

Childcare in Wales

The Draft Child Minding and Day Care Exceptions (Wales) Order 2026 and the Proposal for a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers.



Llywodraeth Cymru
Welsh Government



Hello

Many families in Wales use childcare while they're at work or doing other things. The Welsh Government wants to ensure children are safe and get good-quality care, wherever they are.

People use lots of different childcare options, like:

- nurseries and full day care settings
- out-of-school care
- playgroups
- crèches
- open access play
- child minders
- family members (e.g. grandparents, siblings)
- nannies or au pairs
- babysitters

Some of these do not have to register with Care Inspectorate Wales (CIW) as child minders or day care providers. A legal document called The Child Minding and Day Care Exceptions (Wales) Order 2010 sets out these 'exceptions' and identifies which providers are 'exempt'.

i Care Inspectorate Wales (CIW) makes sure places providing care and support are safe and doing the right things, in the right ways.



What's this all about?

We're asking for your views on some important changes to how childcare, playwork and activities are regulated in Wales.

The big questions:

Part A

Who should not need to register? This is about updating the law so the rules are clearer and fairer and work to ensure there is safe, affordable childcare available to families.

Part B

Should we create a new Voluntary Approval Scheme? We're thinking about setting up a Voluntary Scheme where unregistered providers can get "approved" status. This could give families more options and maybe help them get financial support.

Part C

How would the suggested changes affect people in Wales and the Welsh language? Are there any affects the Welsh Government haven't thought of?



Safeguarding

It's important to keep all children and young people safe. *Working together to safeguard people: Code of Safeguarding Practice* is for everyone who provides childcare, playwork and activities, whether they're registered or not.

We are reviewing the Code and are thinking about how changes to the Exceptions and making a Voluntary Approval Scheme would work with any changes to the Code.



What we've done so far

From 2024-2025, we talked to about **400** people – children, parents, childcare providers, and organisations. We also set up an Advisory Group with experts from across Wales to help us.



Now we want to hear what you think.

Part A:

Who should not have to register

This part talks about the changes we want to make to the law and who should register.

Why this is important

We want to update the law so we:

- help families have affordable and accessible childcare
- put children first and give them opportunities to have fun, learn and develop
- ensure the correct childcare providers don't have to register
- promote childcare, playwork and activity providers have the right safety measures in place to keep children safe
- make it easier for people to understand the law

We think we need to do this now because:

- not all the current rules fit with how people are using childcare these days
- reports from other departments and organisations also suggest the law needs to be updated

What does being 'registered' mean?

Some child minders and day care services in Wales need to register with CIW. They must follow rules to keep children safe. It means providers:


- must provide information about themselves
- must have to have the right qualifications to care for children
- must ensure the place they care for children is safe and suitable for them
- follow rules around background checks
- have the right number of staff
- do training to keep their skills up to date
- let CIW inspect them
- inform CIW about any changes

CIW carry out inspections and check the quality of the care they're giving to children. CIW can take action to ensure they improve.



1. Parents, foster carers, relatives, and household members

 **Current rule:** Parents, foster carers, and relatives don't need to register as child minders.

 **The problem:** This doesn't quite match up with other policies and guidance from the Welsh Government and Care Inspectorate Wales.


Our proposal

➡ We want to keep some things the same so parents, foster carers, and relatives **don't** need to register.

➡ We want to make the law and the guidance match and make it clear who needs to register as a child minder.

➡ However, we want to give relatives and other people living in the same household as the child, the opportunity to register as child minders if:

- they are not the child's parent and they don't have parental responsibility for the child
- they are not the child's foster carer
- the care doesn't take place at the child's home
- and the care is available to other children they're not related to

 Tell us what you think.



2. Babysitters, Nannies, and Au Pairs

Current rules:

Nannies and au pairs **don't** need to register if:

- they are paid directly by parents and the care is in the children's home
- they only work for up to 2 families at a time

Babysitters **don't** need to register if:

- they're working between 6pm and 2am and
- they're working in hotels, guest houses or other places, giving childcare for no more than 2 families at a time

The problems:


The rules need to be clearer and treat nannies, au pairs and babysitters in the same way.

The 6pm-2am time limit on babysitting doesn't help families who need more flexible childcare.

Our proposal


➡ We want to:

- remove the 6pm-2am time limit for babysitters
- ensure babysitters only give childcare to 2 families at once
- make it clear care can happen at either family's home or somewhere outside a home (like hotels)
- ensure parents can arrange everything directly with a babysitter in the same way they do with nannies and au pairs

 Tell us what you think.


3. Youth Services

Current rule: Youth services for young people aged 11 or older don't need to register.

 **The problem:** 10-year-olds often need this kind of support, and they shouldn't be stopped because of rules on registration.

Our proposal

➡ We want to lower the age to 10 for youth services, so they can give young people educational, personal and social support as they move from primary to secondary school.


 Tell us what you think.



4. Coaching and Tuition

Current rule: People who provide coaching or tuition in sports, performing arts, arts and crafts, homework support, or religious and cultural studies don't need to register if:

- they offer 1 or 2 types of activities from the list above
- they coach or offer tuition to children under 5 for no more than 4 hours a day

 **The problem:** Offering lots of different activities means a child could be there for a whole day and they may need care during this time. We think children under 5 shouldn't be there for 4 hours without their parents present.


Our proposal

➡ We want to change the rules around age limits so a child aged 4 and under can only attend for a maximum of 2 hours a day if their parent is not with them. If they attend for longer than that, the provider has to register as a day care provider.

➡ We want to change the rules around activities so only one type of activity can be offered, for example, sports or religious study, not both. They can offer lots of activities within one type (like different sports), but not across types. Offering more than one type — such as sports and religious studies — would mean providers would have to register.

➡ We also think activities should be changed to:

- sport
- expressive and creative arts
- educational support (languages, literacy & communication, humanities, science & technology, mathematics & numeracy, health & well-being)
- religious or cultural study

 Tell us what you think.


5. Schools with very young children

Current rule: Schools don't need to register as childcare if they're providing care which is incidental to education.

! The problem: We consider that children aged 2 and under require dedicated day care provision rather than a formal education at a school. Two-year-olds might need nappy changes, help to use the toilet, naps, feeding support - those aren't small things which could be considered incidental.

Our proposal

➡ We want to add an age limit so schools that only look after children aged 3 or over don't have to register. But if the school has children aged 2 or younger there, that part of the school would have to register.

 Tell us what you think.

6. Suspended Providers

Current situation: If Care Inspectorate Wales suspends a registered provider (often for safety reasons), they can currently keep operating for up to 2 hours a day using the "2-hour exception."

! The problem: If someone's been suspended for safety reasons, they shouldn't be able to keep working because of a gap in the rules.

Our proposal

➡ We want to ensure there are no gaps in the rules – if someone is suspended, they're suspended and shouldn't be able to offer childcare using the exceptions.

 Tell us what you think.




7. Children Aged 2 and Under

Current rule: People can care for and work with children aged 2 or under without registering if they:

- give care for 2 hours or less per day
- give care for 5 days or fewer per year and let Care Inspectorate Wales know they are doing it in advance
- offer coaching and tuition

Our proposal

➡ We would like to know if you think anyone who looks after children aged 2 or under should have to register if a child's parents are not with them. We would also like to find out if you think it makes a difference if the parents stay on the premises.

 Tell us what you think.

Potential risks of our proposal:

- **Less availability** - Some providers might stop taking children aged 2 and under or close completely
- **Higher costs** - If a provider needs to register the expenses could be passed on to families
- **Fewer new providers** - People can't test if childcare works for them before investing in full registration
- **More complexity** - This could make the rules harder to understand and enforce

Potential benefits of our proposal:

- **Better oversight** - More regulation and inspection for this vulnerable age group
- **Longer operating hours** - No more 2-hour daily or 5-day yearly limits
- **Access to programs** - like Flying Start and Tax-Free Childcare and Universal Credit Childcare
- **Safety** - Some people think registration is a way of ensuring care is good quality

One-Year Transition Period

If the above changes happen, people who need to register would get a full year to sort out their registration from when it starts.



Part B:

The Proposed Voluntary Approval Scheme

We are considering introducing a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers.

This means people who don't currently have to register with CIW could choose to join the scheme if they meet basic standards.

Voluntary Approval Scheme

Current situation: Wales has no voluntary scheme, but England does.

The problem: This puts Welsh families at a disadvantage.

A voluntary registration or approval can mean:

- families can feel confident that the childcare has safety measures in place
- families use schemes such as Tax-Free Childcare or Universal Credit Childcare if they are eligible for it
- local authorities know more about people providing care to children in their area and can support them

Wales doesn't offer this so many families miss out on financial support and reassurance about safety. This isn't just about money – it's about trust. A voluntary scheme would give parents more confidence to use different types of childcare.

Our proposal

➡ We want to introduce a Voluntary Approval Scheme. This would allow providers who don't have to register as child minders or day care providers, an opportunity to get "approved" status and show they meet some basic requirements.

The Aims

Our proposal

➡ We want the Voluntary Approval Scheme to have **3 aims**:

1. To help eligible families use Tax-Free Childcare and Universal Credit Childcare schemes
2. To require approved providers to meet basic safety standards so parents can have reassurance
3. To have a better understanding of unregistered providers and give support and information to care providers who sign up to the Voluntary Approval Scheme



Tell us what you think.



What do people need to join the scheme?

Our proposal

➡ We think people should:

- be 18 or over
- have emergency children's first aid training
- have Safeguarding training
- have done the "Childcare Essentials" course
- have an Enhanced DBS background check to work with children and have not been told they can't work with children
- have public liability insurance

We think they should make a self-declaration to:

- follow Wales' safeguarding code
- use safe recruitment practices
- have proper complaints procedures
- do risk assessments
- follow any food hygiene rules
- follow best practice guidance on staffing, premises, record-keeping

? Tell us what you think.

How would the scheme be managed?

Our proposal

➡ The Scheme would be managed by Care Inspectorate Wales (CIW).

They **would not**:

- carry out inspections or judge the quality of care
- become involved in any day-to-day complaints

They **would**:

- process applications and handle renewals
- give information about approved providers to Local Authorities so they can get support
- not undertake any investigation or inspection in the event of a safeguarding concern, but would liaise with the Local Authority carrying out the safeguarding process to establish the outcome
- suspend a providers approval or withdraw it from the scheme if there's an investigation or safety risk
- be able to refuse an application or withdraw an approval
- be able to suspend approval if they need to
- give the provider 28 days to say they disagree with a suspension, withdrawal or not that they haven't got approval

The approved provider would have to:

- renew every year and pay an annual fee
- tell CIW if they change their name, address or contact details
- tell them if they break the law, or have a police caution

? Tell us what you think.



Who could join the scheme?

Our proposal

➡ We think providers who don't have to register could be able to apply to join the Voluntary Approval Scheme including:

- local authority or school-run sessions (2 hours or less)
- child minders or day care providers who operate 2 hours or less either side of school
- people who give childcare for 2 hours or less (at any time of day)
- babysitters, nannies, and au pairs
- coaching and tuition providers (running longer than 2 hours)
- short-term residential activities
- occasional providers (5 days or fewer per year)
- child minders or day care providers for 12-16 year olds

? Tell us what you think.

What would this cost childcare providers?

Our proposal

➡ We think there would be an annual renewal fee to keep their approval up to date. For example, England's voluntary scheme has a fee of £114.

? Tell us what you think.

Should we do this?

This is still just a proposal. We want to know what you think before we commit to developing it.

? Tell us what you think.



Part C: Impact assessment

These changes would affect lots of different people — childcare providers, children, young people, families and communities. We've done our own impact assessments, but we want to hear how you think it might affect people, so we don't miss anything.

Risks – We want to ensure these changes don't harm people or have a negative impact on them. What risks do you think there are?


Benefits – We want to ensure these changes benefit and create opportunities for everyone across Wales. What benefits do you think there are?

Costs – We know change takes time, resources and money. What costs do you think there are?

Different groups – We want to know what you think the impact might be to:

- children and young people
- families
- people from different backgrounds (disability, race, gender, sexuality, religion, age)
- communities facing poverty
- and others

Welsh Language – We want to ensure these proposals support people's opportunities to use Welsh and get Welsh-medium services. What do you think these changes will affect the Welsh language?

 Tell us what you think.



What Happens Next?

After the consultation closes, we'll analyse what you've told us and use it to advise Welsh Government Ministers on what to do next.

Changing the Exceptions Order

If we change the law the earliest any new rules would start is 2026/2027. Any providers who need to register due to the changes would get a full year to do this and get their provision ready.

The Voluntary Approval Scheme

Your responses will help us decide whether to set this up or not and what it would look like.



Thanks for
reading this