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Consultation – summary of response

Exceptions to childcare registration and the proposal for a Voluntary Approval Scheme

February 2026

Overview

The consultation on the exceptions to childcare registration and the proposal for a Voluntary Approval Scheme (VAS) sets out proposed changes to the rules about child minding and day care registration and the development of a VAS. This document provides a summary of the responses to the consultation. We would like to thank all respondents for sharing their views with us.

Action Required

This document is for information only.

Further information and related documents

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

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [Exceptions to childcare registration and the proposal for a Voluntary Approval Scheme](#)

Contents

Contents.....	3
Introduction	5
Proposals.....	5
Methods of obtaining responses	5
Report Format.....	7
Summary of responses – Part A: Exceptions Order Review	9
Question 1.....	9
Question 2:.....	10
Question 3:.....	13
Question 4:.....	15
Question 5:.....	17
Question 6:.....	20
Question 7:.....	22
Question 8:.....	25
Question 9:.....	26
Question 10:.....	28
Question 11:.....	30
Question 12:.....	33
Summary of responses – Part B: Development of Proposed Voluntary Approval Scheme	36
Question 13:.....	36
Question 14:.....	39
Question 15:.....	42
Question 16:.....	43
Question 17:.....	47
Question 18:.....	50
Question 19:.....	51
Summary of responses – Part C: Impact assessments and mandatory questions....	54
Question 20:.....	54
Question 21:.....	56
Question 22:.....	58
Question 23:.....	59
Question 24:.....	60
Question 25:.....	62

Question 26:.....	63
Next Steps.....	66
Exceptions Order.....	66
Voluntary Approval Scheme:	67
Annex: List of respondents.....	68

Introduction

The Minister for Children and Social Care launched a 12 week consultation on 'Exceptions to Childcare Registration and the proposal for a Voluntary Approval Scheme' on 11 August 2025.

The consultation sought views from a range of stakeholders including children, families, providers (both registered and unregistered) and representative organisations.

The consultation closed on 3 November 2025. This document presents the summary of responses to the consultation.

Proposals

Respondents provided feedback on:

- the changes proposed to circumstances where providers are not required to register as a child minder or day care provider
- the proposed development of a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers who are exempt from registration
- the impact these changes could have on a range of factors including the Welsh Language

Methods of obtaining responses

Written feedback

Views on the proposed changes to the rules regarding child minding and day care registration exceptions, as well as the development of a Voluntary Approval Scheme (VAS), were invited during a 12-week consultation period from 11 August 2025 to 3 November 2025. The main consultation document was published on the Welsh Government's consultation pages, alongside child-friendly and easy-read versions. Respondents were able to submit their views and comments by email or online, in Welsh or English, using either the main response forms, the easy-read or child-friendly versions or submitting reports or letters. The consultation was promoted widely via the Welsh Government and stakeholders' social media channels.

In total, the consultation received 97 responses, comprising full and partially completed responses. Of these, 62 were provided via the online response form and 35 submitted the response form via email or via letters that did not follow the format

of the consultation survey. Of the 97 responses, 50 wished to remain anonymous. Partially completed responses that were not submitted could not be taken into account.

A number of organisations requested a short extension to the closing date. This was agreed and as a result, 7 responses were submitted after the consultation closed. These were reviewed and considered in the preparation of this report.

Demographic information

Respondents completing the online or email response form were asked 'Which of the following statements describe you? Please select all that apply'. The following table shows the responses received (including those who may have a dual role).

I am a member of an umbrella body or work for a local authority	37
I work in the childcare, playwork or activities sector	46
I volunteer in the childcare, play or activities sector	3
I am a parent or carer of a child aged 0-12	10
I am a parent or carer of a child over the age of 12	4
I am a child	0
None of the above	8
Prefer not to say	2

Respondents were also asked to note if they had taken part in, or were due to take part in, one of the focus groups held as part of the consultation. 13, responded yes.

Focus Groups

The Welsh Government held a series of online focus groups during September 2026, as detailed below:

- A focus group with registered providers took place on 22 September, attended by 14 participants in total. 2 attendees were child minders, 2 operated full day care provision, 2 provided sessional care, 3 operated play provision and 5 operated in multiple areas of the childcare and play sector.
- A focus group with unregistered providers took place on 23 September, attended by 11 participants in total. 1 attendee worked in the sports sector, 2 in play, 1 in faith-based organisation, 1 in the arts sector, 3 in children and young people's community organisations, 2 operated after school provision and 1 was a nanny.

- With support from Parents Connect Wales, two focus groups with parents/carers held on 16 and 30 September, with a total of 10 participants.

Engagement with Children and Young People

The Welsh Government commissioned Children in Wales to undertake engagement sessions with young people to provide an opportunity for them to share their views on key issues from the consultation. Although these workshops did not form part of the consultation as they were considered as engagement, the work did provide valuable insights. Three workshops were held in different locations, attended by young people aged 10-25. The report prepared by Children in Wales is published alongside this report.

Report Format

This report summarises responses received to the consultation. It outlines each consultation question, followed by the data from the written responses and a summary of the comments made in that question. Not all respondents who submitted a written response answered every question, and those who selected 'agree', 'disagree', 'neither agree nor disagree', or 'don't know', did not always provide comments.

Respondents provided a wide range of detailed feedback, offering valuable insights. Their observations highlighted how the proposals could be a positive step in terms of determining which providers are not required to register and the proposed development of a VAS, while also identifying concerns and suggesting areas that warrant further consideration.

In some cases, respondents agreed with a proposal in the agree/disagree element of a question and raised concerns or risks in comments. Others disagreed and yet highlighted potential positive impacts. Given the complex nature of responses comments submitted, in Part A (review of the exceptions), the written consultation comments have been thematically analysed and are reported with supportive comments, and comments raising risks or concerns grouped together, rather than summarising responses by agreement categories ('agree', 'disagree', 'neither agree nor disagree', or 'don't know'). In parts B (development of proposed VAS) and C (impact assessments and mandatory questions), the comments have been thematically analysed and reported in key themes without separation of risks, concern and positives.

Some respondents made comments that included multiple themes. Some respondents made comments which balanced what they believed were the positives and negatives of certain proposals. In such cases, the various and separate themes within a single response have been categorised individually. The number of respondents raising the same point is shown in brackets after each theme.

The report then summarises information obtained from the focus groups. Participants at the focus groups were consulted on a selection of questions drawn from the consultation document. Questions for each focus group were chosen based on their relevance to that group and the potential to provide meaningful insights for the consultation. A summary of the responses obtained is reported under the relevant subheadings. Not every focus group was asked every consultation question; however, where a question was asked, a summary of responses is provided. The wording of the questions was slightly adapted from the original consultation document to ensure they were engaging and suitable for a focus group setting. All participants were signposted to the consultation document and encouraged to complete it should they wish to respond to all the questions.

As this is a summary report, responses are organised into key themes, and not all points for every question are included.

At the end of each question, there is a section outlining the Welsh Government's response, which draws conclusions based on the consultation feedback.

Summary of responses – Part A: Exceptions Order Review

The following section details the responses and comments that were received in relation to the Exceptions Order Review.

Question 1: Do you agree or disagree that a person should not act as a child minder if they are: a parent, or have parental responsibility for the child; a foster parent for the child; a relative; or person living at the same home as the child.

Written responses

	Response Percent	Response Total
Agree	59.6%	53
Disagree	25.8%	23
Neither agree nor disagree	14.6%	13
Don't know	0.0%	0
		89

The **majority** (59.6%) of respondents **agreed** that a person should not act as a child minder if they are: a parent, or have parental responsibility for the child; a foster parent for the child; a relative; or person living at the same home as the child.

Summary of comments

There were 41 comments submitted relating to this question.

It should be noted that respondents commented regarding the complexity of the question with some outlining their experience of and possible confusion regarding the wording of the question (6)

Key themes amongst the supportive comments included the following:

- Some respondents felt that this exception ensures that parents cannot receive funding for caring for their own child and therefore not being funded as childminders to care for their own children (6)
- A small number of respondents felt that the change was a recognition that family care is distinct from formal childminding (4)

- A small number highlighted that the proposed rewording would align the Exceptions with legal definitions, with some specifically mentioning the Children's Act 1989 (3)
- A small number of respondents felt the change allows for parental choice to decide who cares for their child (3)
- A small number of respondents felt the change improves consistency and clarity between legislation and guidance (3)

Key themes amongst the responses outlining risks and concerns included the following:

- Some respondents highlighted a potential negative impact on access to childcare and sustainability of the sector, particularly in rural areas where childcare choices may be more limited (6)
- A small number of respondents highlighted a lack of parity across the sector due to parents working at other provider types within the sector, for example a day care setting, being able to claim funding for their child (3)

Welsh Government response

Given the support for the proposal that a person should not act as a child minder if they are: a parent, or have parental responsibility for the child; a foster parent for the child; a relative; or person living at the same home as the child, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 2: Do you agree or disagree that relatives or a person living at the same home as the child should be permitted to act as registered child minders for related children or children they live with, provided that all of the following conditions are met:

- They are not the child's parents and do not have parental responsibility.
- They are not the child's foster carer.
- The care does not take place at the child's home, and.
- The care is available and on offer to non-related children.

Written responses

	Response Percent	Response Total
Agree	56.2%	50
Disagree	19.1%	17
Neither agree nor disagree	20.2%	18
Don't know	4.5%	4
		89

The **majority** (56.2%) of respondents **agreed** that relatives or a person living at the same home as the child should be permitted to act as registered child minders for related children or children they live with, provided that the set conditions outlined above are met.

Summary of comments

There were 38 comments relating to this question.

Key themes amongst the supportive comments included the following:

- Some respondents felt that the change supports families and the childcare sector by clarifying the circumstances in which a family member can provide registered care for a child which would have a positive impact on sustainability of the sector, particularly in rural areas (5)
- Some respondents felt that the change would ensure that parents cannot receive funding for caring for their own child (5)
- Some thought that alignment of legislation and guidance provides clarity for providers and families (4)
- Some felt that the change promotes parental choice which is particularly important for children with additional needs or a disability (4)

Key themes amongst the responses outlining risks and concerns included the following:

- Some respondents reported confusion regarding the meaning of care not taking place at the child's home (7)
- Some highlighted concerns that family members who meet the conditions may register to access funding only and not offer care beyond their family (6)
- A small number highlighted concerns regarding striking the balance between flexibility and safeguarding (2)
- A small number expressed the view that care should be permitted in the child's home (2)

- A small number of respondents highlighted the importance of clear definitions and guidance (2)
- A small number raised concerns regarding the complexity and possible confusion regarding the wording of the question (2)

Registered focus group

Several participants expressed confusion about the proposal, particularly its clarity and implications. While some supported the principle of allowing family members to provide care if registered, most found the wording ambiguous and raised concerns about potential misuse of schemes like the Childcare Offer for Wales.

Participants emphasised that registration should be a personal choice, but those registering must meet the same professional standards as other childminders. The main incentive for registering as a child minder was identified as the ability to provide the Childcare Offer for Wales, though some felt the process would be burdensome.

Overall, participants called for clearer wording and a distinction between informal family care and professional childminding to protect sector integrity.

Welsh Government response

Given the support for the proposal that relatives or a person living at the same home as the child should be permitted to act as registered child minders for related children or children they live with, provided that the set conditions are met, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 3: Do you agree or disagree with the proposed changes to the exceptions relating to babysitters, nannies and au pairs:

Written responses

	Agree	Disagree	Neither agree nor disagree	Don't know	Responses
Aligning exceptions in relation to nannies, au pairs and babysitters	58.8% (50)	23.5% (20)	10.6% (9)	7.1% (6)	(85)
Removing the time limit of 6pm-2am for babysitters	59.3% (51)	23.3% (20)	14.0% (12)	3.5% (3)	(86)
Limiting the number of families a babysitter can care for at once to 2 families	69.0% (60)	17.2% (15)	12.6% (11)	1.1% (1)	(87)
Stipulating that the care arrangements should be made between the provider and the parents of either family	80.2% (69)	8.1% (7)	10.5% (9)	1.2% (1)	(86)
For care on domestic premises, specify that the care is to be wholly or mainly provided in the home of either of the families	73.6% (64)	11.5% (10)	11.5% (10)	3.4% (3)	(87)
For non-domestic premises, stipulating that the care takes place on a non-domestic premises (which could include for example: a hotel or guest house) of the parent's choice	64.7% (55)	16.5% (14)	14.1% (12)	4.7% (4)	(85)

Majority respondents (58.8% and 80.2%) **agreed** that the factors set out above should apply to the exceptions for nannies, babysitters and au pairs.

Summary of comments

There were 34 comments submitted relating to this question.

Key themes amongst the supportive comments included the following:

- Some respondents felt that these proposals will change provision to better meet the needs of families needing flexible childcare to meet modern working family needs (5)
- A small number felt the change allows for parental choice (3)
- A small number of respondents reported that aligning definitions and expectations across the roles will reduce confusion and improve consistency (2)
- A very small number of respondents felt the change creates a greater distinction between babysitters and childminders (1)
- A very small number of respondents felt that aligning babysitters with nannies and au pairs creates expectation that they operate under similar circumstances and expectations (1)

Key themes amongst the responses outlining risks and concerns included the following:

- Some respondents felt there should be a limit on the number of children being cared for rather than the number of families (8)
- Some respondents highlighted the need for clarity regarding what is meant by 'non domestic premises' (6) and with a very small number of responses questioning whether use of such locations could cause confusion and be seen as day care (1)
- Some expressed the view that there should be a clear difference between nannies, au pairs and babysitters (5)— reasons include that a nanny may have more qualifications, a contract, employment rights and a duty of care to the employer
- A small number proposed to amend wording to require both sets of parents to be required to make arrangements with a provider (4)
- A small number of respondents indicated that any provider caring for children—unless they are close family or relatives—should be a registered service (2)

Unregistered focus group

Feedback and comments from the participants of the focus group were limited and fairly neutral. One participant welcomed the added flexibility before 6pm, noting that it better reflects modern working patterns. Another felt that the proposed changes would not significantly affect the role of nannies. Another participant advised that

although children were increasingly vulnerable overnight, those looking after them would have fewer caring responsibilities.

Welsh Government response

Given the support for the proposed changes to the exceptions relating to babysitters, nannies and au pairs, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 4: Do you agree or disagree that a provider should not be required to register as a day care provider if they provide youth services to young people aged 10 and over and where provision for 10 year olds is aimed at supporting them with transitions from primary to secondary education along with personal, social, and educational needs?

Written responses

	Response Percent	Response Total
Agree	50.5%	46
Disagree	33.0%	30
Neither agree nor disagree	14.3%	13
Don't know	2.2%	2
		91

Just over half of respondents (50.5%) **agreed** that a provider should not be required to register as a day care provider if they provide youth services to young people aged 10 and over and where provision for 10 year olds is aimed at supporting them with transitions from primary to secondary education along with personal, social, and educational needs

Summary of comments

There were 43 comments submitted relating to this question.

Key themes amongst the supportive comments included the following:

- Many respondents felt that the change will allow support for children during the final year of primary school to support their transition to secondary education (13)

- Some respondents felt that the change reflects how provision currently works in practice and the amending of the exception would more accurately reflect the reality of transition-focused youth work being undertaken within the community (6)

Key themes amongst the comments raising concern or risk included the following:

- Many felt that there should be some form of registration for children aged 10 and above (11) some of those respondents commenting they believe all providers should be registered
- Some respondents felt that there is a potential crossover between registered day care applying to children up to the age of 12 and the proposal for this exception to apply from age 10 leading to possibility for confusion (9)
- Some highlighted the importance of clear guidance (7) with a very small number stating that care needs to be taken to ensure parents don't misunderstand and misuse youth work as childcare (1)
- A small number of respondents felt that the proposal is not addressing concerns raised in the Ministerial Review of Play in relation to the complexities of regulatory changes where providers offer both playwork and youthwork and others noted that care needs to be taken to ensure parents understand the difference between youth work and childcare (1)

Unregistered focus group

Participants supported the proposed change and commented that it would accommodate how youth services provide transitional support for 10-year-olds. Three participants highlighted the importance of this transitional period for Year 6 pupils particularly during their final term in primary school.

Welsh Government response

Given the support for the proposal that a provider should not be required to register as a day care provider if they provide youth services to young people aged 10 and over and where provision for 10 year olds is aimed at supporting them with transitions from primary to secondary education along with personal, social, and educational needs, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 5: Do you agree or disagree that:

5a 2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider

5b Age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption

Written responses

	Agree	Disagree	Neither agree nor disagree	Don't know	Responses
2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider	50.0% (46)	43.5% (40)	4.3% (4)	2.2% (2)	(92)
Age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption	54.4% (49)	38.9% (35)	4.4% (4)	2.2% (2)	(90)

Half of the respondents (50%) **agreed** that 2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider. **Just over half** of respondents (54.4%) **agreed** that age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption.

Summary of comments

There were 49 comments relating to this question

Key themes amongst the supportive comments included the following:

- Many respondents noted that children of this age are vulnerable and have greater care needs (16)
- Some respondents felt that over two hours of coaching and tuition would not be developmentally appropriate for children aged 4 and under (9)
- Some expressed the view that a timescale of longer than 2 hours would fall into the scope of childcare (5)
- A small number of respondents already tailor their provision for this age with short sessions where the parent does not remain with the child or believe that there is very little provision over this timescale (4)

Key themes amongst the responses outlining risks and concerns included the following:

- Many respondents expressed the view that all coaching and tuition for ages 4 and under should be registered to meet children's needs if parents are not present (16)
- Some respondents felt that the age threshold should be higher as children aged 5 and above still require the level of care, supervision and safeguarding standards provided by regulated settings. Children are still learning through play in school at that age and are not at the developmental stage to engage meaningfully for a full day (9) - a number of those respondents identified the need for a time limit for 5-7 year olds
- A small number of respondents believe parents perceive coaching and tuition as a form of childcare so safeguarding requirements should be robust (4)
- A small number of respondents felt that not all types of coaching and tuition are suitable for extended periods of time (4)
- A small number of respondents felt that clear guidance will be required to help providers understand the difference between coaching and tuition and play-based activities (4)
- A small number noted that that coaching and tuition is sometimes led by people with no knowledge of safeguarding or childcare (3)
- A small number felt that the proposed change could lead to community provision needing to register, reduce session length or close (2)
- A very small number felt that a two hour threshold is arbitrary and lacks evidence that activities lasting longer than 2 hours present greater safeguarding risks (1)

Registered focus group

Participants overwhelmingly disagreed with the proposal. Some participants did draw out a distinction between provision that is focussed on a particular activity and leisure centre groups that provide an array of various types of activities in sports and arts. Participants felt that anyone responsible for children, regardless of duration or activity type, should be subject to registration and monitoring. Participants advocated for

stricter safeguards, greater clarity, and consistent standards to protect the youngest and most vulnerable children.

Participants stressed that children aged under 4 - especially those not yet in full-time school - have high care needs, including intimate care and should not be left in unregulated environments. There was strong support for introducing a minimum age threshold and calls for clearer definitions of what constitutes coaching and tuition versus childcare.

Unregistered focus group

Participants generally agreed that 2 hours is an appropriate duration for children aged 4 and under to attend coaching and tuition activities without requiring provider registration. A participant from a uniformed group felt that shorter sessions are better suited to younger children's developmental needs and help safeguard their wellbeing, citing their own practice of limiting sessions for the youngest age group to one hour. This view was supported by another participant from the play and youth work sector who felt that a two-hour limit is a reasonable safeguard for younger children; another participant representing a faith group also agreed with the principle. Participants who operate childcare provision (registered and unregistered) raised concerns about unregistered provisions, particularly regarding the qualifications and oversight of those delivering coaching and tuition. They highlighted the risk of registered providers being forced to close due to competition from unregistered providers and questioned whether the consultation adequately addresses the qualifications and safeguarding responsibilities of those working in unregistered settings.

Parent focus groups

Participants broadly supported the proposal that two hours is an appropriate maximum duration for unregistered coaching or tuition activities for children aged 4 and under. Participants widely recognised that younger children have different care needs, are less verbal, and have limited attention spans. Comments by participants suggested they felt young children would struggle with longer periods of coaching and tuition. However, there was strong concern about safeguarding, with some participants stating they would not use unregistered services regardless of duration. Although not necessarily registration as day care providers, participants expressed the view that there should be oversight and safeguarding procedures for all providers as a way of ensuring safety, accountability, and peace of mind.

There was also general agreement that children aged 4 and under should be treated as a distinct group in relation to the exemption. Some participants highlighted that in their experience, by the age of 4 or 5 their children were more able to communicate and felt more comfortable to leave their child at this age. Others advised 4 hours is

still a long period for children aged 4 and 5 and they feel children could possibly become tired or lose focus after this duration.

Welsh Government response

Given the support for the proposal that:

- 2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider, and
- age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption,

together with consideration of the analysis of comments indicating support for a more robust approach to the requirement to register, the Welsh Government intends to remove the exception for children aged 2 and under and stipulate children 3 and 4 years of age can be coached or tutored for maximum 2 hours per day under the exception. This provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 6: Do you agree or disagree with our proposal to amend the categories of coaching and tuition within the exceptions order to the following: (a) sport; (b) expressive and creative arts; (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being; (d) religious or cultural study?

Written responses

	Response Percent	Response Total
Agree	48.9%	46
Disagree	33.0%	31
Neither agree nor disagree	12.8%	12
Don't know	5.3%	5
		94

Around half of respondents (48.9%) **agreed** with our proposal to amend the categories of coaching and tuition within the exceptions order to the following: (a) sport; (b) expressive and creative arts; (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being; (d) religious or cultural study.

Summary of comments

There were 42 comments submitted relating to this question.

Key themes amongst the supportive comments included the following:

- A small number of respondents felt that this proposal will give greater clarity for providers and/or parents (5)
- A small number felt this change will more appropriately reflect provision (3)
- A small number expressed support for the inclusion of 'religious or cultural study' as a distinct category to recognise the educational value of these activities is positive (2)
- A very small number of respondents felt that religious study should have an exception falling outside coaching and tuition (1)

Key themes amongst the comments raising concern or risk included the following:

- Many respondents highlighted the importance of clear guidance and consideration of where specific activities would fall (15)
- Some felt that a number of categories are too wide (9) with respondents highlighting that some categories are overly broad, especially due to the inclusion of 'health and well-being' and 'cultural study', fearing this may create regulatory loopholes and dilute oversight.
- Some expressed the view that all provision should be registered (7)
- A small number raised concerns regarding the impact on playwork (3)
- A very small number proposed the addition of Living Skills and Social, Wellbeing & Self Care and Communication Skills to enable more support for neurodiverse young people, young people with disabilities and those with poor emotional and mental health (1)

Welsh Government response

Given the support for the proposal to amend the categories of coaching and tuition together with consideration of the analysis of comments, the Welsh Government intends to include this provision within the proposed 2026 Order and develop clear guidance to support the understanding and application of this exception. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 7: Do you agree or disagree that a provider should register as a day care provider if they offer coaching and tuition in more than one of the types of activity?

Written responses

	Response Percent	Response Total
Agree	68.4%	65
Disagree	13.7%	13
Neither agree nor disagree	13.7%	13
Don't know	4.2%	4
		95

The **majority** of respondents (68.4%) **agreed** a provider should register as a day care provider if they offer coaching and tuition in more than one of the types of activity.

Summary of comments

There were 44 comments relating to this question.

Key themes amongst the supportive comments included the following:

- Many respondents felt that having only one activity type strengthens the focus of the exception on true coaching and tuition and removes opportunity for providers to offer multi-activity provision that appears more like childcare and should thus be regulated (12). A small number of comments express the view that this change would close what could be perceived as a 'loophole'
- Some felt that it is a way to enhance and strengthen safeguarding and/or improve the standard of care through regulatory oversight (5)
- Some felt that the proposal would increase parental ability to differentiate between childcare and tuition (5)
- A small number felt it would close what could be perceived as a 'loophole' allowing unregulated provision operating a similar service to registered provision (4)
- A very small number of respondents expressed the view that with one activity, there is still scope for using different elements of activity types. For example, religious or cultural tuition may use expressive and creative arts to support the learning (1)

Key themes amongst the responses outlining risks and concerns included the following:

- Some expressed the view that all provision should be registered (5)
- Some respondents noted the importance of developing practice guidance (5)
- A small number of respondents expressed concern that the breadth of some categories could still lead to providers offering multiple activities rather than focused coaching and tuition (3)
- A small number highlighted a need for clarity regarding provision that could fit into more than one category type (3) with respondents highlighting concerns that certain types of provision, may fall into multiple categories and are currently not registered. If full registration became a requirement, these programmes could potentially discontinue.
- A small number of respondents felt that the multi-activity nature of faith and community provision could draw them into being required to register – with concerns that this could lead to closure of such provision that is often run by volunteers and are free or low cost, leading to reduced opportunities for children with particular impact on those in socio-economic deprivation (2)
- A small number of respondents expressed concerns that younger children may have difficulty sustaining coaching or instruction focused on a single activity for prolonged periods, indicating that such changes could reduce developmental appropriateness. Additionally, this shift may place pressure on providers to maintain engagement, thereby reducing flexibility to accommodate individual needs and limiting variety and responsiveness, which could ultimately affect the overall quality of provision
- A very small number of respondents noted a lack of evidence base to support the change, for example that multi-activity sessions pose greater safeguarding risks, that parents are confused by these provisions, that registration enhances safety and current safeguarding provisions are not sufficient (1)
- A very small number of respondents noted that learning in Curriculum for Wales is holistic and intertwined (1) and felt that reducing the number of activities permitted before registration could lead to a loss of opportunity for development of varied skills (1)
- A very small number of respondents felt that religious groups could lose trust in Government intentions (1)
- A very small number of respondents felt that some providers may not have the necessary qualifications if required to register (1)
- A very small number of respondents noted the potential for confusion due to two activities being permitted in England (1)

Registered focus group

Participants raised concerns about unregistered multi-activity settings, particularly those run by leisure centres and local authorities. Participants proposed the changes be taken a step further and providers should only be allowed to offer one sub activity

before being required to register, e.g. one sport such as football. Whilst single-activity provisions were generally seen as acceptable without registration, offering a mix of activities within the activity type or across 2 types - especially over longer periods - was viewed as equivalent to childcare and should require registration. Participants noted that there could be loopholes allowing providers to rebrand as single-activity clubs while continuing to offer varied programmes.

Unregistered focus group

Participants raised concerns about the practicality and implications of the proposal. Overall, participants agreed that while safeguarding and oversight are important, the policy must be carefully worded to avoid unintended consequences for community, cultural, and faith-based providers who use a mix of activities to engage and support young people.

A participant highlighted that many Sunday schools and holiday clubs naturally combine religious education with games, arts and sports, making it difficult to restrict provision to a single activity. They felt that enforcing registration in such cases could have significant consequences for community-based programmes.

Another participant noted that in some Welsh-medium organisations, activities such as sport, arts and cultural education are often blended to promote language and identity. They questioned how broadly terms like “coaching”, “tuition”, and “culture” would be interpreted, suggesting that overly rigid definitions could unintentionally exclude or penalise valuable multi-activity programmes.

Parent focus groups

Participants didn't think the number of activities mattered and were more focussed on duration of care and the age of the children. Some recognised different activities would suit children with shorter attention spans.

Welsh Government response

Although this proposal was supported, comments provided in the consultation raised concerns regarding the negative impacts for children, families and communities specifically for rural areas, Welsh language and faith and community groups. The Welsh Government considers that the negative impacts of this proposal outweigh the benefits of making this change. Therefore, the Welsh Government will not proceed with the proposal to require a provider to register as a day care provider if they offer coaching and tuition in more than one of the types of activity.

This means retaining the current status quo that a provider will not need to register as a day care provider if they offer coaching and tuition in no more than two types of activities from the specified list.

The Welsh Government will seek to address the concerns raised regarding this exception via guidance and the impact of which will be monitored and kept under review.

Question 8: Do you agree or disagree that if children aged 2 and under attend a school as pupils, the part of the school with children aged 2 and under in attendance should be required to register as a day care provider?

Written responses

	Response Percent	Response Total
Agree	86.8%	79
Disagree	5.5%	5
Neither agree nor disagree	5.5%	5
Don't know	2.2%	2
		91

Most respondents (86.8%) **agreed** that if children aged 2 and under attend a school as pupils, the part of the school with children aged 2 and under in attendance should be required to register as a day care provider.

Summary of comments

There were 41 comments submitted relating to this question.

Key themes amongst the supportive comments included the following:

- Many respondents noted that children of this age have specific developmental and care needs (21) with many of those respondents outlining that children of this age have care needs rather than educational needs
- Some expressed the view that schools with children of this age in attendance as pupils should be required to meet the regulatory care standards (8). A small number of further points were made in relation to the need for ratios (4) and staff needing care qualifications (3)
- A small number felt that parity of expectation for the care of children aged 2 and under will help support children's well-being (3)

Key themes amongst the comments raising concern or risk included the following:

- A very small number of respondents noted the need for further consideration of the impact of how the proposal may affect parents who home educate their children and use a range of private, tuition and charitable providers to educate their child (1)
- A very small number of respondents noted the need for a clearer definition of care that is incidental to education (1)
- A very small number of respondents felt that there is a need for consideration of any impact upon schools who offer wraparound care and increase in workload for schools and Care Inspectorate Wales (CIW) (1)

Welsh Government response

Given the support for the proposal that if children aged 2 and under attend a school as pupils, the part of the school with children aged 2 and under in attendance should be required to register as a day care provider, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 9: Do you agree or disagree that if a registered child minder or day care provider is suspended by enforcement, they should not be able to use the exceptions to operate their provision for 2 hours or less a day for the period of suspension?

Written responses

	Response Percent	Response Total
Agree	90.4%	85
Disagree	4.3%	4
Neither agree nor disagree	3.2%	3
Don't know	2.1%	2
		94

Most respondents (90.4%) **agreed** that if a registered child minder or day care provider is suspended by enforcement, they should not be able to use the exceptions to operate their provision for 2 hours or less a day for the period of suspension

Summary of comments

There were 42 comments submitted relating to this question.

Key themes amongst the supportive comments included the following:

- Some respondents felt this change will promote stronger safeguards for children (15)
- Some respondents noted the provider will have been suspended and considered unsuitable to care for a reason (5), and some felt that allowing operation during suspension undermines enforcement (4)

Key themes amongst the comments raising concern or risk included the following:

- Some respondents highlighted the importance and/or challenges of monitoring and enforcing this (5)
- A small number raised concerns about unregulated care post-suspension, raising the issue that provider could go on to offer unregulated provision as unregulated provision remains unregulated, and therefore isn't routinely monitored (2)
- A very small number of respondents highlighted the cost implications for employees who may be subject to loss of income and inconvenience for parents having to find alternative childcare (1)
- A very small number of respondents proposed consideration of whether this should also apply to those who are voluntarily suspended (1), with the view that it depends on the reason for suspension - that services should be able to operate if there is no risk to children (1)
- A very small number of respondents made the recommendation to extend the suspension types to include suspension by other professional regulators e.g. Education Workforce Council (1)

Welsh Government response

Given the support to the proposal that if a registered child minder or day care provider is suspended by enforcement, they should not be able to use the exceptions to operate their provision for 2 hours or less a day for the period of suspension, the Welsh Government intends to include this provision within the proposed 2026 Order. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 10: Do you agree or disagree that all providers offering child minding, day care or coaching and tuition activities for children aged 2 and under, where the parent is not present, should be required to register with CIW, even if the care is for 2 hours or less a day or 5 days or fewer a year?

Written responses

	Response Percent	Response Total
Agree	79.8%	75
Disagree	8.5%	8
Neither agree nor disagree	8.5%	8
Don't know	3.2%	3
		94

Most respondents (79.8%) **agreed** that all providers offering child minding, day care or coaching and tuition activities for children aged 2 and under, where the parent is not present, should be required to register with CIW, even if the care is for 2 hours or less a day or 5 days or fewer a year.

Summary of comments

There were 44 comments relating to this question.

Key themes amongst the supportive comments included the following:

- Many expressed the view that children aged 2 and under are vulnerable and have significant care needs (18). Respondents suggest that registered settings are able to meet these needs through e.g. strict adult-to-child ratios, qualified staff, robust safeguarding measures
- Many expressed the view that registration protects and safeguards (18)
- Some felt that children of this age are too young to receive coaching and tuition (7)
- A small number highlighted the potential benefit that, by the proposal drawing more providers into the requirement to register, more families may have access to Government funded childcare and financial support (3)
- A small number felt this change will make it easier for parents to see the difference between registered and unregistered provision (4)
- A small number considered that benefits for children and families outweigh the risks e.g. service closures (3)

Key themes amongst the responses outlining risks and concerns included the following:

- Some felt that the age should be set at a higher threshold (5) whilst a very small number of respondents described the age threshold of 2 as arbitrary (1)
- A small number raised the risk of potential closure of community-based provision that do not wish to take on the burden of registration – examples given include churches and community provision where a creche is provided (4)
- A small number felt that the change does not respond to calls set out in the Ministerial Review of Play that all provision should be registered or checked in some way (2)
- A small number called on the Welsh Government to consider how risks will be mitigated to ensure inequalities in accessing services are not further exacerbated (2)
- A small number highlighted the need for clear practice guidance to support understanding of the exception (2)
- A very small number of respondents noted the potential for pressure on CIW through additional providers being brought into scope of registration (1)
- A very small number highlighted the lack of evidence base for the view that registered settings are safer than unregistered – making a decision based on a perception (1)
- A very small number noted that the change removes opportunity for providers to test the market before registering a new provision (1)

Registered focus group

Participants expressed strong agreement with the proposal. Overall, participants viewed registration as essential for safeguarding, fairness and professionalism. Safeguarding and fairness and professionalism were the key concerns. This was due to the vulnerability of very young children and risks in unregulated settings (e.g., church groups, gym crèches). Unregistered care was seen as undermining professional standards and creating unfair competition for registered providers who meet rigorous requirements. A few suggested raising the age threshold to under 4, citing developmental differences in children's ability to communicate and care needs.

Unregistered focus group

There was some support for the principle of registration. Participants also raised concerns about unintended consequences for informal or community-based settings. One participant stated that they agreed with the proposal. One participant highlighted the potential impact on church-based crèches, where parents are nearby but not in the room, noting that while these settings follow safeguarding procedures, mandatory registration could lead to closures.

Parent focus groups

Most participants strongly agreed that registration should be required for anyone caring for children aged 2 and under without a parent present, no matter how short or infrequent the sessions are. They felt that very young children have greater care needs and registration gives parents peace of mind.

Welsh Government response

Given the support to the proposal that all providers offering child minding, day care or coaching and tuition activities for children aged 2 and under, where the parent is not present, should be required to register with CIW, even if the care is for 2 hours or less a day or 5 days or fewer a year, the Welsh Government intends to include this provision within the proposed 2026 Order. As noted in response to question 5, the Welsh Government intends to remove children aged 2 and under from the coaching and tuition exception. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 11: Do you agree or disagree that providers offering child minding, day care or coaching and tuition for children aged 2 and under, when parents remain on the premises (but not present during the session) should not be required to register, even if the care is for 2 hours or less or 5 days or fewer a year?

Written responses

	Response Percent	Response Total
Agree	44.1%	41
Disagree	40.9%	38
Neither agree nor disagree	11.8%	11
Don't know	3.2%	3
		93

A minority of respondents (44.1%) **agreed** that providers offering child minding, day care or coaching and tuition for children aged 2 and under, when parents remain on the premises (but not present during the session) should not be required to register, even if the care is for 2 hours or less or 5 days or fewer a year.

Summary of comments

There were 39 comments relating to this question.

It is worth noting that some responses (3) suggested that they understood the proposal to relate to when parents are present with their child, they then feel the parent is responsible and the risk is reduced.

Key themes amongst the supportive comments included the following:

- Some respondents felt that this proposal would allow for community provision to be able to continue to operate where parents are engaged in training, support, faith or community activities, whilst their children are being cared for elsewhere in the building. (8)
- A small number noted that if parents were on-site, they would be able to attend to their child immediately (4)
- A small number felt that this proposal would allow parents to exercise their parental choice and make a choice as to whether the provision is suitable to care for their child (3)
- A small number felt that the proposal is proportionate and balances the risks and benefits (3)
- A small number felt the change avoids unnecessary administrative and financial burden that may cause providers to withdraw their service (2)
- A very small number of respondents noted that when parents remain on site, the safeguarding risk is lower, and thus mandatory registration would not be proportionate (1)

Key themes amongst the responses outlining risks and concerns included the following:

- Some expressed the view that all provision for children under the age of 4 should be registered if the parent is not with the child in order to meet their needs (13)
- Some felt that if parents aren't in the same room, they are unable to monitor the level of care and protect or safeguard their child, so the risk level remains the same (8)
- Some expressed the view that providers should be required to meet best practice e.g. expectations regarding DBS and safeguarding (6)
- Some respondents (6) highlighted the need for clearer guidance to ensure both providers and parents fully understand their responsibilities, specifically regarding what constitutes the 'premises' and the parent's availability.
- A small number felt that the exception should not apply to coaching and tuition as children of this age are unable to engage with this (4)

- A small number noted the need for clear guidance to help providers and parents understand their responsibilities, define premises and availability of parents (3)
- A small number of respondents felt that the phrase 'on the premises' is open to interpretation (3)
- A small number noted the potential for difficulties monitoring if parents stayed on site (2)
- A small number felt that some parents don't understand the difference between registered and unregistered provision leading to confusion and misplaced trust (2)
- A very small number felt that the focus should be on safety and welfare of children rather than parental convenience (1)

Registered focus group

Participants that shared views on this disagreed with the proposal. They stated that the presence of parents on the premises, but not in the room, does not sufficiently mitigate safeguarding risks for children aged 2 and under. They emphasised the need for registration in such cases to ensure proper standards, training and accountability. They could not see how the parents remaining on premises would change the care provided to the child or possible risks.

Unregistered focus group

Some participants shared views on this and expressed agreement with the proposal. They felt that the presence of parents on-site provides a sufficient safeguard, and that enforcing registration in these cases could unintentionally restrict access to valuable support services. A very small number highlighted that such arrangements are common in local authority-led parenting courses and baby groups, and that requiring registration could significantly reduce the availability of these supportive services. They also emphasised the importance of this flexibility for communities such as asylum seekers and refugees, where access to formal childcare is limited and participation in educational programmes like English for Speakers of Other Languages (ESOL) depends on this kind of childcare.

Parent focus groups

Most participants stated that registration should still be required if parents are not in the same room as their child, even if they are elsewhere on the premises. They believed that being nearby doesn't guarantee safety, especially for children aged 2 and under.

Welsh Government response

Given the support to the proposal that providers offering child minding, day care or coaching and tuition for children aged 2 and under, when parents remain on the premises (but not present during the session) should not be required to register, when the care is for 2 hours or less or 5 days or fewer a year, the Welsh Government intends to include this provision within the proposed 2026 Order. As noted in response to question 5, the Welsh Government intends to remove children aged 2 and under from the coaching and tuition exception. Furthermore, the Welsh Government considers the concerns raised by respondents to Question 10 and 11 relating to activities such as church-based crèches, where parents are nearby but not in the room are mitigated by this proposal. The Welsh Government proposes to publish guidance to support the understanding and application of the 2026 Order.

Question 12: Would you like to make any further comment on the content of the Draft Child Minding and Day Care Exceptions (Wales) Order 2026?

A total of 50 respondents provided comments in relation to this question. Respondents provided a wide range of detailed feedback, offering valuable insights which, will be useful in supporting the implementation of the regulations. Key insights from the submitted comments are summarised below by theme:

Safeguarding and oversight

- Many respondents expressed their preference for regulation of all activities to safeguard children (13)
- A small number cited concerns regarding the standards of unregistered provision (5)
- A small number expressed a preference for a compulsory approval scheme (2)
- A very small number suggested that provision outside regulation needs to be subject to robust, mandatory safeguarding requirements (1) with one noting that all people outside a family who care for children should be registered (1)
- A very small number of respondents called for a form of registration and monitoring for providers such as clubs and babysitters but raised concerns regarding CIW's capacity to administer full registration for them (1)
- A small number of respondents had the view that the proposals would promote safeguarding (2)
- A very small number of respondents stated the draft Order appears driven by a desire to extend registration than by evidence of harm or risk in current arrangements (1)

Clarity

- Some respondents highlighted the importance of clear definitions (8) and a small number noted the importance of clear and accessible guidance for providers (3)
- Some were concerned there could be a risk of 'loopholes' (7), and a small number of respondents called for clear and accessible communications for parents to support their understanding of registered and unregistered care (3)
- A small number of respondents expressed strong support for the review of the Exceptions Order, with a very small number referencing key reports that underpin the recommendations. Noting that it highlights the value of the current consultation in clarifying regulations and enhancing child safeguarding measures (4)
- A very small number of respondents' view was that this offers clarity (1), whereas another respondent called for clarity to ensure faith based and cultural activities remain accessible and affordable (1)

Balancing competing needs

- Some respondents mentioned the need to get the right balance of safeguarding children and accessibility of provision for families (6)
- A small number highlighted the possibility of an increase in regulatory and/or financial burden on volunteer-led provision, will likely close community provision, resulting in a reduction in opportunities for children, with a disproportionate effect on faith-based and Welsh-medium provision cited (3)
- A small number of respondents raised concerns that unregistered settings have lower costs, thus creating a two-tier sector where registered providers struggle to compete (1)

Sector specific considerations

- A small number of respondents highlighted that coaching and tuition exceptions are subject to broad interpretation – highlighting concerns of the playwork sector not addressed (2)
- A very small number of respondents suggested that schools offering before and after school provision should not be required to register or be time-limited (1)
- A very small number of respondents called for the Welsh Government to commission research on whether registered settings are safer than unregistered, conduct a full cost-benefit analysis of proposed changes including on volunteer capacity, consider alternative approaches to strengthen safeguarding and ensure regulatory interventions are proportionate to identified risks (1)
- A very small number of respondents reported that there is no mention of issues regarding location in play and holiday activities within the consultation (1)

- A very small number of respondents called for an exemption for youth organisations (1)

General comments

- Some respondents expressed the view that the consultation was very complex and difficult to understand (6)
- A small number of respondents highlighted the need to consider this alongside the outcomes of the consultation on the National Minimum Standards; and the development of the proposed VAS that is part of this consultation (2)
- A small number of respondents called for assurance that any impact of the Order, including cost implications, are monitored (1)

It is worth noting that some comments suggested that a few respondent views were that there was a relaxation of exception requirements rather than strengthening.

Welsh Government response

There were a number of other comments made which the Welsh Government have considered in finalising the draft 2026 Order.

Summary of responses – Part B: Development of Proposed Voluntary Approval Scheme

The following section details the responses and comments that were received in relation to the development of the proposed Voluntary Approval Scheme (VAS).

Question 13: Do you agree or disagree with the aims of the proposed Voluntary Approval Scheme?

Written responses

	Agree	Disagree	Neither agree nor disagree	Don't know	Responses
To allow families to access Tax-Free Childcare and Universal Credit Childcare to pay for a greater range of services where both the family and provider are eligible	63.8% (60)	26.6% (25)	9.6% (9)	0% (0)	94
To verify the provider has met set approval criteria, including basic safety checks, which may offer some reassurance to parents about their choice of provider	77.4% (72)	18.3% (17)	4.3% (4)	0% (0)	93
To help develop a better understanding of, and provide support and information to the unregistered sector who sign up to the Voluntary Approval Scheme	76.9% (70)	17.6% (16)	5.5% (5)	0% (0)	91
					94

A majority of respondents (63.8%) agreed with the aim of the proposed VAS.

Summary of comments

There was a total of 46 comments made in response to this question. The key themes amongst the responses included the following:

- Many respondents said the scheme offers families the opportunity to utilise financial assistance to pay for childcare, play and activities which some noted could improve access and flexibility (14)
- Many felt that the scheme offers a baseline criteria with improved safeguarding, standards, assurance or consistency for unregistered provision (13)
- Some stated that the scheme could be of assistance to unregistered providers by offering support, monitoring, increased knowledge and oversight of provision (9) with one respondent noting it could be seen as a 'stepping stone' to registration (1)
- Many felt that the proposed scheme would not be robust enough to ensure safeguarding standards or be effective as a mechanism to support quality improvement with a greater emphasis needed on these factors (13)
- Some highlighted the potential negative impact the VAS could have on the registered sector (10) for example by exacerbating elements of unfair competition by allowing unregistered providers to offer financial benefits to families, the potential of registered provision deregistering and operating under the VAS may be taking away any incentive to register
- Some felt that the scheme would create complications in the registered/unregistered landscape which could be difficult to understand and possibly give a false sense of assurance (8) with a very small number of respondents advised that the difference would need to be clearly communicated (1)
- Some respondents highlighted potential difficulties in applicability of one scheme to be relevant and proportionate across various providers and/ or how the scheme can accept various qualifications (5)
- A small number felt that the scheme may be seen as burdensome and not financially viable for some providers (3)
- A small number of respondents specifically note the VAS may not be taken up by provisions with substandard quality or safeguarding (2)
- A very small number of respondents commented that the risk associated with fraud may be apparent with a light touch approach (1)

Registered focus group

Some participants felt that financial incentives were being prioritised over child safety, through allowing unregistered settings to access government funding without having to meet the same requirements and standards as registered settings. They also felt that this would undermine the value of registered providers who are required

to meet strict standards and undergo inspections, and this would harm the sector's integrity.

A participant recognised that many unregistered providers operate responsibly and follow best practice and for those kinds of provision the VAS could support sustainability and be of benefit to the parents, but still felt that funding should only be available to registered settings.

Some participants raised concerns that parents wouldn't understand the difference between registered and unregistered provision if funding is available for both.

Parent focus groups

A participant expressed concern that the aim of providing access to financial support blurs the lines of what 'care' is. Another participant shared the view that increasing the number of providers families can use financial support for would be beneficial to give families access to more provisions.

Welsh Government response

Although there was overall support for the proposed aims for developing a VAS in Wales for childcare, play and activity providers, the responses suggest the need to strengthen and ensure the aims accurately reflect the scope and limitations of the VAS to manage expectations. The Welsh Government have reflected on these comments and propose revising the aims of the proposed VAS to take onboard this feedback.

Question 14: Which of the approval criteria outlined above do you feel should be required for the proposed Voluntary Approval Scheme?

Written responses

	Response Percent	Response Total
Being 18 or over	88.9%	80
Having completed emergency paediatric first aid training	87.8%	79
Having completed a safeguarding intermediate course of at least Group B/ level 2 specification	96.7%	87
Having completed the Childcare Essentials for Providers of Childcare, Playwork and Activities	75.6%	68
Having a current enhanced DBS (Disclosure and Barring Service) check	97.8%	88
Not being barred from regulated activity with children or be unsuitable to work with or have unsupervised contact with children	95.6%	86
Having public liability insurance which covers death, injury, damage or other loss	93.3%	84
The applicant will be required to make a self-declaration, (which will not be followed up or checked by Care Inspectorate Wales), that they understand and will employ best practice on behalf of the provision in relation to: <ul style="list-style-type: none"> • The 'Working together to safeguard people: code of safeguarding practice' including safe recruitment practice, complaints procedures and risk assessment. • If serving or handling food, food hygiene. • Have regard to sector best practice guidance in relation to staffing, premises, record keeping, child safety, health and well-being. 	75.6%	68
		90

Most respondents **agreed** with each of the approval criteria elements for the VAS. The agreement range was 75.6 - 96.7% across the approval criteria.

Summary of comments

There was a total of 48 comments made in response to question 14.

Respondents provided a wide range of detailed feedback, offering valuable insights, some of which made suggestions on further criteria that should be included for the scheme. These responses are summarised in the next section on question 15.

Key themes amongst the comments included the following:

- Many respondents expressed concerns about elements of the criteria being a self-declaration which could be seen as a false assurance unless properly understood (12). A very small number of respondents noted that this should be clearly outlined so that parents can understand the 'weak' oversight (1)
- Many highlighted concerns about the approval criteria being applied to the applicant only, with queries and comments relating to whether the approval criteria would apply to other staff working in the provision (12)
- Many raised queries about the relevance and/or the proportionality of the criteria across various provider types, with some suggestions that other training may be more suitable for certain providers (10), such as nannies or coaches/tutors. There was also the suggestion that equivalent training and qualification should be considered. There was also the suggestion smaller, or volunteer led providers may find approval onerous that these providers should be supported (1)
- Some respondents agreed with the criteria being important to provide a good baseline and some core features (8)
- Some felt that the potential levels set out in the criteria were too basic, with suggestions for example, that there needs to be more advanced expectations in place in terms of first aid and safeguarding (5)
- A small number felt that the scheme was not appropriate, feeling that all providers should be registered or the scheme should be mandatory (3). A very small number of respondents noted the scheme should be monitored and enforced (1)
- A small number highlighted the potential negative impact developing the VAS will have on registered providers (3)
- A small number of respondents queried the local authorities' roles in supporting the VAS (3)
- A small number felt that unregistered providers may have all these criteria features in place anyway (2). Some suggestions were made to strengthen the criteria feeling it is not sufficiently robust, for example by adding the need for membership with a professional body (1). A very small number of respondents made suggestions to relax the criteria by reducing them to the Childcare Essentials course and DBS only (1) or reducing the age to 16 (1)

Registered focus group

Participants raised concerns about the VAS's impact on safeguarding and sector standards. They felt that requirements for staffing, safeguarding and first aid training were insufficient. They also felt there was too much reliance on self-declaration. Participants called for clearer accountability, stronger safeguards and a re-evaluation of the scheme to ensure it does not compromise quality or safety.

Participants did not feel the VAS was fair in that providers would be able to join having to evidence 10 points only, which is significantly less than is required for full registration. This led to providers questioning why registered providers have such a significant number of requirements if the core components can be narrowed down to 10 features.

Unregistered focus group

Overall, there was support for a VAS in principle, with the view that it could help demonstrate quality and build trust with parents.

However, participants emphasised the importance of clear guidance, flexibility in recognising relevant qualifications, and consideration of the practical challenges faced by different types of providers. Participants identified that there may be barriers for them around the practicality of meeting the requirements for voluntary approval, especially for organisations that rely on volunteers, both in terms of costs and logistics. They stated that the added burden of additional training and safeguarding expectations could be difficult to manage alongside existing responsibilities.

Queries were made regarding how the VAS would apply to nannies which were already on the nanny scheme and had met those basic requirements. Some unregistered providers feel their training and qualifications are more relevant to their provision than the Childcare Essentials for Providers of Childcare, Playwork and Activities course which they could see as less valuable to their provision.

Welsh Government response

Although there was overall support for the proposed criteria required to be able to be on a VAS, suggestions were made to strengthen the criteria and consider who needs to demonstrate those requirements. The Welsh Government have reflected on these comments and will consider this feedback to inform further development and refinement of the proposed VAS to take onboard this feedback.

Question 15: Are there any other criteria that you think should be included?

Written Responses

Summary of comments

A total of 43 respondents provided comments in relation to this question.

Respondents provided a wide range of detailed feedback, offering valuable insights which will be useful in supporting the implementation of the regulations. Key insights from the submitted comments are summarised below:

- Many respondents highlighted the need for providers to have relevant qualification/training and/or experience to the provision (11)
- Many respondents highlighted consideration of environmental factors (10) including the suitability of the building, and health and safety factors, with suggestions including premises checks and insurances
- Some respondents emphasised the need to strengthen the safeguarding requirements (10), for example asking for a safeguarding policy, increasing the safeguarding training from group B to C, and all staff/ household members being DBS checked and/or having safeguarding training
- Some respondents noted the need to include a child development, playwork or childcare qualification/ training or experience as a requirement (9). Some respondents suggested including food hygiene or allergy awareness (5) and some respondents suggested including requirements around safe recruitment/ volunteer practices (5)
- Some respondents made a wide range of other suggestions that related to administrative requirements (5) including providers having clear policies and procedures (e.g., complaints, lockdown, equality and diversity), ICO registration, paperwork such as business plans and registration forms. Some queried the local authorities' roles (3), with a very small number of these suggesting providers allow visits from them (1)
- A small number of respondents made suggestions for different training courses including PREVENT (1), COSH (1), equality and diversity (2), risk assessment (3), and ALN (2)
- A small number of respondents noted that GDPR should be a requirement (3)
- A small number of respondents suggested the inclusion of membership to an umbrella organisation could be a requirement (2)
- A small number of respondents felt the criteria should include staff ratios (2)
- A small number of respondents felt the eligibility criteria and training should extend to all staff and not just be required of the applicant (2)

Registered focus group

Some participants felt that a requirement to promote the Welsh language should be added as a requirement. One participant expressed that training in additional needs should also be required.

Welsh Government response

There were several suggestions for a range of additions to be made to the proposed criteria required for the VAS. The Welsh Government have reflected on these comments and will consider this feedback to inform further development and refinement of the proposed VAS.

Question 16: Which of the features above do you think would be proportionate to include as part of the management and oversight of the proposed Voluntary Approval Scheme?

Written responses

	Response Percent	Response Total
The proposed Voluntary Approval Scheme would be managed by Care Inspectorate Wales (CIW).	82.8%	72
This would be an administrative scheme meaning there will be no quality judgements from CIW and CIW would not be required to inspect.	44.8%	39
The approved provider would be required to renew annually and there would be an annual fee.	63.2%	55
Details of the approved provider would be passed onto the local authorities. Approved providers could then receive support, information, advertisement and guidance from the local authority should they wish.	81.6%	71
The approved provider would be required to notify CIW in the event of a conviction, caution, change of name, address or contact details.	89.7%	78

CIW would not become involved in any day-to-day complaints regarding the approved provider.	40.2%	35
In the event of a safeguarding concern, CIW would not undertake any investigation / inspection and would liaise with the local authority carrying out the safeguarding process to establish the outcome. CIW will then decide on an appropriate response in relation to ongoing approval.	49.4%	43
CIW would suspend approval or withdraw an approved provider from the scheme if the outcome of any local authority safeguarding investigations concluded that the provider exposes or may expose one or more of the children in their care to the risk of harm.	78.2%	68
CIW would refuse an application to the Scheme and withdraw an approval if the approval criteria are not/no longer met.	78.2%	68
An approved provider or applicant will be provided with notices of any decisions in relation to suspension, withdrawal or refusal of an application and will have 28 days to make an appeal by submitting representations.	79.3%	69
CIW would immediately suspend approval when considered necessary and appropriate.	79.3%	69
		87

Most respondents (63.2 - 89.7%) **agreed** to 8 aspects of the management and oversight features.

A **minority** of respondents **agreed** with:

- CIW not becoming involved in any day-to-day complaints regarding the approved provider (40.2%)
- It being an administrative scheme meaning there will be no quality judgements from CIW and CIW would not be required to inspect. CIW will then decide on an appropriate response in relation to ongoing approval. (44.8%)
- In the event of a safeguarding concern, CIW would not undertake any investigation / inspection and would liaise with the local authority carrying out the safeguarding process to establish the outcome (49.4%)

Summary of comments

There was a total of 48 comments made in response to this question. Key themes amongst the comments included the following:

- Many respondents highlight that providers may find the fee a deterrent to joining the scheme with examples of volunteer-based provision and multi-site provisions finding this difficult (13)
- Many respondents expressed queries and concerns about local authorities' roles (and capacities) in working with CIW on the management and oversight elements and supporting approved providers (12). Some examples of where the local authority role was questioned was in relation to training, complaints and safeguarding. A very small number of respondents felt that the scheme should be managed by local authorities rather than CIW (1). A very small number of respondents stated that resources need to be made available to both CIW and local authorities to ensure the scheme can be effectively implemented (1)
- Some respondents noted that safeguarding roles and responsibilities need to be set out (5) with more specific suggestions being made, for example local authorities to invite CIW to the professional strategy meeting
- Some respondents highlighted the need for clear guidance on how complaints about the provider should be dealt with (9)
- Some respondents felt that the level of management and oversight is not sufficient (5). A very small number of respondents noted the scheme is not considered fit for purpose (1). A small number of respondents felt there should be inspections (3) and another small number of respondents felt the oversight should be akin to registered settings. A small number of respondents noted that if the scheme is managed by CIW they should have a role in safeguarding and complaints
- A small number of respondents felt that the VAS offered a middle ground with the need to ensure a proportionate approach that gets the balance right (3). A very small number of respondents noted the details set out in this section create distinction between this and registration (1)
- A small number noted the difficulties of establishing a scheme which suits a range of providers (2) and a very small number of respondents noted the oversight and management is now making the process too much like inspection (1)
- A small number of respondents noted the need to have mechanisms in place to avoid fraudulent claims from being made (2)

Registered focus group

A number of participants expressed concern about the proposed VAS's lack of regulation, oversight, and safeguarding standards. Some participants felt it risks creating unfair competition with registered providers who must meet stricter CIW

requirements, while voluntary settings face lighter obligations and have no accountability through inspections.

Some participants stated that the scheme's reliance on self-declaration and absence of monitoring was seen as undermining the sector's integrity. Some participants felt that it could devalue CIW's role and make the sector more confusing for parents.

Unregistered focus group

A very small number stated that loopholes were evident due to the lack of monitoring.

Parent focus groups

Participants broadly supported the VAS for expanding childcare options, but they emphasised the need for regular oversight. They said that checks are essential to ensure safety and accountability, especially for younger children. Two participants raised concerns about the risk of providers self-declaring compliance without follow-up.

A participant felt that the scheme may introduce complexity in the childcare sector.

Welsh Government response

There were several suggestions for a range of amendments to be made to the proposed management and oversight of the VAS. The Welsh Government have reflected on these comments and will consider this feedback to inform further development and refinement of the proposed VAS.

Question 17: Which of these providers do you believe should be eligible to seek approval on the proposed Voluntary Approval Scheme?

Written responses

	Response Percent	Response Total
Child minders or day care providers that are run by a local authority or school for 2 hours or less and at any point of the day.	68.5%	50
All child minders or day care providers who operate either side of the school day for 2 hours or less.	71.2%	52
All child minders or day care providers that run for a period of 2 hours or less at any point during the day.	68.5%	50
Home based childcare i.e. babysitters, nannies and au pairs.	69.9%	51
In-person coaching and tuition that run under the coaching and tuition exemption for more than 2 hours in the proposed list of activities: (a) sport; (b) expressive and creative arts; (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being (d) religious or cultural study. This may include residential childcare (e.g. activity camps) that run for fewer than 28 days in a 365 day period and are not facilitated/arranged by schools during school time and where parent or carers are not present.	82.2%	60
Child minders or day care providers (including coaching and tuition activities) who operate for 5 days or fewer per year.	63.0%	46
Providers offering child minding or day care for children aged 12-16.	71.2%	52
		73

The **majority** of respondents **agree** with the 7 of the proposed providers who should be eligible to seek approval on the proposed VAS.

Summary of comments

There was a total of 39 comments made in response to this question. Key themes amongst the comments included the following:

- Some expressed the view that all providers should be registered and/or the VAS should be mandatory (11)
- A very small number of respondents expressed the view all providers should have strict rules, oversight, monitoring and checking (1). A very small number of respondents commented that all provisions for children aged 8 and under should be registered, another felt 4 and under
- Some respondents expressed support for all kinds of exempt providers being eligible to join the VAS to be inclusive (6)
- A small number of respondents noted that the opportunity to join the VAS was also considered to enable exempt providers an opportunity to support, encourage and promote good practice and safety practices amongst the unregistered sector (4). A very small number of respondents commented that VAS may validate their provision (1)
- Some respondents did not see the appeal of joining the VAS for some of the providers listed (4), with a query about whether a single scheme can be relevant to all kinds of providers
- In terms of specific provision, small numbers of respondents: noted that the VAS would be suitable for playwork provision (2); raised concerns about the inclusion of residential provision (2); and queried how the scheme would correspond with the Approval of Home Childcare Providers (Wales) Scheme 2021 (1)
- A small number of respondents commented on the inclusion of provision for 12-16 year olds (with those in support feeling it would provide more opportunities for children with disabilities and the other feeling those with 12-16 year olds that require childcare should be using registered provision) (2)

Registered focus group

A very small number identified that they felt the VAS was suitable for a very select few types of providers, for example unregistered providers who operate in line with the standards of a registered provision but are not registered due to being unable to find qualified staff. The participant acknowledged that such providers would benefit from the scheme.

Unregistered focus group

A participant that represented a community and volunteer-led organisation identified that there were practical implications that may make joining the scheme impractical

for them. They felt the administrative burden and training requirements could be too demanding for volunteers.

One participant noted that there could be scope for part of their organisation to join the scheme.

Views were provided from large national (in Wales) organisations which already have mechanisms in place which, in some respects exceeded the requirements of the VAS in terms of tailored qualification requirements to the provision or mandatory training. The participants indicated the VAS may not offer their organisations benefits beyond what they already have in place financially or training wise.

Parent focus groups

Participants suggested that the VAS could include providers who are currently difficult to register formally but still deliver safe and quality care. These include nannies, au pairs, babysitters, and family centres where children are not left unattended. They also suggested charity-run organisations offering workshops or clubs with trained volunteers, and play schemes for children aged six and above that follow strong policies but find CIW registration too complex. They felt that including these types of providers could make the scheme more inclusive and practical.

Some respondents indicated mixed views. Some respondents highlighted cost difficulties charities or smaller organisations may experience in joining the scheme. Some respondents felt being on the scheme could be a way of providers illustrating they do meet some standards.

Welsh Government response

The Welsh Government intends to consider further the comments and feedback from the consultation in relation to the proposed list of providers who should be eligible to seek approval on the proposed VAS. This will be done as part of further development and refinement of the proposed VAS.

Question 18: Do you agree or disagree with the principle that the scheme should have a joining fee for providers who seek approval on the proposed Voluntary Approval Scheme?

Written responses

	Response Percent	Response Total
Agree	44.4%	40
Disagree	30.0%	27
Neither agree nor disagree	20.0%	18
Don't know	5.6%	5
		90

A minority (44.4%) of respondents **agreed** that the scheme should have a joining fee.

Summary of comments

There was a total of 42 comments made in response to this question. Key themes amongst the comments included the following:

- Many respondents noted that having a joining fee may be prohibitive and may discourage providers from joining (17)
- Many respondents felt that if the scheme should proceed with a joining fee then this should be kept low as not to disincentive providers from joining (12)
- A small number of respondents felt that there should be consideration of financial support for providers to pay the fee with consideration of tiered payment schemes or reduced fees to certain providers, for example charities (4). A very small number of respondents noted providers may feel left out if unable to pay the fee (1)
- A small number of respondents suggested the need to explain the benefits of the scheme or offering incentives for seeking approval (3)
- A small number of respondents considered it unfair to charge a fee for the VAS when registration is free (3)
- A small number of respondents felt that charging a fee could signal commitment and professionalisation of the provider (3)

Unregistered focus group

Some participants identified that a fee could be prohibitive in their own circumstances. It was advised that providers operating over multiple sites having to pay multiple fees could be problematic. Another participant stated that they would not

want the fee to be higher than that charged for joining the Approval of Home Childcare Providers (Wales) Scheme.

Welsh Government response

The Welsh Government intends to consider further the comments and feedback from the consultation in relation to whether a fee is payable by those applying to be on the VAS as part of further development and refinement of the proposed VAS.

Question 19: The Welsh Government is proposing to create a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers. This scheme would be available to providers who are exempt from registering as child minders or day care providers. Having considered the details and development of the work to date, do you agree or disagree that a Voluntary Approval Scheme should be developed for Wales?

Written responses

	Response Percent	Response Total
Agree	51.1%	48
Disagree	35.1%	33
Neither agree nor disagree	13.8%	13
Don't know	0.0%	0
		94

Just over half (51.1%) of respondent **agreed** that a Voluntary Approval Scheme should be developed for Wales.

Summary of comments

There was a total of 39 comments made in response to this question. Key themes amongst the comments included the following:

- Many respondents expressed the view that all providers should be registered or a preference for a compulsory scheme (10)
- Some respondents highlighted potential benefits to families, and it allows families access to financial support (8)

- Some respondents felt that the proposed scheme is not sufficiently robust and does not go far enough in terms of oversight, safeguarding and/or quality assurance (7)
- Some respondents highlighted possible difficulties and practicalities in the scheme working for a range of provisions (4) with queries regarding the likely take up (3)
- Some respondents felt the scheme would allow providers to demonstrate compliance verification with the eligibility criteria and professionalisation (6)
- Some respondents felt that it could offer some degree of safeguarding and quality assurance (6)
- Some respondents felt that the VAS could enhance parental choice and provide reassurance (6)
- Some respondents expressed concerns or queries about the fee (4)
- Some respondents noted the potential negative impact on the registered sector and the potential for providers to de-register and operate under the VAS (4)
- A small number of respondents suggested the scheme would increase knowledge of and support to the unregistered sector with some associating this with additional workload on local authorities (3)
- A small number of respondents noted the potential for the VAS to make the landscape more complicated by adding tiers to the system and potential to create confusion for parents (3)

Registered focus group

Participants were opposed to the proposals for a VAS. Participants expressed concern regarding lack of accountability, safeguarding standards, and clarity for parents. A participant stated that the scheme would create a two-tier system that undermines registered provision, devalues professional childcare, and risks placing children in unsafe environments. Participants stated that mandatory registration, clearer communication to parents on what settings are and aren't registered, and greater support for existing registered settings were needed instead of the scheme.

The registered focus group were generally of the view that all providers should be registered indicating a view that the unregistered sector is unsafe. They did not feel the VAS provided robust safety measures to provide adequate safeguarding. They also advised they felt deflated, devalued and demoralised by the proposal feeling the basic criteria was a stark contrast to regulations the registered providers need to adhere to. Some participants expressed concern about the impact on their business with a comment stating this *“could well put us out of business”*. Some participants felt the Welsh Government should focus efforts on supporting the registered sector in the first instance. Others expressed the view that the scheme should be mandatory.

Unregistered focus group

There was a limited response from the participants however a very small number of the participants generally agreed with the principle of a VAS, seeing value in increased demonstrating standards and access to funding. However, they emphasised the need for careful design to ensure the scheme is practical, affordable and recognises the diversity of providers and qualifications in the sector.

Parent focus groups

Participants broadly supported the idea of a VAS as a way to improve consistency and safety. Many felt that all childcare services should be subject to some form of oversight to ensure basic standards are met and to provide peace of mind for families. There was concern that without checks or follow-up, the scheme could lack accountability.

Some participants felt that registration should be mandatory, particularly for services involving younger children or where parents are not present. Others said that they saw value in a voluntary option for exempt settings.

Participants expressed the view that that they thought all providers caring for children where the parents are not present should be registered. This was particularly evident in comments relating to younger children.

Welsh Government response

The Welsh Government considers on balance it is more beneficial to proceed with developing a VAS than the current position of having registration or nothing. The VAS could be beneficial to families in Wales, especially in relation to child poverty and help with the cost-of-living crisis.

In proceeding, the Welsh Government will ensure that the scope and limitations of the VAS are clearly and transparently communicated. This will help manage expectations, improve understanding and ensure the public are able to make informed choices. This will also support understanding that the VAS is not able to or intending to mirror or substitute registration under the Children and Families (Wales) Measure 2010¹. It is the intention that guidance on explaining the difference between registration and approval status will also be provided.

¹ <https://www.legislation.gov.uk/mwa/2010/1/contents>

Summary of responses – Part C: Impact assessments and mandatory questions

The following section details the responses and comments that were received in relation to impact assessments and the mandatory questions.

Questions relating to the Draft Regulatory Impact Assessment (Q20-Q22)

The draft regulatory impact assessment relates to regulatory proposals only and thus only considered the proposed changes set out in the draft Child Minding and Day Care Exceptions (Wales) Order 2026.

It does not therefore consider the proposed Voluntary Approval Scheme (VAS). A number of respondents shared views regarding the VAS in questions 20-22 and their comments have been reported in the following summary.

For some comments, it was unclear if respondents referred to the Exceptions Order or proposed VAS or both. Every effort has been made to identify whether the comment relates to the Exceptions Order, proposed VAS or both. Only comments relating to the Exceptions Order will be factored into considerations relating to any amends of the Regulatory Impact Assessment.

Question 20: What risks, if any, do you feel should be further recognised within the draft regulatory impact assessment?

There were 64 responses to this question. Key themes amongst the comments included the following:

- **Reduction in Provision (11):** A concern raised by some respondents was that increased regulation or changes to registration requirements could lead to a reduction in the availability of volunteer-led, community, faith-based, rural, and Welsh-medium childcare and play activities, with some of these respondents focussing on the proposed changes to coaching and tuition activities from 2 to 1 in their responses. Some respondents advised that the additional administrative burden, costs, and complexity of seeking registration will discourage volunteers and small providers, resulting in closures or reduced services. Some respondents commented that this would be particularly impactful for rural and deprived communities, where such activities may be the only opportunities for children to socialise and access support, potentially exacerbating social isolation and

inequality. A few respondents advised of the possible de-registration of provisions who may wish to seek voluntary approval instead.

- **Impact on Rural, Welsh-speaking, and Marginalised Communities (3):** A small number of respondents outlined the potential for disproportionate impacts on rural areas and Welsh-medium provision. Some of these respondents noted that these groups are already vulnerable to exclusion and may be particularly affected by changes that reduce the availability of community-based activities or create additional barriers to access. Closure of provisions who may be unable to register is also noted to have a disproportionate impact on families in low-paid or insecure employment. A very small number linked this with the risk that regulatory changes could restrict the ability of faith communities to provide activities and transmit their beliefs and values to the next generation, drawing similar points to Welsh language transmission. This could reduce the diversity of provision and potentially undermine social cohesion within communities. A very small number raised concern that the proposed VAS could widen existing inequalities, especially for families with no recourse to public funds who struggle to meet eligibility requirements for financial support.
- **Safeguarding Risks (13):** Safeguarding is a theme mentioned by many respondents in their responses. Although some of these responses did not specify what their safeguarding viewpoint may be, some respondents expressed concerns that exceptions, VAS, or general lack of oversight could compromise child safety. Some respondents highlighted the risks of insufficient checks, inadequate training, and the absence of robust monitoring for unregistered or voluntarily approved providers. There was a view amongst some respondents that all providers should be registered to ensure the safety and wellbeing of children, and that any dilution of these requirements could expose children to harm.
- **Confusion, Ambiguity, and Parental Misunderstanding (7):** Some respondents pointed to confusion and ambiguity in the proposed exceptions and proposed VAS, warning of potential misunderstandings among both providers and parents. There was concern that people may not know who needs to register, what is regulated, or what the VAS will potentially entail. This could result in a sense of false assurance for parents. A small number of respondents outlined the need for guidance to support communication. A very small number commented on the need for clarity of CIW and local authority roles.
- **Burden and Costs of registration requirements (on Providers and CIW) (13):** Many respondents highlighted the risk that increased requirements will create unsustainable administrative, inspection and training burdens for providers, volunteers and CIW. Many raise concerns that the additional workload and costs could overwhelm both providers and the regulatory body itself, ultimately leading

to fewer services available to families. There were also concerns about the financial viability of providers required to meet new qualification or registration standards. Similar comments were made in relation to the development of the VAS in terms of costs of meeting the approval criteria. A very small number suggested that unregistered providers may increase their fees unnecessarily in the knowledge increases will be met by Tax Free Childcare and Universal Credit Childcare.

- **Workforce Standards and Training (7):** Some respondents expressed concerns that lowering qualification requirements or allowing approval could undermine the quality and professionalism of the childcare workforce. Others outlined that the training and qualification requirements could be a barrier to registration and the VAS. There was recognition amongst responses that the proposed changes will increase demand for training and qualifications, which may be difficult to meet given current capacity and resources. There was a call from some respondents for consideration of how the training will be funded, delivered and monitored with a very small number of respondents linking this to equitable access. A few respondents reported that maintaining high standards for staff qualifications and ongoing professional development is seen as essential to ensuring safe, high-quality provision for children.
- **Grandparents and Family-based Care (2):** A small number outlined risks related to proposals affecting grandparents or relatives providing care including potential loopholes or unfair access to funding. There was apprehension that some may exploit exceptions for family-based care whilst others may be unfairly excluded from support, leading to inconsistencies and unintended consequences in the system.
- **Oversight and Accountability (6):** A few responses outlined some concerns and questions about oversight and accountability, with questions raised about who will be responsible for safeguarding and quality of voluntarily approved settings. A few respondents commented that the lack of oversight associated with the VAS is a risk and that without clear lines of accountability and robust monitoring, important issues could slip through the net.

Question 21: What benefits, if any, do you feel should be further recognised within the draft regulatory impact assessment?

There were 47 responses to this question. Key themes amongst the comments included the following:

- **Safeguarding, Quality Assurance and Professional Standards (12):** Many respondents highlighted that expanding registration and introducing the VAS would enhance safeguarding for children, quality assurances, raise professional standards, and provide greater reassurance for parents. The changes were seen as a way to ensure that all providers meet consistent standards.
- **Clarity and Guidance (4):** Although a small number of respondents felt the rewording of the Exceptions Order would give clarity, a small number of other respondents noted there was a need for guidance and called for simple, jargon-free language to make the requirements more accessible.
- **Support for Families and Providers (5):** Some respondents noted that the proposed changes could offer benefits to families including financial support, such as access to funding for childcare. Providers could potentially benefit from more training opportunities and support, become more financially viable and the scheme could help smaller clubs and groups better understand children's rights and improve their provision. A very small number commented that alignment with national priorities including the Curriculum for Wales, the Play Sufficiency Duty, and Cymraeg 2050 would further strengthen the relevance, coherence, and impact of the scheme across early years and childcare policy.
- **Professionalisation and Workforce Development (3):** Some respondents commented that the VAS was seen as an opportunity to professionalise the unregistered sector, support workforce development, and align with national priorities like the Curriculum for Wales and the Play Sufficiency Duty. Some respondents suggested that the scheme could help build capacity and raise standards across the sector. Some respondents noted the VAS could be seen as a stepping stone to registration.
- **Reassurance and Parental Confidence (6):** Some respondents felt that the changes would provide parents with greater peace of mind. Some respondents commented on this in relation to registration and knowing that provision is regulated, whilst others commented on this in relation to the VAS and that providers need to meet basic eligibility criteria. A very small number of respondents commented that a list of approved providers would help parents make informed choices.
- **Recognition of Wider or Specific Provision (4):** A small number noted that recognising a broader range of providers, including faith-based organisations, would help ensure that all types of provision are supported and held to appropriate standards. Another respondent identified that the proposals could impact on provision for children with Additional Learning Needs who fall outside the typical day care ages. A very small number noted that 10 year olds could

receive more support with transition to secondary school and with personal, social and educational needs.

Question 22: What costs, if any, do you feel should be further recognised within the draft regulatory impact assessment?

There were 46 responses to this question. Key themes amongst the comments included the following:

- **Cost to Providers (20):** Many comments related to the cost associated for providers either by needing to meet the requirements of registration or approval criteria for the VAS. A small number of comments related to the costs associated with staff time to complete required paperwork.
- **Cost to Local Authorities (8):** Some respondents highlighted the increased costs that would be incurred by local authorities. Examples were given in relation to their role in supporting additional providers drawn into the requirement to register and implementing and supporting providers who become approved. The comments gave examples of associated costs with providing more safeguarding and first aid training, administrative costs and marketing of the VAS. A very small number suggested that the Welsh Government training and support grant could possibly support with costs.
- **Cost to CIW and SCW (6):** A small number of respondents noted the costs associated with implementing and administering the changes related to the exceptions and the VAS that would be incurred by Social Care Wales and CIW.
- **Gap in Provision (2):** A small number noted that faith-based and volunteer-led provision may currently be filling a gap in provision of care by the government. They will likely not be able to meet the financial or administrative burden of registration and may withdraw services. A small number of respondents held the view that this gap in provision will then need to be filled and funded by the government.
- **Other (2):** A small number mentioned the cost of making families aware of changes.

Question 23: What comments, if any, do you have on the draft impact assessments, particularly the impact of the draft order on children, families, those living in socio-economic disadvantage and people with protected characteristics (including evidence you feel should be considered)?

There were 43 responses to this question. Key themes amongst the comments included the following:

- **Safeguarding and Quality of Care (12):** Some respondents commented on the potential for improved safeguarding and higher quality care through regulation and oversight. Some of the respondents felt this was especially relevant for children with disabilities or children aged 2 and under, with a few respondents expressing the view that regulated environments improved quality of care. A very small number outlined that the proposals could help ensure children have contact with safeguarding trained adults. On the other hand, some respondents were concerned that a lack of oversight (especially via VAS) could increase risks for children, particularly those in disadvantaged groups. Some respondents had the view that regulation and registration can reassure parents about the quality and safety of care.
- **Access to Financial Support and Costs (12):** Some respondents had the view that the proposed changes and development of the VAS will help families access financial support (e.g., Tax-Free Childcare, Universal Credit Childcare). A few respondents made specific reference to the positives for families living in socio-economic disadvantage and the changes leading to more choice and opportunities to access funded places. A very small number were of the view that children who attend coaching and tuition, do not fall into the socio-economically disadvantaged groups the changes are designed to help. A small number of respondents had concerns that increased costs or administrative burdens could force some providers to close, reducing options for families. A very small number of respondents outlined that providers may increase their fees to cover costs of approval.
- **Impact on Disadvantaged and Rural Communities (7):** Some respondents had concerns that families in deprived or rural areas may be disproportionately affected by these changes where free or low-cost community and faith-based activities are often the only accessible options, and changes could increase social isolation or reduce opportunities for children from these backgrounds.
- **Inclusion and Additional Learning Needs (ALN) (2):** A small number of respondents had concerns that children with disabilities or additional needs are at particular risk. They highlighted that smaller providers may lack resources to support these children without extra funding or training, potentially leading to unintentional exclusion.

- **Impact on Faith-Based and Volunteer Providers (3):** A small number of respondents had a concern that faith-based and volunteer-led organisations often provide essential, low-cost childcare and new requirements could undermine their ability to operate, impacting religious freedom and community cohesion. A very small number of respondents noted possible closure of church creches, increasing social isolation and limiting how people of faith can interact with and access their religious communities.
- **Children's Rights and Participation (3):** A small number of respondents, stressed the importance of considering the impact on vulnerable groups and centring children's rights and voices in policy development with some referencing the UN Convention on the Rights of the Child (UNCRC).
- **Age Thresholds (2):** A very small number raised concerns about the focus on children aged 2 and under, with some questioning the justification for this threshold and its proportionality. A very small number of respondents stated that parents/carers may have to remain with children aged under 3 and costs of accessing childcare and play services for this age group may increase.
- **Workforce and Provider Diversity (1):** A very small number commented that the childcare workforce is predominantly female and often underpaid. As a result, there was a concern that approval costs and administrative burdens may disproportionately affect working-class providers, reducing diversity in the sector. Further comments relating to workforce related to the VAS possibly creating a displacement for registration and could possibly further create what is seen as unfair market competition to the registered.
- **Monitoring, Implementation and Support (4):** A very small number expressed the view that effective implementation, ongoing monitoring, and targeted support for smaller and rural providers was seen as essential to ensure equitable outcomes and avoid unintended negative impacts. A few respondents commented of the importance of ensuring support and guidance to ensure providers are well-supported to deliver inclusive, high-quality care.

Question 24: What, in your opinion, would be the likely effects of the proposal on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

There were 56 responses to this question. Key themes amongst the comments included the following:

- **Opportunities to Promote Welsh Language Use (14):** Some respondents were of the view that new registration requirements and the VAS could set higher standards for Welsh language provision, offering more opportunities for children to receive services in Welsh. This was seen as a chance to embed commitment to the Welsh language across various childcare and coaching activities. The “Active Offer” (ensuring Welsh is available without request) is mentioned by a small number of respondents as a positive driver as registered providers would need to comply, thus promoting the language. A further few commented that the changes were seen as having the potential to increase families’ access to Welsh medium childcare with particular examples noted about encouraging opportunities for Welsh outside of formal education, helping with the transition to Welsh medium education and the increased opportunities for delivery of Welsh language youth services to provide encourage and support social use of Welsh . A small number of respondents noted the changes could lead to more parental awareness of Welsh language. A small number felt the VAS could offer more opportunities for Welsh speakers to work in the sector due to lower qualification requirements. A small number of respondents note there being an opportunity for these changes to support the objectives of national policies such as Cymraeg 2050.
- **Risks and Adverse Effects (8):** A small number of respondents expressed concern regarding the risk of closure for some Welsh-medium services, particularly smaller or volunteer-led groups, due to increased regulatory or registration burdens. This could reduce opportunities for children to use Welsh socially and impact language transmission between generations. A small number of respondents were concerned that requirements might discourage some providers from registering, or lead to de-registration, which could diminish the quality and visibility of Welsh language provision. A very small number noted concerns that in areas with few Welsh speakers, settings may struggle to provide Welsh language services and should not be disadvantaged for this. Another small number expressed having a Welsh language requirement may discourage some providers from joining the scheme or extending their provision beyond 2 hours. Some Welsh language provision could deregister and move to the VAS which could be seen as losing an incentive for Welsh language efforts which are encourage through being registered. A small number of respondents noted concerns about the accuracy and clarity of translations and the need for clear, accessible information to support understanding of complex requirements.
- **Mitigation and Support Measures (14):** Many suggestions made included the provision of additional financial support, training, grants, and guidance for Welsh-

medium providers. A small number of respondents suggested the VAS presents an opportunity to set expected standards for commitment to Welsh language which may in turn increase Welsh-medium provision. A very small number suggested offering free or reduced-cost training and support materials in Welsh, ensuring all scheme materials, training, and support are available in Welsh from the outset. A very small number proposed an exemption for volunteer-led provision below certain thresholds from some requirements. Other suggestions made by a very small number of respondents included requiring applicants to have a Welsh speaker, introducing a compulsory scheme, developing a public register of approved provision detailing whether the provision offers Welsh provision and actively promoting the VAS to Welsh medium provision.

- **Role of Local Authorities (6):** A small number of respondents noted that local authorities are seen as key in supporting Welsh language provision, promoting services, and ensuring that families are aware of their options. A small number of respondents noted the changes could result in more local authority knowledge of Welsh language provision and the ability to provide support.
- **Diverse Perspective (7):** Some respondents believe the proposals will have little or no impact, either positive or negative, on the Welsh language, especially if the scheme remains voluntary and bilingual. A very small number of respondents stated that safeguarding and quality of care should take precedence over language requirements, or that language should not be a barrier to participation in the scheme.

Question 25: In your opinion, could the proposal be formulated or changed so as to: have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or mitigate any negative effects on using the Welsh language?

There were 39 responses to this question. Key themes amongst the comments include:

- Some suggested ensuring all training, guidance and approval processes are bilingual and encourage use of Welsh by providers (6)
- A small number suggested the inclusion of or embedding of the 'Active Offer' (3)
- A very small number suggested actively embedding Welsh language promotion (2) and aligning the work with the Cymraeg 2050 goals (1)
- A very small number suggested an exemption for tutoring in Welsh and one other subject (1)

- A very small number suggested that removing the proposed changes to coaching and tuition exceptions will mitigate adverse negative effects on Welsh language provision such as churches operating through the medium of Welsh (1).
- A very small number of respondents noted the closure of Welsh-medium provision in small communities would be irreversible and have an adverse effect on language (1)
- A very small number suggested providing targeted support and reduced-cost pathways for Welsh-medium providers (1)
- A very small number suggested providers could be encouraged to provide information regarding the benefits of Welsh education (1)

Question 26: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

There were 29 responses to this question. Only comments that are not elsewhere noted in this summary report are covered in this section. Key themes raised amongst a minority of respondents included the following:

- **Regulatory Consistency and Fairness (1):** Where exceptions differ between English and Welsh legislation, a 'postcode lottery' may be created for children who live on the border in respect of attending regulated provision and having regulatory oversight
- **Suitability of provider consideration (1):** The view that anyone deemed unsuitable to provide a service should only be deemed so for a period of time and this should be reviewed if they wished to work in a different role at a different setting
- **Coaching and tuition (1):** Sports clubs offering one sport should be regulated by CIW
- **Evidence gap (1):** Concerns regarding lack of evidence for proposals with the suggestion that the Welsh Government commissions research to consider the comparable safety of registered and unregistered settings, impact assess volunteer capacity and community provision, consider alternative approaches to strengthening safeguarding, ensure proportionality of interventions to risk and further engagement with the voluntary and faith sectors
- **Views of parents and children (1):** Consider feedback from consultation with parents, noting parents view that there is a shortage of after-school and holiday

childcare and changes must not worsen this. Parents view childcare as paid, safe, qualified care that is fun and social for children. Consider feedback from pre consultation work with younger children who reported childcare is often not a choice for young children, and they go because someone takes them. However, the majority view this as a happy, fun experience for their enjoyment and a space to play and make connections

- **Play and mobile provision (2):** It was noted play opportunities that support child development are declining due to registration requirements, so a review is needed to create a quicker registration process for play schemes without removing qualification standards. Mobile provision would benefit from one registration for multiple locations but individual risk assessments and plans for each location
- **Administrative concerns (1):** Concerns regarding too many rules and regulations causing confusion and complications. Additional administrative and financial requirements may discourage volunteer-led or smaller community providers from signing up, leading to potential inconsistencies in safeguarding standards and reduced opportunities
- **Concerns about effectiveness of VAS (2):** Concerns regarding how equity and quality will be assured, unintended consequences monitored and acted upon, along with how financial pressures on providers will be managed. Not addressing these gaps may risk inconsistency in safeguarding, uneven provision and exclusion of providers due to cost and administrative burdens. VAS may not achieve its intended impact, as organisations already meeting high standards are the most likely to participate. Volunteer-led or smaller community organisations may choose not to engage, potentially creating inconsistencies in safeguarding standards across the sector
- **VAS implementation (3):** Requirement for a sensible lead in time for the VAS. Suggestion for an All-Wales support network for providers signing up for VAS and separate documentation to the National Minimum Standards to avoid confusion

Welsh Government response (Q20-26)

Respondents provided a wide range of detailed feedback in response to Questions 20 to 26, offering valuable insights. Their observations highlighted a variety of benefits, risks, and potential impacts. The Welsh Government has reviewed and drawn on these comments in updating and amending both the Integrated Impact

Assessments and the Regulatory Impact Assessment, which will be published alongside the draft 2026 Order.

The impacts identified through feedback on developing the VAS will also be considered alongside the ongoing development and refinement of the scheme.

Next Steps

The Welsh Government is grateful to everyone who took the time to respond to this consultation.

As a summary document, not all the issues raised in responses will have been reflected fully, but each response has been considered carefully.

Exceptions Order:

In summary, the Welsh Government have considered the responses to the consultation and will be taking forward the following changes to the exceptions:

- Permitting relatives to act as childminders in certain circumstances.
- Aligning rules for nannies, au pairs, and babysitters.
- Allowing youth services to deliver transitional youth work to 10-year-olds without being required to register.
- Adjusting coaching activities for children aged 4 and under to a maximum of 2 hours.
- Excluding coaching/tuition exception for children aged 2 and under.
- Removing 2-hour and 5-day exceptions for children aged 2 and under except where a parent is present or on the premises and can be summoned.
- Updating categories of coaching and tuition
- Requiring day care registration for schools where there are pupils aged 2 and under in attendance.
- Preventing suspended providers from operating under the exceptions relating to time-limited provision (2 hours or less per day).

These changes will feature in the 2026 Exceptions Order. It is anticipated that the 2026 Exceptions Order will be made in April 2026, come into force in April 2027 and will be fully enforceable by April 2028 following a year transitional period.

In addition, where comments have been made that need to be addressed, but would not require changes to the proposed 2026 Order, they will be addressed in guidance that will be published to support implementation. The Welsh Government proposes to publish guidance on the 2026 Exceptions Order to support the understanding and application of the 2026 Exceptions Order.

Voluntary Approval Scheme:

The Welsh Government recommends proceeding with development of the VAS, ensuring transparency about its aims and constraints, clarifying that it is not a substitute for registration, and supporting implementation with clear guidance and robust evaluation.

The next stage of work will be to refine the details of the VAS. The anticipated target date for implementation of the VAS is April 2027.

Annex: List of respondents

Bishopston Play Association
Boys' and Girls' Clubs of Wales
Bridgend County Borough Council
Brighter Minds Childcare Ltd
Caerphilly County Borough Council
Care Inspectorate Wales (CIW)
Ceredigion County Council
Children in Wales
Children's Commissioner for Wales
CIMSPA
Clwb Cymer Ofal
Clybiau Plant Cymru Kids' Clubs
Conwy County Borough Council
Coram PACEY Cymru
Corwen Day Nursery
Craig Lamourne
Cytun – Churches Together in Wales
Early Years Wales
Estyn
Evangelical Alliance in Wales
Flintshire County Council
Fun Foundations Day Nursery
Holly Roberts
Jane
Little Achievers Childminding
LMT Academy of Performing Arts
Merthyr Tydfil County Borough Council
Mess Up the Mess Theatre Company LTD
MonLife (Monmouthshire County Council)
Mudiad Meithrin
NDNA Cymru
Neath Port Talbot Council
Nifty Kids Childcare Services
Ofsted
Pam Curtis
Play Wales
Powys County Council
Rhondda Cynon Taf County Borough Council
ScoutsCymru
Social Care Wales
The Church in Wales

Tina Freitas Childminding
Torfaen County Borough Council
Vale Childcare & Early Years Team, Vale of Glamorgan Council
WLGA
WLGA on behalf of Wales Principal Youth Officers' Group

FOOTNOTE: It should be noted that this is not a comprehensive list of respondents, it only includes the respondents who did not wish their response to be anonymous.