhere to a code of practice;
- One stop shop for checking individuals' key documentation (DBS checks, qualification accreditation etc) during recruitment process.

Benefits for the workforce

- Being part of a professional workforce, like social care workers, social workers, teachers, teaching assistants, youth workers, and nurses;
- Recognition for childcare and playwork workers as a result of this professional status;
- Recognition of specialist skills, knowledge and experience;
- Access to networks of other regulated professionals
- Recognition and support for continuing professional development (CPD) with access to CPD support and maintenance of a CPD record; and

- A place to store all work-related records (DBS checks, qualification and training info) in one accessible place.

What is a workforce register and how do they work?

Typically, a workforce register provides information on professionals who are able to work in a particular profession, be that nursing, teaching or social care. Only those workers listed on the register can work in that profession.

Criteria outlining who is eligible to join the register ensures that only those with the necessary experience and skills form part of that sector. Registration is then renewed over a specified time frame.

It is anticipated that, if it is determined a childcare and playwork workforce register is required, it would work in this way.

Joining a workforce register

To join a workforce register an individual must be able to identify themselves as part of that workforce.

It is for this reason that workforce registers specify criteria that individuals need to meet in order to join the register and become part of that workforce.

Criteria can vary according to the workforce being registered, but often criteria include checks that are required for the job (such as DBS checks in childcare and playwork) and holding or working towards relevant qualifications. In some registries, an individual who doesn't hold or isn't working towards a relevant qualification can join the register if their employer can confirm that they have the skills and knowledge needed for the job. This approach could be explored for a childcare and playwork workforce register.

Registration is the initial joining of the register, but most registers also require individuals to renew their registration every so often (typically anywhere between every year and every five years). This ensures that those listed on the register are still able to work in the sector.

Renewal typically involves meeting the same criteria as registration, but in addition, workforce registers often ask individuals to provide evidence they have undertaken CPD since they registered. CPD can take many forms, from the more formal training and conference type activities to shadowing others, online learning, reading an article or listening to a podcast. Registers usually recognise any experience that provides learning on aspects related to the individual's job.

There are fees to pay to join a workforce register, as well as annual and renewal fees. For many registers, these fees are paid by the individual joining the register.

The fees paid to join a workforce register provide a vital contribution to the resources needed to maintain the register by a registering body. Typically, fees vary according to an individual's job role. As an example, in Scotland, childcare workers currently

pay a registration fee to join the register of £35, then an annual fee of £35 and a renewal fee (every 5 years) of £35.

However, at this stage no decision has been made on fees for a childcare and playwork workforce register in Wales. If it is determined that a workforce register for the registered childcare and playwork workforce will go ahead, we will consult on the specific details including fees.

Requirements of a workforce register: Code of Practice and Fitness to Practise

One of the key benefits of workforce registers are that they help to recognise the workforce as a profession. In order for a register to do this, it must make clear the standards and requirements that apply to that profession and the consequences when those standards are not met.

Code of Practice

A number of workforce registers are developed alongside a Code of Practice. The Code sets out the standards of practice and behaviour expected of those who work in the sector Codes of Practice are in place for other registered workforces in Wales, including [social care workers, teachers, school support staff/teaching assistants and nurses](#).

Codes of Practice often focus on areas such as worker responsibility, integrity, supporting the wellbeing and safety of others, respecting and promoting the rights of others and professional knowledge.

Typically, Codes of Practice do not supersede or replace established organisational working policies but instead support and align with what is already in place, in the case of a childcare and playwork register this would align with requirements of the National Minimum Standards for regulated childcare.

Fitness to Practise

Alongside a Code of Practice, workforce registers typically have a Fitness to Practise process. This helps ensure that individuals on the register meet the standards necessary for them to do their job safely and effectively. The main aim of a Fitness to Practise process is to protect the people the individual works with and maintain public confidence in the workforce, it is not intended to punish workers.

The Fitness to Practise process ensures that action which breaks the Code or is inappropriate for a worker of that profession can be resolved. This can vary from an individual having to undertake relevant learning/reflection to, in the most serious cases, an individual's removal from the register.

What does a workforce register offer?

A register can act as a repository for vital work-related information that supports both the individual and employers to maintain an up-to-date record of their experience and skills.

This can range from storing details of previous learning as well as the ability to record CPD information and learning in one place. Some registers signpost CPD opportunities and resources that will help individuals to not only meet their CPD renewal criteria where this is required of their register but ensure ongoing learning and development via a range of options. CPD may include webinars; self-study, podcasts; workshops/conferences, reflection exercises, shadowing, supervision. The list is very nearly endless as a variety of activities can offer learning.

A workforce register can be used as a tool for logging and keeping track of CPD hours completed, which could benefit both employees and employers.

For employers, a workforce register enables key information to be easily checked and verified when it comes to recruiting new staff, saving time in the recruitment process.

How is a workforce register different to registration with Care Inspectorate Wales?

The Care Inspectorate Wales (CIW) register services, (not individual workers). Their role is to inspect and take action to improve the quality and safety of services. However, childminders as sole traders must register with CIW. Registration for settings is undertaken in the name of a registered persons/responsible individuals (RPs/RIs). CIW are the regulating body for registered settings and do not undertake the same services as a body charged with workforce registration.

Unregistered Settings

The criteria for registration are set out in regulations, making it clear that all childcare and playwork settings should register; however there are some exceptions. The [Child Minding and Day Care Exceptions \(Wales\) Order 2010](#) outlines that a setting which does not operate for more than 2 hours a day or more than 6 days in the calendar year does not need to register with CIW. These settings, known as “unregistered settings” are therefore not regulated by CIW and as a consequence neither the setting nor its staff are subject to the requirements of the National Minimum Standards.

It is proposed that any childcare and playwork workforce register would mirror the CIW registration approach and focus on registered settings given the clear basis in regulation. There is little data on unregistered settings, the numbers of settings or staff working in them is not known. As they are not regulated there is no way to enforce requirements to register.

Who would have to join a workforce register for the childcare and playwork sector?

It is proposed that a workforce register in childcare and playwork would be **mandatory for individuals who are PAID to work DIRECTLY with children in REGISTERED childcare and playwork settings** (i.e., in a setting registered by CIW).

This could include those paid to work in:

- Full day care
- Sessional day care
- Open access play provision
- Out of school care (including registered holiday clubs)
- Creche
- Childminding settings (including a childminder or employed childminding assistants)

This means that, if a mandatory workforce register were created, an individual would be required to register and would need to meet the criteria for registration in order to be paid to work directly with children in a registered childcare and playwork setting in Wales.

An individual who is not listed on the childcare and playwork workforce register would NOT be able to be paid to work directly with children within registered childcare and playwork settings.

To support both workers and employers, it is proposed there is a period of grace for an individual newly recruited to the childcare or playwork sector to gain registration once employment commences in a registered childcare or playwork setting.

Childminders

Most childminders in Wales are sole traders, although some employ childminder assistants. As a childcare setting, childminders must register with CIW and are subject to the NMS. As a childminder is a sole trader, registration with CIW and the ability of parents to access CIW inspection reports means that there is already an element of public reassurance regarding a childminder's practise.

It is proposed that **childminders and childminder assistants would be required to be part of any mandatory register** where they are paid to work directly with children in a registered childcare and playwork setting. Volunteer childminder assistants would not be required to register.

A workforce register would provide benefits above and beyond that which childminders receive through CIW registration. A workforce register could provide childminders with a place to record a range of key documentation to support their service, from DBS checks to qualification and training certificates. It would also offer support for CPD for both childminders and childminder assistants.

Inclusion in a register would also make clear that childminding is a key part of the childcare sector and part of a profession. It would ensure that there is no disparity between different elements of the sector.

Registered Person/Responsible Individuals and Volunteers

It is **NOT** proposed that registered persons/responsible individuals (RPs/RIs) would be included in mandatory registration, as they are already registered with CIW in that

capacity. However, if they work directly with children at the setting then they will also need to register as a childcare or playwork worker.

It is **NOT** proposed that volunteers in registered childcare and playwork settings would be included in mandatory registration. This would include general volunteers, students undertaking placements at childcare and playwork settings as part of their qualification or those on work experience at the setting.

Individuals undertaking apprenticeships **would** be expected to register as they are paid to work directly with children.

It may be unreasonable to expect volunteers and RPs/RIs (who don't work directly with children) to hold a childcare or playwork qualification, to undertake CPD or be identified as a member of the childcare and playwork profession. Requirements of the NMS stipulate that both RPs/RIs and volunteers need to have enhanced DBS checks undertaken, and so there is no safeguarding implication of these groups not being registered.

Other staff working in childcare and playwork settings

It is **NOT** proposed that those staff working in a setting, but not directly with children in a childcare, early years or playwork role, such as catering, cleaners or other support staff would be included in mandatory registration.

Nannies

Nannies are childcare professionals who work at the home of a family and are employed by a parent rather than being self-employed. Nannies often have sole charge of a family's children and can also work for two families at once as part of a nanny-share arrangement. If more than 2 families use the care at the same time, then the care falls into the category of "childminding" and childminders need to be registered with Care Inspectorate Wales.

It is **NOT** proposed that Nannies would be covered by a childcare and playwork workforce register. Nannies do not work in registered settings and are not subject to the NMS. CIW maintains the approval of home childcare providers (Wales) scheme for Nannies operating in Wales and no change is proposed to the current support.

Dual registration

There may be some individuals working in the childcare and playwork sector who may already be registered with another workforce register if they also work in areas such as youth work, education, nursing or social care.

Even where individuals are registered with other workforce registers, they would still need to join the childcare and playwork workforce register. Each register is specific to its workforce and the childcare and playwork register would have specific criteria, Codes of Practice and CPD support related to the childcare and playwork sector. As such, an individual would only be able to work in the childcare and playwork sector if they were registered on the childcare and playwork register.

If it is determined that a workforce register for the registered childcare and playwork workforce is to be developed, we will undertake a further consultation on the specific details including dual registration.

Glossary

Term	Definition
Care Inspectorate Wales (CIW)	The regulatory body responsible for ensuring that childcare regulations and NMS standards are met – CIW register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales
Childcare Play and Early Years workforce plan	Welsh Government’s Workforce Plan sets out the direction of travel for the childcare play and early years workforce (2017-2027) A review and refresh of the plan will be published in Autumn 2023 and will set out key actions for the remainder of the plan’s life.
Childcare and playwork settings (registered)	Any setting registered with Care Inspectorate Wales (CIW) to provide child minding, day care and play provision for children 0-12 years of age
Childcare and playwork workforce (registered)	This includes a range of different workers whose setting is registered with the Care Inspectorate Wales It includes staff in full day care settings, sessional care, open access play provision, out of school care, creche and childminders.
Code of Professional Practice	A Code of Professional Practice sets out the behaviours and values expected of registrants.
Confirmed competence	This is a process which enables individuals who do not have recognised qualifications to use their work experience as proof of competence.
Continuing Professional Development (CPD)	Continuing Professional Development (CPD) is the term used to describe the learning activities professionals engage in to develop and enhance their abilities. CPD is a commitment to ongoing lifelong learning encouraging looking forward and identifying opportunities to learn something new, refresh existing knowledge, improve skills, or simply keep up-to-date with the latest developments within a particular profession or industry.
Cwlwm	A consortium, made up of five childcare and play partners, who support childcare and play settings with guidance and membership, encouraging quality and sustainable settings
Disclosure and Barring Service (DBS) Check	A DBS check is a way for employers to check your criminal record, to help decide whether you are a suitable person to work for them. This includes deciding whether it is suitable for you to work with children or vulnerable adults.
Education Workforce Council (EWC)	Education Workforce Council are the independent, professional regulator for the education workforce in Wales, covering teachers and learning support staff in

	school and further education settings, qualified youth/youth support workers, and work-based learning practitioners.
Fitness to Practise	Fitness to practise is about protecting and enhancing the safety and welfare of people who use a specified service. Workers are expected to adhere to behaviours and values set out in a Code of Professional Practice. If they do not, then they could be subject to a fitness to practice process.
Fitness to Practise process	A process which ensures that action which breaks the Code or is inappropriate for a worker can be resolved. This can vary from an individual having to undertake relevant learning/reflection to, in the most serious cases, an individual's removal from the workforce register.
National Minimum Standards for Regulated Childcare for children up to 12 years of age	Standards that are used to support child minding and day care settings to meet the childcare regulatory requirements for care for children up to the age of twelve and issued under regulation 14 of the Child Minding and Day Care (Wales) Regulations 2010(as amended).
Play Wales	The national charity for children's play, provides advice and guidance to support all those who have an interest in, or responsibility for providing for children's play.
Professional Registration	Professional registration is a way of assuring that individuals are qualified and competent to perform the role. This can involve verifying that the individual: <ul style="list-style-type: none"> • has the necessary skills and qualifications for the role, and • is registered with the relevant professional body and they meet the required standards of training, competency and conduct to practice safely in their chosen profession.
Mandatory workforce register	This means that in order to work in a particular sector, it would be compulsory for individuals within scope to register with the registering body.
Professional Registration working group	The professional registration working group was established in September 2022 to support the development of principles for a childcare and playwork register and the development of a consultation. Membership of the group includes Cwlwm, Education Workforce Council, Local Authorities, Play Wales, Scottish Social Services Council, Social Care Wales, Unison and Voice Unions and WLGA.

Registered person	The person registered with CIW to act as a child minder or provider of day care
Social Care Wales (SCW)	Social Care Wales (SCW) are the regulatory body for social care with responsibility for workforce development of the social care and early years and childcare sector in Wales. SCW is focused on taking action to build confidence, seek improvement and support the development of the social care and early years and childcare workforce. SCW host the qualifications framework for childcare which specifies the recognised qualifications for those working in early years and childcare.
Scottish Social Services Council (SSSC)	Scottish Social Services Council (SSSC) are the regulatory body for the social work, social care and children and young people workforce in Scotland.
UNISON	A Union representing and supporting people working in public services or for private contractors providing public services and essential utilities. They include frontline staff and managers working full- or part-time in local authorities, the NHS, colleges and schools, universities, the electricity, gas and water industries, police services, transport and in the voluntary sector.
Voice	A Union representing and supporting people working in all sectors of the UK economy including education and early years.
Welsh Local Government Association (WLGA)	The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. Its primary purposes are to promote better local government, to promote its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.
Workforce register	A workforce register functions as an online provision designed to track and promote the education, training and experience of workers, a place to organise and store professional credentials, professional development, education, and employment experience.