



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Independent review of childcare and early education registration, regulation and inspection

Independent review of childcare and early education registration, regulation and inspection

Overview

This document reports on the findings of the independent review of childcare and early education registration, regulation and inspection. This review was conducted by Professor Karen Graham from Glyndŵr University.

Action required

None – for information only.

Further information

Enquiries about this document should be directed to:

Early Years Team
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
e-mail: earlyyears@wales.gsi.gov.uk

Additional copies

This document can be accessed from the Welsh Government's website at www.learning.wales.gov.uk/resources or www.wales.gov.uk/educationandskills

Contents

Glossary	2
Executive summary	4
1. Introduction	14
2. Early childhood education and care	20
3. A quality framework for early childhood education and care	23
4. The regulation of early childhood education and care	31
5. Inspection of early childhood education and care	38
6. Working together	45
7. The workforce	48
8. Assessment	57
9. Regulation of childcare that operates for less than two hours or for children over eight years of age	60
10. Conclusions	63
Appendix 1: Summary of recommendations	71
Appendix 2: Summary of recommendations in order of recommended implementation date	77
Appendix 3: Staged approach to achieving recommended outcomes	83
Appendix 4: Members of the working group	84
Appendix 5: List of consultations	91
Notes	93

Glossary

Childcare	Childcare is provision during which the needs of the child (care, play and education) are delegated to, and accepted, by a third party in the absence of a parent
CSSIW	The Care and Social Services Inspectorate Wales is responsible for regulating and inspecting social care and social services to make sure that they are safe for the people who use them.
Early Childhood Education and Care (ECEC)	<p>'Early Childhood Education and Care' is the terminology used at European level to describe services that broadly combine education and care in one seamless experience for young children and their families.</p> <p>In the context of this Review, ECEC services include childcare settings such as day nurseries, registered childminders, out of school clubs (breakfast, after-school and holiday), pre-school playgroups, Cylch Meithrin, along with schools that provide Foundation Phase education.</p>
Education	Any experience (whether guided or autodidactic) that has a formative effect on the way one thinks, feels, or acts.
Estyn	Estyn is the office of Her Majesty's Inspectorate for Education and Training in Wales. The purpose of Estyn is to inspect quality and standards in education and training in Wales.
Flying Start	Flying Start is the Welsh Government targeted Early Years programme for families with children under 4 years of age in some of the most deprived areas of Wales
Foundation Phase	The Foundation Phase is the statutory curriculum for all 3 to 7 years old children in Wales in both maintained and funded non-maintained settings
Learning and development	In early childhood, learning and development go hand in hand encompassing children's cognitive, social, emotional and brain development. It encompasses education (see above) but is used in this document to encompass a broader sense of what children need to provide them with the best start in life.
Maintained Sector	The maintained sector comprises provision in publicly funded primary schools and nursery schools.
Non-maintained Sector	The non-maintained sector comprises a diverse range of regulated provision including childminding, full daycare, sessional care, crèches, open access play, after school clubs and unregulated provision e.g. open access play for children over the age of age 8 years and any provision operating for under two hours. Some will provide funded Foundation Phase provision.
NMS	The National Minimum Standards for Regulated Child Care (NMS) which apply to child minders and providers of day care for children under the age of eight years who are required to register in accordance with the provisions of Part 2 of the Children and Families (Wales) Measure 2010 and its associated regulations.
Registration	Registration of services focuses on compliance with legal requirements. Registration will offer a licence to operate to levels of compliance required in a given setting

Regulation

Any licensed service will be required to perform to nationally set regulatory standards that comply with legislation. Standards are legally enforceable by the regulating authority, the inspectorate.

UNCRC

United Nations Convention on the Rights of the Child

Executive summary

The Welsh Government's aim is to provide 'every child with the best possible start in life'¹. This ambition for children in Wales is shared across the early childhood care and education sector and by the membership of this working group.

The sector is notionally divided into the maintained and non-maintained sectors. The maintained sector relates to provision in publicly funded primary schools and nursery schools. The non-maintained sector comprises regulated provision including childminding, full daycare, sessional care, crèches, open access play, after school clubs and unregulated provision e.g. open access play for children over the age of age 8 years and any provision operating for under two hours.

The inspection and regulation processes relate to provision operating for over 2 hours and for children under 8 years old only.

Early Childhood Policy

We recognise that early childhood policy is concerned not only with providing learning, development and care to young children but that it is also linked with issues of women's employment and equality of opportunity; child development; child and family poverty issues; Welsh language development for children and transmission of Welsh language across the wider community; labour market supply; health; social welfare; and, later, education.

Key policy areas aiming to deliver this ambition include Flying Start and Foundation Phase. While these policies are based on the best international evidence of what works and produces the best possible start for children,² we recognise that early intervention, universal and specialist services are not delivered in isolation. International research now provides us with a blueprint for the kind of structures that result in the best outcomes for children based on a holistic pedagogical approach to early childhood that is supported by integrated structures at all levels, joint working principles and partnership working with parents.

The current challenge is recognising and building on the value of a whole system approach (policy, workforce and regulation) and the task of drawing together the strength of policy and best practice from across the children's sector to achieve consistent, needs-led delivery for children in Wales. This review has provided the opportunity to take a radical look at the existing structures to determine whether they are truly fit to efficiently and effectively support high quality early childhood care and education. Our recommendations have been developed based on the growing international evidence of what best supports children's development but set in the real-world context of limited resources and budgetary pressures. Nonetheless, we also believe that given its importance in meeting so many of Welsh Government's policy objectives, Early Childhood Education and Care would benefit from short term increased resourcing focussed on bringing about a simplified systemic change.

A Single Quality Framework

In Wales, provision in both the maintained and non-maintained sector has developed over time, building on systems and standards in an attempt to adapt to changing societal patterns of childcare needs and entry to early education systems. The process of 'building on' current systems has created a dual system with each inspectorate predominantly focussed on either care or education. Attempts to bridge the divide between the two inspectorates, to bring about a holistic approach to provision that is improved through the vehicle of inspection, have failed as the contributions of each inspectorate has been limited by regulation; the parameters of their roles and responsibilities.

The outcome is a system that is becoming ever more unwieldy and in which the needs of the most vulnerable children, those living in poverty and other disadvantage, are least met. At the same time we benefit from a dedicated and committed workforce and an open desire to provide more and better for the children and families attending provision in Wales.

This review concludes that the development of a Single Quality Framework is an essential foundation upon which to build effective and efficient structures. A Single Quality Framework utilises the proven experience of both inspectorates

and has the potential to unify the sector by ensuring all providers, wherever they operate, commit to providing for the holistic needs of the child. Clearly articulated and carefully planned the Single Quality Framework would allow for diversity in settings and across sectors while offering equity of standards of provision to all children and families. It would combine the commitment of a dedicated workforce with a seamless quality of service upon which to build aspirational standards, a strengthened workforce strategy and draw together a range of initiatives aimed to offer the very best of Early Childhood Education and Care for all children - from those needing compensatory and the most support to those needing stretch and challenge.

In addition to driving up quality in all provision the new Single Quality Framework has the potential to begin at conception and continue through to the Foundation Phase and beyond. It has the potential to draw together expertise from a range of service providers offering support from conception onwards. It provides the opportunity to strengthen multiagency and integrated service provision and effectively and efficiently engage providers in coherent early intervention strategies. From three years onwards children and families could continue to benefit from early intervention and specialist provision in addition to strengthened universal provision such as that provided by the Foundation Phase.

Recognising that the single periodic vehicle of inspection alone is not likely to bring about systemic change, the proposed Single Quality Framework is intended to offer a national structure. Building upon current strengths and drawing together best practice, the Single Quality Framework provides opportunities to develop national benchmark standards underpinned by consistency and standardisation, including and beyond inspection.

The current system of inspection for services provided to children of the same age is complex and varied. The complexity of the system potentially detracts from the development of a holistic approach to meeting the developmental needs of children. For those providers (non-maintained) subject to dual inspection regimes, some aspects of provision are inspected once (education) while other

aspects of provision (care) are inspected multiple times in the same period. At the same time, short term provision operating for two hours or less is not required to register, is not inspected and has no safeguard at all. The development of a Single Quality Framework provides an opportunity to standardise expectations for all provision while reducing the burden of inspection, thereby offering better use of the limited specialist resource available by avoiding duplication of inspection and applying a risk led strategy to the frequency and type of inspection conducted – a model that directs resources to where they are most needed and where they will have greatest impact on children and families in Wales.

Regulation and inspection

The current system of regulation and inspection is built on an outdated assumption that young children in school are not receiving care while the same children in day care are not learning. We now have a more holistic view of early childhood development and recognise that the strongest provision meets the broadest view of child needs. The split system of inspection is not only unlikely to support outcomes that give children the best start in life, but is overly complex for parents, providers and those supporting the sector to reliably understand. There is considerable duplication of both effort and resources between the regulator and inspector (CSSIW and Estyn) and across local and national government.

We therefore recommend that the artificial distinction made in legislation between 'care' and 'education' in the context of early childhood is removed and that services should combine to provide one seamless experience (protection, care and education) for young children and their families. Further, we recommend that from 2016, regulations under the Children and Families (Wales) Measure 2010 and those elements of the Guidance for the Inspection of Primary Schools and Non-Maintained Settings (Education Act 2005) relating to provision for pupils aged seven and under be replaced with a single set of Early Childhood Education and Care Regulations and Standards, accompanied by a clear set of guidance and that a new Single Quality Framework is introduced.

Inspection of ECEC services in Wales is currently split between the office of Her Majesty's Inspectorate for Education and Training in Wales (Estyn) and the Care and Social Services Inspectorate for Wales (CSSIW). This split-regime is a situation that has developed for historic reasons aligned to the separate development of 'care' and 'education' and, because providers often work to inspections, serves to perpetuate the divide.

An integrated regulatory framework brought about by adoption of a Single Quality Framework requires an integrated regulator and inspector that brings with it the benefits of the combined expertise of both Estyn and CSSIW. The diverse cultures of the two existing inspectorates (Estyn and CSSIW) do not lend themselves to the holistic, rights-based, child centred approach that is needed to support the learning and development, and the economic imperatives that safeguard current and future generations, of children.

Our recommendation is that - as originally envisaged by the Welsh Assembly Government in 2002³ - a unified approach to inspection replaces the dual early childhood responsibilities of both Estyn and CSSIW from 2016. While there may be initial costs in setting up a unified inspection system, in the longer term operational costs would be drawn from existing budgets reducing duplication and therefore cost.

Working Together

There is strong international evidence that children and families benefit the most in countries where the care and education elements within early childhood are unified. Currently in Wales, responsibility for ECEC is split along traditional lines with one Minister responsible for the education element and another for care. For ECEC policy to be effective, the evidence shows that policy-making must also be coordinated within Government and while it is reported that this is currently managed at departmental level and clearly, ministerial matters are for the First Minister to determine, for policy to be effective we recommend that there should be single ministerial responsibility for ECEC. We also recommend that responsibility for ECEC should be unified at a local level by setting up regional ECEC Boards along the same geographical lines as education

consortia. This would balance local decision making with the need to improve consistency in access to, and quality of, services across Wales while providing opportunities to develop expertise and share best practice through a more cost-effective model of delivery.

Quality

Unified inspections and changes to structural regulations will lead to quality improvement, but only if complementary measures such as consistent definitions of quality, quality assurance schemes and continuing professional development are in place. Evidence suggests that inspection alone will not be enough to drive up the quality of ECEC provision, particularly for the youngest children.

At present, depending on sector or location, ECEC services receive different messages from regulators and inspectors, are offered varied levels of support and work to differing quality frameworks. This situation is reported to be causing confusion and mistrust and limits the ability of ECEC providers to set goals that will be reliably recognised by the range of stakeholders involved as steps towards quality improvement.

We recommend that a new ECEC Single Quality Framework should be developed offering clear, concise, moderated and standardised guidance to ECEC services aligned to the new regulatory and inspection regime by 2016. The Single Quality Framework must recognise the importance of the variables that have been shown by research to make up high quality ECEC while allowing for the diversity of provision and communities served by provision across Wales.

Workforce

In Wales, there is no uniform qualification requirement for the ECEC workforce and it is another way in which the care and early education elements of early childhood services are unhelpfully distinguished. This is perpetuated by the split regulatory and inspection frameworks and by long-held and carefully guarded professional traditions.

Yet, there is consistent evidence of the positive impact for children made by appropriately qualified, higher-level practitioners across ECEC services. Settings that have staff with higher level qualifications, and particularly those led by qualified teachers have the highest quality outcomes with children making the most developmental progress.

We are at risk of falling behind in this area in Wales by; not requiring higher-level qualifications in non-maintained settings; accepting low minimum qualification requirements for practitioners in the non-maintained sector; allowing ambiguity and disparity over the required qualifications of teaching and learning assistants working in schools and the level of experience and specialism required of teachers leading Foundation Phase. Wherever early childhood services are delivered they should be supported by a high quality aspirational workforce delivering age-appropriate services informed by a robust understanding of child development.

We are therefore recommending that we should aspire to a fully-qualified and graduate-led ECEC workforce in Wales, without recourse to the non-specialist graduate model adopted in England, but one that is trained and experienced in work with younger children. This will take time, and require an incremental approach, building upon the strength of the existing foundations provided by the Care Council for Wales.

Firstly, we recommend that a clear and coherent workforce strategy for all early childhood practitioners be developed by 2015. Secondly, regulations should be revised to require appropriate level 5 competency assessed qualifications for practitioner leaders (such as CCLD Advanced Practice route) in all newly registered settings from 2018, and all settings from 2020. There should be an additional requirement for managers of larger settings (20 children or more) to hold an appropriate level 5 management qualification (such as CCLD Level 5- Management route) from 2020 (anticipating a Level 6 competency based route for graduate leadership be developed and become the aspiration for setting leaders by 2024). Thirdly, by 2022, all ECEC practitioners counted within regulated ratios should be appropriately qualified to level 3 or working towards a

level 3 work-based learning qualification to be achieved within a three year period (this should include childminders; they should be allowed three years from their initial registration to achieve this) and that ECEC practitioners counted within ratios to deliver funded Foundation Phase (in schools and non-maintained settings) or Flying Start services should undertake at least 5 days of continuous professional development training annually. Finally, we recommend that a new early childhood specialist route to Qualified Teacher Status should be introduced specialising in child development in the years from birth to seven and the Foundation Phase from 2017.

Assessment

There is no consistent approach to child development assessment across Wales at the present time. This results in missed opportunities for early intervention, problems when children make the transition from one setting to another, confusion when different professions are involved with a child and no opportunity to gather data to inform policy. We therefore welcome the development of a 'Made in Wales' Assessment Tool for the Foundation Phase as set out in *'Building a Brighter Future Early Years and Childcare Plan'*. However, we feel that the proposals should go further to ensure that a free at the point of use, comprehensive, on-going common assessment tool (common across professions, settings, agencies and sectors) is developed for use across all early childhood settings 0-7 years.

Regulation of childcare that operates for fewer than two hours or for children over eight years of age

The Group was asked to look at the issue of whether any change should be made in the regulation of childcare that operates for fewer than two hours or for children over the age of eight. From the perspective of children's rights it is very difficult to justify the arbitrary - though pragmatic – situation whereby some services are not obliged to register or be inspected, particularly when anecdotal evidence suggests that those using these settings are those least likely to be able to afford to pay for registered provision. Children in these settings deserve an equal quality of service and families using these provisions have the right to a

proportionate measure of quality control and an assurance with regard to safety of the services provided.

A consequence of the current situation is that parents using unregistered settings, are not able to claim the Childcare Element of the Working Tax Credit nor are they able to claim tax relief through the Employer Supported Childcare scheme. However, in the context of putting the welfare and interests of the child first it is clearly wrong to use public funding to support settings in which public authorities have no meaningful measure of the safety of that provision. This is likely to be of greatest detriment to children living in poverty and who may be further disadvantaged by using unregulated childcare

Our recommendation is that all settings should be required to register with the new ECEC Inspectorate and be subject to proportionate requirements of registration, regulation and inspection.

Recommendations

The report concludes that a varied and inequitable approach to inspection is based more on historic development of systems, based on inspection of setting type rather than child need, resulting in an unnecessarily complex and often inconsistent system of inspection. This system has become more complex with changing social need, younger children entering school based education and publicly funded provision being offered in the non-maintained sector.

The recommendations of the report (listed in Appendix 1 in numerical order and Appendix 2 in order of recommended implementation date) are in line with the principles of the Working Group and a child first and child focussed philosophy. The outcome is a recommended simplification of current systems brought about by increased co-operation, collaboration and integration. These key drivers are identified as those most likely to support implementation, promote quality and bring about a more cohesive, effective, efficient and standardised system better able to provide for the needs of the child.

The recommended Single Quality Framework is central to the development of systems and tools that will enable providers to reliably self-assess and benchmark and standards, allowing the inspection process to standardise processes and outcomes against national transparent, moderated benchmarks. The recommended system would provide all stakeholders with clarity about the registration status of provision and improve transparency and choice.

The model for improvement is a three stage model (see page 70) built upon the foundations of a Single Quality Framework that is understood and agreed by all stakeholders to be developed at Stage 1. Stage 2 involves developing and implementing a unified approach to inspection with standardised inspection systems based on collaboration and integration. The final stage, Stage 3, is the development and embedding of and a specialist, and if necessary entirely separate, unified system of regulation and inspection.

1. Introduction

Purpose and Methodology

1.1 In October 2013 a Task and Finish Group was established by Ministers to undertake a review and evaluation to establish whether the current systems for registration, regulation and inspection of childcare, including Flying Start and early education providers, adequately support and improve quality of childcare and education across the early sector.

1.2 The Group was to comprise no more than 12 members (Appendix 1) who were appointed on the basis of their relevant knowledge, experience and expertise. The group was chaired by Professor Karen Graham of Glyndwr University and members included representatives from:

- AWARE (Local Authorities)
- Care Council for Wales
- Children in Wales
- Flying Start
- Mudiad Meithrin
- Youth Cymru
- Wales Pre-School Providers Association
- Bangor University
- PACEY Cymru
- Clybiau Plant Cymru Kids' Clubs
- Foundation Phase Advisors
- National Day Nurseries Association
- Representatives of the maintained sector

1.3 Observers from a number of other relevant bodies were also invited to attend a limited number of open meetings of the Group. These included:

- CSSIW
- Welsh Government Early Years, Childcare and Play Teams
- Estyn

1.4 The purpose of the Review was to:

- test whether the current and proposed systems for the registration, regulation and inspection of childcare including Flying Start and early education provision adequately support and improve the quality of childcare and education across the early years sector;
- consider whether the current systems for the registration, regulation and inspection of childcare need amendment in light of Welfare Reform changes, the HMRC tax-free childcare consultation and other relevant UK policy that affects early education and childcare in Wales;
- ensure that the registration, regulation and inspection legislation supports the aims and intended outcomes set out in *Building a Brighter Future : Early Years and Childcare Plan*; and
- Identify, where necessary, recommendations for improvement and / or required changes to the NMS and / or legislation.

1.5 Key tasks were to:

- review the current systems for registering early years and childcare provision;
- review the current systems for regulating and inspecting early education and childcare provision including Flying Start, with a focus on quality of experience, leadership, workforce and environment (beyond health and safety);
- review the National Minimum Standards for Registered Child Care;
- consider how to reduce the burden of registration, regulation and if appropriate inspection;
- drive improvements in quality for the benefit of children, parents / carers and the early education and childcare workforce;

- review the current system for inspecting educational standards and provision for 3-4 year olds in Foundation Phase early education settings as well as the leadership and management of that provision; and
- ensure this links with the work towards a more coherent system of assessing children in the early years, which will allow a consistent national approach to the assessment, monitoring and tracking of a child's development and progress throughout the early years, as well as an Outcomes Framework for this age group, and the other key elements set out in *Building a Brighter Future: Early Years and Childcare Plan*.

1.6 The task and finish group was required to submit a draft interim report of the review at the end of January 2014 outlining findings and initial recommendations prior to the final draft of the report being submitted by Spring 2014 to Welsh Government.

1.7 The full Task & Finish Group met on six occasions to discuss issues, to receive feedback from external consultations, examine drafts and develop recommendations. A smaller sub-group met on a number of other occasions to draft reports. Interim tasks undertaken by members of the working group and consultations with a wide range of stakeholders took place between October 2013 and January 2014. These activities included consultation within Working Group national stakeholder organisations, consultation with members of other stakeholder groups across Wales, consultation events in north, mid and south Wales, individual consultations and consultation events with identified stakeholder groups such as advisory teachers and those working with Estyn. It is important to note that consultations involved a broad range of stakeholders representing the maintained sector with contributions from those working in nursery provision only, those delivering the Foundation Phase in primary schools, advisory teachers and inspectors. In the non-maintained sector consultations took place with those representing organisations offering play, childminding services, group based childcare, daycare and wrap around provision that is both registered and unregistered from choice or because they are not permitted by regulation to register.

- 1.8 A full list of those consulted is included in Appendix 5.
- 1.9 The Group considers that recommendations made in this report will best serve all children and provide robust compensatory opportunities for those children living in poverty and those already disadvantaged. The recommendations were not reached lightly, debates were challenging and robust requiring individuals to set aside self and organisational interests in order to prioritise the needs of children.
- 1.10 The working group would like to emphasise the unanimity of all members for the proposals and recommendations contained in this report⁴.

Links with other work

- 1.11 This review follows the publication of the Welsh Government's Childcare Plan '*Building a Brighter Future: Early Years and Childcare Plan*⁵' and coincides with a number of other pieces of work related to implementation of the Childcare Plan including:
- The Foundation Phase Stock take
 - The National Evaluation of the Foundation Phase
 - Quality Judgement Framework development (CSSIW)
 - National Evaluation of Flying Start
 - The development of an Early Years Development Assessment Framework
 - Review of school support staff roles and qualifications
- 1.12 We have, wherever possible, made links with these work-strands. The child and family-centred approach to early childhood education and care services outlined within this document is unlikely to be inconsistent with other work underway in support of '*Building a Brighter Future: Early Years and Childcare Plan*', indeed, it is likely that the proposals made within this report would support improved systems of multiagency and integrated working.

Principles

1.13 The working group has taken as our starting point the Welsh nation's commitment to the United Nations Convention on the Rights of the Child. All of our deliberations have started from the point of examining what each child needs, recognising that early childhood is the most important stage in determining life chances, and have applied the following principles;

- everything in structure and delivery must serve that end;
- a consistent, whole child, needs led approach to learning and child development across all early childhood services is essential (Article 6, para 2) ensuring the child's health, well-being safety and security (Article 24);
- that children living in poverty or otherwise disadvantaged would be provided with early, compensatory opportunities that support development and learning;
- everyone working in early childhood care and education must understand the well-evidenced science of child development to enable them to provide appropriately for each child's needs at every stage to support the strongest outcomes for all children;
- all services must be shaped and provided in such a way as to enable every child the best possible opportunity to meet their full potential (Article 29);
- the most important people in a child's life are their families and those caring for children. Parents and families must be empowered and informed to enable them to engage as full partners in giving their child the best start in life (Article 18);
- early childhood care and education must have due regard to the right of the child to his/her own language and culture (Article 30) and to our national commitment to the promotion of the Welsh language and culture;
- early childhood care and education should respect and value diversity and work in a manner consistent with the promotion of equality (Article 2);

- the role of government is to put in place the policies, structures and support mechanisms to enable those delivering early childhood care and education to have the greatest positive impact on every child.

1.14 Throughout this Review we have used the terminology 'Early Childhood Education and Care' (ECEC). This is the terminology that best describes the philosophy and aspirations we would recommend. It is used at European level to describe services that broadly combine education and care in one seamless experience for young children and their families. It is the subject of a European Commission Communication published in February 2011⁶, which offers an important policy framework for all EU countries.

1.15 This review gives due regard to the principles, aspirations and targets contained in three Welsh Government documents, namely 'A living language: a language for living', (the Welsh Language Strategy 2012-2017), The Welsh-medium Education Strategy and the Duty to Comply with standards contained in the Welsh Language Measure (Wales) 2011. These principles, aspirations and targets shall apply to all sections of this Review.

2. Early childhood education and care

- 2.1 As a group we believe that Wales is uniquely placed to deliver on our ambition for children. We are a small nation where decision makers are close to service providers and to the children and families who ultimately receive services.
- 2.2 We have made an excellent start on the journey to deliver on our ambition and are the envy of many other nations. That we have enshrined the United Nations Convention on the Rights of the Child at the heart of Welsh law and policymaking is an example of which we should be proud and of which others should follow. This includes the Social Service and Wellbeing (Wales) Act 2014. This rights-based approach is given practical effect with regard to young children through the Flying Start and Foundation Phase programmes, evidencing Welsh Government's commitment to offering compensatory opportunities to the most vulnerable children, including those living in poverty and otherwise disadvantaged, and providing world leading opportunities to all children. Both approaches are well-evidenced to make the greatest difference for children and families. We now need to embrace the challenges required to fully embed and build on these approaches, working towards consistency and integration in the delivery of services that will have the greatest possible impact on the lives of children in Wales.

Challenges

- 2.3 Within Wales, childcare and early education have traditionally been treated as distinct in policy and in practice. Early education, like primary school, is seen as a public good – an entitlement – whilst childcare has tended to be treated as a commodity for parents to purchase. This conceptual divide is manifest in myriad ways: through different mechanisms for funding, regulation, guidance, pay and conditions, and as a regulated commodity, childcare is mainly dependent on very high parental fees. This contributes directly to inequalities in access to services and high levels of child poverty discouraging employment when for some families there is little net financial benefit to working after paying for childcare and by pricing many families out of the market. This distinction is not made in other countries and there is clear evidence that where education

and care are integrated there are significantly lower levels of child poverty and inequality⁷. Where split systems exist, such as in the UK, they exist side-by-side with relatively high levels of inequality, lower levels of maternal employment⁸ and child poverty⁹.

- 2.4 The 2007 European Commission's Communication on Early Childhood Education and Care¹⁰ concludes that children benefit most from a universal entitlement to full-time, high quality care and education that enables their parents to support them economically while providing them with the best opportunities for development. A universal offer of high quality Early Childhood Care and Education for all pre-school children following the end of parental leave should be our long-term goal in Wales. In the short term, the challenge is to reduce the adverse effects of a split system through greater coordination, collaboration and integration.
- 2.5 High quality investment in Early Childhood Education and Care from birth is essential to ensure that the UN Convention on the Rights of the Child is adhered to. However, in Wales, the quality of ECEC is not always as consistent as our children and their families have the right to expect. This inconsistency is evident at many levels; from how frameworks are used to describe quality, how delivery is organised and funded across different settings, how practitioners are qualified, how local authorities support delivery, how settings are inspected and regulated and ultimately how government is structured to respond to these challenges. Such inconsistency also makes it difficult for parents to consider and balance the options available to them in order to make positive choices about ECEC for their children.
- 2.6 Current structures serve to perpetuate the unhelpful cultural distinction between the care element of work with young children and activity that is regarded as 'purely educational'. While the philosophy of the Foundation Phase provides an opportunity to dismantle the artificial barriers that exist between care and learning, change has proved elusive, hindered by inconsistent interpretation of the Foundation Phase in all types of settings and at all levels. Early evaluation of the Foundation Phase supports this, having found that

outcomes are better in those settings (both maintained and non-maintained) where the Foundation Phase philosophy is most effectively implemented¹¹. This situation is reinforced by a system of dual inspection reflecting dual regimes thus reinforcing and further embedding artificial system-led duality. Both inspectorates are constrained by legislative and policy frameworks within which they must operate and it is acknowledged that these frameworks do not easily facilitate co-operation and co-working.

- 2.7 The impact of dual regimes may be mitigated by the work we are told is currently being undertaken by Estyn and CSSIW to improve the coherence of inspections in the non-maintained sector. We welcome this approach and we believe that this approach should be extended to enable CSSIW's expertise to influence the inspection of provision for the under 7s in the maintained sector.
- 2.8 To date, a determined approach has been taken by government bringing about incremental improvements to both childcare and early education but delivery has been piecemeal. To make the greatest difference a more fundamental approach is needed to reduce inconsistency, increase integration and to create simplified, efficient structures that are proven to be more effective in raising the standards that best support children's learning and development.
- 2.9 We are very conscious that each child has only one opportunity to have the best possible start in life and with this in mind, have made radical though practical and cost-effective recommendations based on clear evidence of what is known to be effective and what produces the best results for children, their families and communities.

3. A quality framework for early childhood education and care

The Current Situation

- 3.1 In Building a Brighter Future: Early Years and Childcare Plan, Welsh Government states its ambition “*to improve the quality of early education and childcare*” with agreement as to the way forward “*by June 2014*” (p. 34).
- 3.2 In Wales, there is no common quality framework in which providers of Early Childhood Education and Care can work whether they are based in schools or non-maintained provision. Depending on sector or location, ECEC services receive different levels of support and work to differing quality frameworks. These differing frameworks are split not only along the lines of education and care but between specific funding streams and different local authorities.
- 3.3 Schools and funded non-maintained settings providing Foundation Phase early education are directed by the Foundation Phase Framework for Children’s Learning (2008) supplemented by a range of thematic guidance (such as the Child Development Profile Guidance, Learning and Teaching Pedagogy) and a range of training materials published by Welsh Government. Foundation Phase settings are also supported by Advisory Teachers, in general, their role is to provide in-service training, provide support to practitioners and monitor standards.
- 3.4 Settings funded to provide Flying Start ECEC services have been issued with guidance by Welsh Government setting out the evidence base for high quality care and the expectations of providers. Flying Start settings are also supported by an Early Years Advisor or Advisory Teacher whose role it is to improve the quality of Flying Start childcare settings and to support Flying Start staff within their area.
- 3.5 In the non-maintained sector, individual sector organisations representing ECEC provision (childminders, day nurseries, out of school clubs, pre-school playgroups, Cylch Meithrin) have, over the years, developed their own quality assurance schemes with varying numbers of settings participating, supported

by their national sector organisations. Non-maintained ECEC settings are also provided with support from their local authority under their childcare sufficiency duties but the amount and extent of this support varies widely across Wales.

- 3.6 Service providers therefore receive different levels of support and work to differing frameworks in addition to being subject to the different inspection regimes as required by regulation and legislation.

Evidence

- 3.7 While research suggests that settings can vary widely in the impact they have on children's outcomes - with some more effective than others in promoting positive cognitive, social and behavioural outcomes¹² - there is no perfect prescription for delivering 'high quality' ECEC.
- 3.8 The quality of ECEC services can be seen in terms of 'structural' and 'process' variables¹³. Structural measures look at stable preconditions of education and care which might affect outcomes or development, like group sizes, child-to-adult ratios, management structure, pay, staff turnover, qualifications, group size and equipment. Some of these structural aspects are associated with better child outcomes, and are relatively straightforward levers of quality improvement that can be enshrined relatively easily in government policy. However, international research¹⁴ suggests that improvements to structural factors alone do not necessarily boost quality. Process variables, which are to do with the way children interact with and experience care, also have a large impact on child development. Examples of process factors in ECEC settings include the way activities are organised, the quality of conversations, the variety of stimulation and the warmth of practitioners.
- 3.9 High quality care is therefore made up of a combination of process and structural factors, including elements such as highly qualified teachers and practitioners, small class / group sizes, low child-to-adult ratios, age-appropriate, stimulating and challenging materials, warm interactions, developmental content, excellent and spacious physical environments with outdoor space, opportunities for educational trips, experienced staff best able

to scaffold learning and provide quality play activities, and continuing professional development for workers, all of which command higher salaries.

3.10 Structural variables can be set out using regulations or standards, but process factors are harder to quantify and therefore more difficult to address through public policy. In addition, ECEC services all operate in unique environments with different factors affecting their performance. One cohort might be made up of specifically targeted groups (such as Flying Start) while others are open to all. Settings also operate within the context of geography, culture and language. The age and grouping of children varies from setting to setting and from day to day as does the intensity and duration of education and care. Practitioners and teachers have different levels of experience, training and qualifications and providers operate with differing levels of autonomy. Even within individual settings, the nature and type of interaction can be very different between different professionals.

3.11 Research¹⁵ for Daycare Trust in 2012 explored quality in the context of inspection ratings and quality assurance schemes concluding that each had its part to play in quality improvement. Regulation and inspection plays a role in ensuring certain standards are met, in providing accountability and in external assessment on which to base decisions around commissioning (for government and local authorities) and ECEC choice (for parents) but is a relatively blunt instrument. With infrequent inspections and limited capacity for detailed feedback and support, a regulatory system on its own cannot provide all the information needed by different stakeholders (such as parents, local authorities and providers themselves) and cannot always inspire ECEC settings to improve quality or meet their needs for quality improvement. There were also inconsistencies found between inspection judgements and independent assessments of quality using Environmental Rating Scales (e.g. ECERS and ITERS). Participation in quality assurance schemes on the other hand, was found to be consistent with both higher judgement assessments by regulators and higher scores on Environmental Ratings Scales. In particular, ECEC settings which participated in a quality assurance scheme also received significantly higher judgements from inspections on a number of dimensions

(leadership and management, self-evaluation, capacity for continuous improvement, and the extent to which children's needs are met), as compared with settings not participating in quality assurance schemes.

- 3.12 OECD's comparative study of ECEC¹⁶ found that although national quality guidelines are necessary, they need to be broad enough to allow individual settings to respond to the developmental needs and learning capacities of children. Furthermore, responsibility for quality assurance must be shared by external inspectors, pedagogical advisors, practitioners, parents and children.

Issues

- 3.13 Working from the main principle that the sector must ensure children have "the best possible start in life", all children must have the right to parity and quality of ECEC provision and equal access to opportunity no matter what the child's needs, family's background and financial position or location may be. Those families who have children with additional needs, or from more chaotic households in particular, benefit from a more streamlined, co-ordinated approach within the sector. Ensuring parity of quality of available provision removes the element of "chance" when carers and parents are looking to secure an effective and appropriate placement for their child.
- 3.14 Achieving this goal requires all settings to be working to the same high level of quality provision, whether in the maintained or non-maintained system - with incentives to ensure constant and ongoing improvement – to cater for the holistic needs of each child from pre-birth to seven.
- 3.15 At present services receive different levels of support and work to differing frameworks. ECEC settings may: be inspected by CSSIW if they provide care outside of the maintained education sector; be inspected by Estyn if they provide publicly funded education; be monitored and given advice and guidance by Advisory Teachers if they deliver the Foundation Phase; be assessed for quality by Early Years Advisors if they deliver Flying Start provision; and be subject to further inspection if they participate in a Quality Assurance Scheme operated by a national sector organisation. Each body (or

in some cases each individual) has their own priority and therefore a unique perception of what constitutes high quality. Some will focus their qualitative judgements on structural factors while others concentrate on making judgements on process variables.

- 3.16 Unsurprisingly, this situation is reported to be causing confusion, mistrust and limiting the ability of ECEC providers to set goals that will be reliably recognised as steps towards quality improvement. To reduce anxiety in relation to inconsistent expectations from within and across individual inspectorates and from advisory services, both providers *and* advisory staff in the ECEC sector are calling for greater clarity about roles and responsibilities and consistency of interpretation of quality.
- 3.17 The implications of a two track, separate approach to the “care” and “education” of the child in the maintained and non-maintained sectors through two fundamentally different inspectorates weakens regulatory effectiveness. This is further complicated by the fact that providers within the non-maintained sector are not a homogenous group but a complex system of individual delivery groups delivering different types of provision with differing aims and expectations.
- 3.18 Unified inspections and changes to structural regulations can lead to quality improvement, but without other complimentary measures such as consistent definitions of quality, quality assurance schemes and continuing professional development, evidence suggests that they will not be enough to drive up the quality of ECEC provision, particularly for the youngest children.
- 3.19 As a Group we are particularly concerned with what we have heard regarding inconsistency in interpretation of quality in delivering the Foundation Phase. This has been highlighted by local authority advisory teachers, regulators, sector organisations and service providers themselves. It was also reported in the first report of the Foundation Phase Evaluation¹⁷ which found that “*the current analysis of Foundation Phase documentation reveals that there is no single clear explanation for the approach and pedagogy of the Foundation Phase that practitioners could use*”. It is unsurprising therefore, to find

inconsistency in delivery both between local authorities and maintained and non-maintained settings with no clear picture about what is, or who is delivering, best practice.

3.20 Our concern is that this inconsistency might be regarded as a failure of the Foundation Phase to deliver, when it is clear that the guidance for implementation is inadequate. Stakeholders have consistently reported a lack of: transparency, consistency and joint working within agencies that makes delivering the Foundation Phase difficult. Some providers have reported being disillusioned by advice, some to the extent that they have chosen not to seek Foundation Phase funding. Issues within the Foundation Phase are reported to be compounded by a lack of direction and support when tensions arise as a result of mixed messages between those concerned with 'care' and those concerned with 'education'. If standards are to improve and provide for the holistic needs of the child this situation needs to change.

3.21 A single, national Single Quality Framework for Early Childhood Education and Care, accessible to all services that is sufficiently clear to allow for robust self-evaluation would provide an ideal opportunity to support sector wide improvement. To support ECEC providers across all sectors a regional support network of advisory teachers / ECEC practitioners would provide more consistent support than the current local authority based services. A regional support structure would offer an integrated approach with highly trained specialist ECEC advisors supporting all settings, including Foundation Phase and Flying Start, working to a national Single Quality Framework with shared values and the ability to work closely with the regulator.

Recommendations

1. We recommend that the Welsh Government commissions a new, robust Single Quality Framework for Early Childhood Care and Education by 2015, based on the strongest evidence of how children develop most effectively in their formative years. This should be designed to encourage self-assessment and ongoing improvement across the sector and be understood and adopted widely by sector stakeholders. The new ECEC

Single Quality Framework should encourage consistent high quality provision, leading to the strongest outcomes, which are identified within the framework as milestones for each child. Enhanced child development, based on defined milestones, will become the focus for quality measures, alongside the measurement of process variables or structure, which should be a means to an end.

The ECEC Single Quality Framework should offer clear, concise and standardised guidance to early childhood care and education services aligned to a new regulatory and inspection regime by 2016. This should include integrated working systems that include health and Social Services. The Single Quality Framework must recognise the importance of the structural and process variables that have been shown to make up high quality ECEC while allowing for the diversity of provision and communities served by provision across Wales. The Single Quality Framework must enable all stakeholders, including regulators, inspectors, advisors, practitioners and children's families to have a clear and common understanding of what high quality ECEC services look like.

The ECEC Single Quality Framework must provide a national, consistent interpretation of the Foundation Phase.

2. We recommend that Welsh Government ensures that detailed guidance about the ECEC Single Quality Framework should be made available to all practitioners and settings.
3. We recommend that Local Authorities are required to provide strong, effective and consistent advisory services, in the language of the setting, to all settings in a bid to secure equality of access to quality service delivery for all children and families.
4. We recommend that the inspectorate(s) be required to ensure that quality standards to be achieved at inspection are those explicit within the ECEC Single Quality Framework through a standardised and moderated process. A uniform understanding of expectations should be delivered equally to inspectors, to advisors and those delivering services.

5. We recommend that the Welsh Government introduce Regional Early Childhood Education and Care Boards and issue these Boards with guidance, building on the Welsh Government's education consortia model. These Boards should be put in place to oversee the advice and guidance being offered; collate information about regional need to support quality delivery of services and feed information back into a national all-Wales ECEC Board, contributing to a national evaluation system. The ECEC Board would act as a conduit of information to and from government about sector development, sustainability, improvement and models of best practice.

4. The regulation of early childhood education and care

The Current Situation

- 4.1 The split systems of care and education are most clearly defined in the existence of two separate frameworks of regulation and inspection, one for education and one for care. By inference, therefore, in Wales education is considered to begin when children are 3 or 4 years of age with provision for younger children defined as care.
- 4.2 Welsh Government assumes greater responsibility for education for children over three years and invests more public funding in early education than in childcare services for younger children. Consequently, differences exist in funding, access, quality and workforce, leading to problems of inequality and lack of continuity for children, parents and workers.
- 4.3 Early childhood settings deemed to be providing care for children under the age of 8 years are regulated under the Children and Families (Wales) Measure 2010 and inspected against the National Minimum Standards for Regulated Child Care by the Care and Social Services Inspectorate Wales (CSSIW) on a one or two-year cycle.
- 4.4 Schools in the maintained sector providing early education to young children are regulated under a range of legislation including the Schools Standards and Framework Act 1998 and the Education Act (2005) and are inspected by Estyn on a six year cycle. Schools, even those providing ECEC to children from the age of three, are not deemed to be providing care and are therefore not regulated under the Children and Families (Wales) Measure 2010.
- 4.5 Young children, often those living in less affluent households and least likely to be able to afford the costs of consistent childcare, frequently move between part-time 'education' and part-time 'care' on a daily basis. Parents will utilise whatever services are available to match the working day and those that they can afford.

- 4.6 Some 700 ECEC non-maintained settings (day nurseries, pre-school playgroups and Cylch Meithrin) that provide funded Foundation Phase early learning and care are subject to regulation under both the Children and Families (Wales) Measure 2010 and the Education Act (2005). These settings are therefore subject to dual inspections by both CSSIW and Estyn (see page 38) if they offer care for periods of 2 hours or more.
- 4.7 Unregistered settings, the number of which cannot be quantified, are not regulated or inspected. These settings operate for less than two hours, they may be unable to register or choose not to register for reasons related to the cost of maintaining minimum standards or because they simply cannot offer provision that meets minimum standards.

Evidence

- 4.8 The first few years of life can lay down either strong or weak foundations for children's subsequent development. The period between birth and three sees cognitive, linguistic, social, emotional and motor development. Inadequate stimulation or barriers to opportunities for productive learning at this age can lead to sizeable and lasting gaps in attainment¹⁸. There is now a broad evidence base demonstrating that interventions in the first years of life, in the form of high quality early years care and education, have a positive impact on this early development, particularly for children who are living in poverty or who are otherwise disadvantaged. This in turn leads to better outcomes, in both the short and medium term, than those experienced by children cared for at home. The Effective Provision of Pre-school Education¹⁹ (EPPE) longitudinal study has found that *high-quality* early childhood care and education enhances all-round development, can provide compensatory opportunities for disadvantaged children in particular and can have a significant effect on tackling inequality. International evidence corroborates the fact that these positive impacts on equality last into adult life. For example, in Norway the expansion of ECEC was found to have had the greatest effects on children with lower-educated mothers, and produced the most positive long-term outcomes for women in the

form of increased labour market attachment and reduced likelihood of low wages²⁰.

- 4.9 The regulation and inspection of ECEC services clearly has a part to play in promoting the kind of high quality provision that is needed if children are to be given strong developmental foundations. Yet the evidence that we have heard from both the regulators and inspectors themselves as well as ECEC providers and practitioners suggest that the current regulatory and inspection systems in Wales do not promote a consistent approach to quality. Nor is there clarity about whether the primary purpose of regulation and inspection is to ensure children's safety through 'minimum' standards or whether it is intended to be a suitable driver of the quality of both care and early education.
- 4.10 Traditionally, regulation and inspection has been used to define structural factors (like ratios, qualifications and environment) which are relatively easy to record and monitor. Process variables (the quality of warmth and interactions) are more difficult, yet research evidence²¹ tells us clearly that both are necessary in the kind of provision that makes the greatest difference to children's development. Increasingly though, regulators are being asked to make judgements about the quality of process variables in ECEC settings. Two studies in England^{22 23} have raised questions about how effective regulators and inspectors are in assessing quality in ECEC settings as measured by child development. The studies both found that while ratings by the regulator and inspector are a reasonably good predictor of outcomes at school age, grades for ECEC settings made during inspections are less accurate at predicting young children's outcomes set against a range of other developmental rating scales.

Issues

- 4.11 The current system of regulation and inspection is built on an outdated assumption that young children in school are not receiving care while the same children in day care are not learning.

- 4.12 Historically, separate regulatory and inspection regimes have been developed to cater for separate care and education services. Originally developed around places of provision/settings, work across all systems now needs to be more focussed on the individual needs and outcomes of the child. Over time these regulatory and inspection regimes have been adapted, often built upon, to accommodate changing social patterns related to childcare and education. In recent years, as children have entered maintained education services earlier, and as care and play provision has developed across a network of providers offering a range of different services, the system of adapting regulatory and inspection services has resulted in an overly complex, inconsistent system that is poorly understood by stakeholders including parents.
- 4.13 In Wales, as in much of Europe, early experiences are recognised as important to the life chances of individuals and, in turn, intergenerational security of families and communities brought about by investing in standards of social, emotional, educational and financial improvement. As patterns of provision evolve an integrated and cohesive framework is required to support quality development that is linked to the most effective and efficient outcomes.
- 4.14 Separate regulatory and inspection regimes might be acceptable if what was being provided were different. Yet, wherever they may be, children attending both care and early education settings have the same developmental needs and the same rights under United Nations Convention on the Rights of the Child to access nurturing and caring environments in which their emotional, social and educational needs are met.
- 4.15 All children aged 3 to 7 years follow a common approach in the Foundation Phase no matter whether they attend a school, a pre-school playgroup or a day nursery with many of the elements of quality included within Foundation Phase guidance. The Foundation Phase was adopted by Welsh Government based on solid evidence demonstrating that, if properly delivered, it is the most effective approach to supporting a child's early development and learning. Similarly, the principles of quality care are set out in guidance for the Flying Start programme (but are not required for all ECEC services in Wales).

- 4.16 Increasingly, and understandably, inspectors and regulators are being asked by Government to drive quality in ECEC by making judgements not only about structural factors, but about process variables. Evidence from research as well as evidence to the Group from the inspectors and regulators themselves and from those representing ECEC settings raises questions about the ability of inspection and regulation alone to achieve this. It is easy to inspect and regulate with regard to ratios but difficult to inspect and regulate for warmth. With no consistent definition of quality between the inspection and regulatory regimes, it is no surprise that the quality of ECEC services in Wales is so inconsistent.
- 4.17 Given the widespread acceptance of the research evidence that good quality ECEC provision makes the greatest difference for children, what is needed is a common acceptance of what this means, enshrined in legislation and adhered to by all providers of ECEC in Wales. Legislation needs to be backed-up by a clear, consistent and transparent set of regulations and guidance that describes and defines high quality ECEC. This is unlikely and probably impossible to achieve with a split regulatory and inspection system.
- 4.18 A split system of regulation and inspection is not only unlikely to give children the best start in life, but is overly complex for parents, providers and those supporting the sector. There is considerable duplication of both effort and resources between regulators and inspectors and across local and national government.
- 4.19 Whilst great value is attributed to the work of the inspectorate and regulator, stakeholders are concerned that too much emphasis may currently be placed on *process variables* contributing to educational outcomes through Estyn and legal compliance and *structural factors* through CSSIW – with a growing divide between the two. Neither inspectorate currently approaches inspection with the specific focus of meeting the holistic needs of each child. Neither inspectorate can talk “expertly” about the detailed remit of the other, nor are they required to, they have a different role to perform. Yet the ideal, holistic approach to meeting the Welsh nation’s commitment to the UN Convention on the Rights of

the Child, with a starting point of examining what each child needs, demands this. In recognising that early childhood is the most important stage in determining life chances, the remit of ECEC inspections and any quality framework must place equal value on care, well-being and educational outcomes in all provision without the artificial divide that currently exists.

4.20 We have been told that the two inspectorates are working together to develop a common approach to the inspection of early years. We welcome this collaboration and believe that this approach should build on the experience and knowledge of both inspectorates on the basis of equality and be applied in the maintained as well as the non-maintained sector. We recognise, as both inspectorates have told us, that this is challenging given the discrete legislative frameworks in which they operate. At the same time we do not underestimate the fact that inspectors report only on a snapshot of provision. There is recognition that inspectors may not be best placed to be the prime drivers of quality as their remit is not to provide ongoing advice and guidance but to report their findings of provision on any given date.

Recommendations:

6. We recommend that the regulations under the Children and Families (Wales) Measure 2010 and those elements of the Guidance for the Inspection of Primary Schools and Non-Maintained Settings (Education Act 2005) relating to provision for pupils aged seven and under be replaced with by Welsh Government with a single set of Early Childhood Education and Care Regulations and Standards based on the ECEC Single Quality Framework (see Section 3). These Standards must have statutory force and should address requirements related to common expectations of:

- prioritising the needs of the child/ren
- safeguarding children in all care settings²⁴ and enshrining the rights under United Nations Convention on the Rights of the Child to early education and high quality care;

- building on the work between the inspectorates we are assured is already taking place
- developing the new ECEC Single Quality Framework to be implemented across all provision
- appropriate levels of competency assessed qualifications for practitioners at levels 5 and 6 (see page 47);
- ensuring that services support the achievement of positive outcomes that are age and developmentally appropriate through the physical environment, engaging opportunities that support developmental needs of children and professional development of practitioners;
- compliance with a new national early childhood assessment framework (see Section 8).

7. We recommend that the Welsh Government should issue new Standards and Guidance to be drafted within the context of the ECEC Single Quality Framework. This guidance will make clear what is expected of universal and specialist ECEC services including those specifically in the health sector. It should also include the criteria against which they will be inspected while allowing some flexibility in how child-centred learning and development is delivered in the context of their communities²⁵.

We recognise that these changes will require legislation to enact, however we anticipate that the new ECEC Standards would be in place from 2016.

5. Inspection of early childhood education and care

The Current Situation

- 5.1 Inspection of non-maintained ECEC services in Wales is currently split between the office of Her Majesty's Inspectorate for Education and Training in Wales (Estyn) and the Care and Social Services Inspectorate for Wales (CSSIW). CSSIW has no mandate to inspect the quality of care in maintained settings. This split-regime is a situation that has developed for historic reasons aligned to the separate development of systems and settings providing primarily for 'care' and 'education'. Importantly, it needs to be recognised that the inspection of care and education has developed for different purposes while the holistic developmental and support needs of children remain the same. This has become more evident as younger children enter the maintained system.
- 5.2 CSSIW inspects, provides feedback and publishes reports on early years care services using the regulations and until recently national minimum standards as published by Welsh Government. CSSIW's recently developed Quality Judgement Framework represents a move from minimum to more aspirational standards. The first priority of CSSIW has always been to protect service users²⁶ and unlike Estyn, CSSIW has an enforcement role in ensuring that providers of services meet regulatory standards. CSSIW inspections are focused on compliance with Regulations (primarily the Child Minding and Day Care (Wales) Regulations 2010). These set out how ECEC providers must organise their services, meet the needs of children and ensure their safety. CSSIW has the ability to take enforcement action either through a criminal or civil route against those providers who fail to comply with the requirements of the law. ECEC settings deemed to be providing care (with the exception of schools) for over two hours per day must register with CSSIW. Once registered they become subject to inspection on a one or two-year cycle.
- 5.3 Estyn inspects education and training establishments in Wales including schools and non-maintained settings that provide funded Foundation Phase early education for both quality and standards on a six-year cycle. Estyn inspects settings against their own Common Inspection Framework which

focuses on educational outcomes, provision and leadership. Estyn inspections make judgements about provision based on self-evaluation and observations which are then fed back to settings and subsequently published. Settings are provided with an overall qualitative judgement ranging from 'Unsatisfactory' to 'Excellent'. Schools that are deemed to be unsatisfactory can be placed in 'Special Measures' and action may be taken by local authorities or Welsh Government under sections 54 to 56 of the Education Act (2002).

- 5.4 Some 700 of the 4,300 ECEC settings inspected by CSSIW in Wales also provide funded Foundation Phase education are therefore regulated under the Education Act (2005) as well as the Children & Families Measure (2010) and are inspected by Estyn as well as CSSIW. Estyn follow the same Common Inspection Framework as for schools but publish separate '*Guidance for the Inspection of Non-Maintained Settings*'. Estyn inspect non-maintained ECEC settings that are funded to deliver the Foundation Phase on a six-year cycle. These settings are also likely to be working under service-level agreements with local authorities that can require them to submit to a separate inspection by the local authority meaning that they can become subject to three different inspections for this single aspect of child provision.

Evidence

- 5.5 International research, such as the 2008 OECD analysis of governance regimes²⁷ and the 2010 UNESCO report²⁸ in integration of ECEC are clear in concluding that the type of governance structure in place strongly influences the coverage and quality of ECEC services within a country. They conclude that split inspection regimes often mean a weakly regulated child care sector and a 'schoolification' of early education, a position already rejected by the Welsh Government with the introduction of the Foundation Phase.
- 5.6 In the 'care' sector, it is reported that the quality of the learning environment is often poor because of weak state guidance, low staff qualifications, low pay and variable working conditions. In parallel, in split systems, oversight by education inspectorates result in a focus on academic goals that can be

characterised by high child: practitioner ratios and a neglect of the child's natural learning strategies.

In Wales, despite the Foundation Phase - which seeks to focus on the wider aspects of development – like physical and motor, socio-emotional, communication, personal and social skills, and cultural and artistic development - there is a temptation within many schools to focus too early on formal education. Concern has been raised with the Group that this may be reinforced by the whole school inspection framework that may mean that nursery inspection in primary schools is given less attention than may be the case than when Estyn inspects providers in the non-maintained sector or nursery only provision in the maintained sector.

Issues

- 5.7 An integrated quality and regulatory and inspection framework requires an integrated regulator. The diverse cultures of the current regulatory and inspection systems (CSSIW and Estyn) do not lend themselves to the holistic, rights-based, child centred approach that is needed to fulfil the mission outlined in '*Building a Brighter Future: Early Years and Childcare Plan*'. Nor do they support the learning and development, and economic imperatives that safeguard current and future generations of children.
- 5.8 For different reasons, both CSSIW and Estyn have a limited ability to improve the quality of ECEC services. CSSIW have a particular role in ensuring legal compliance with regulation which consequently focuses on structural factors. These elements (like ratios, qualifications and experience) are easily measurable and can be proxies for high quality. While studies have found associations between structural factors and high-quality provision, that doesn't mean that simply improving structural factors will raise quality. Giving a low-performing childcare professional fewer children to look after will not necessarily improve the content of that care²⁹. For services to be high quality, consideration needs to be given to both structural and process factors. On the other hand, Estyn inspects against a Framework that is focused on process variables but these are concentrated on education standards and outcomes.

5.9 While both Estyn and CSSIW acknowledge the existence of the other when undertaking inspections, the Group has heard evidence from both that there is little common ground. In addition, there is limited guidance for service providers to reach judgements about how to bridge the requirements of both inspectorates to attain recognised delivery of high quality, integrated ECEC. Both organisations have told us that they are unable to inspect services together because of their different roles in regulation, inspection and enforcement, as well as their unique cultures and philosophies. There is therefore currently no opportunity to satisfactorily bring together the inspection of ECEC services.

5.10 Evidence has been presented to the Group highlighting overlaps between the two inspectorates that introduce the potential for conflict. Estyn and CSSIW have both told us that they have difficulties in managing boundaries because of the different legislative frameworks they must work to. This results in unclear margins between the regimes, inconsistent language being used and service providers getting mixed messages about what is expected of them with increased costs to the provider brought about by duplication of inspection. Unclear boundaries can have a significant impact on those delivering services. In some instances stakeholders have provided examples of where one inspectorate has disagreed with the recommendations of the other. It becomes more complex when local authorities also engage in the oversight of ECEC services. We have, for example, heard local authority advisory teachers talking about their role in relation to checking non-maintained settings against National Minimum Standards, thereby attempting to duplicate the function of CSSIW without authority and in some cases putting compliance with regulation at risk.

Recommendations

8. We recommend that the joint working that we have been informed is taking place by CSSIW and Estyn in non-maintained settings be further developed to enable Estyn to benefit from the expertise of CSSIW in relation to care and to inform the inspection of under 7 provision in the maintained settings. This work should include the development of a

common language used for all settings (currently, use of vocabulary can lead to misinterpretation given that Estyn have a specific use of some terminology that does not apply to CSSIW) that provide for children under the age of seven years and be developed to enable Estyn to inform the judgement of CSSIW in relation to the reporting of outcome requirements in Foundation Phase.

9. We recommend that Welsh Government legislate for a single unified system of inspection to replace dual inspection regimes¹ from 2016. A unified inspectorate would provide an opportunity to;
- ensure that the interests of the child are held paramount by eradicating focus on tensions between two seemingly increasingly diverse areas of the children's workforce;
 - embed a consistent approach to early childhood services that will improve the experiences of young children and their families and pave the way for seamless transitions between different settings;
 - improve understanding and opportunities to support the raising of expectations and aspirations for children across all settings;
 - increase understanding about the interdependence between care and education *emphasising the importance of both* to supporting a child to reach his or her full potential;
 - ensure all practitioners working with children understand the context of children's lives, their individual and group needs and to provide for these;
 - make explicit boundaries in relation to roles and responsibilities at all levels of delivery and support;
 - ensure that all staff at all levels who deliver within this framework operate within the parameters of their roles and responsibilities;

- use the experiences of regulatory unification as an exemplar to encourage broader integration and improved collaboration across other services delivering for the needs of children and families.

- 5.11 The framework for operations for a unified inspectorate should build and improve upon the current strengths of both established organisations. The unified inspectorate would register and inspect individual settings while simultaneously gathering information that when collated, is able to provide decision makers with information as to the effectiveness of delivery against policy objectives.
- 5.12 Those staffing the inspectorate would need appropriate training, support and leadership to enable them to create a new culture with children's rights at its heart.
- 5.13 The unified inspectorate must have sufficient numbers of Welsh speaking inspectors to inspect Welsh-medium settings and schools with sufficient linguistic ability to assess all settings who should be developing early childhood Welsh language acquisition activities.
- 5.14 There will be initial costs in setting up a unified inspectorate but operational costs could be drawn from the existing budgets of CSSIW and Estyn who would have a reduced function. In the longer term a unified structure would reduce duplication and therefore cost.
- 5.15 If our recommendations are taken forward, we recognise that while non-maintained settings delivering funded Foundation Phase provision would have fewer inspections, it could be perceived that some primary schools would have more, with inspection by both Estyn (for provision beyond the Foundation Phase) and the unified Early Childhood Education and Care Inspectorate (for Foundation Phase provision). In practice, each inspection would focus only on the relevant curriculum stage and each curriculum stage would only be inspected once. While there would inevitably be short-term issues of adjustment from whole school inspection, this would be considerably outweighed by the significant long-term benefits of an inspection focusing on

arguably the most important stage in child development and reducing the tension reportedly brought about by senior management teams in some schools having limited understanding of the Foundation Phase.

The design of the new regime must minimise duplication of effort through the co-ordination and planning of inspections where settings might become subject to two inspections. This could be achieved by organising concurrent inspection of the Foundation Phase and delivery across all Key Stages. Consideration would need to be given to the practice and impact on mixed age classes where children in the Foundation Phase are taught alongside those who will have made the transition from the Foundation phase.

6. Working together

The Current Situation

- 6.1 The responsibility for ECEC in Welsh Government lies with the Department for Education and Skills (DfES). However, reflecting the traditional split, responsibility for early education and Foundation Phase sits with the Minister for Education and Skills while ‘childcare’ and family support is the responsibility of the Deputy Minister for Tackling Poverty.
- 6.2 At a Directorate level, early education sits within the Curriculum Division of DfES while childcare is the responsibility of the Communities and Tackling Child Poverty Department within the Local Government and Communities Directorate. In practice however, there are civil servants who work across directorates on ECEC policy.

Evidence

- 6.3 There is strong international evidence that children and families benefit the most in countries where the care and education elements within early childhood are unified. According to OECD research³⁰ in achieving effective unification there are five structural elements that must be met:
- ensuring co-ordinated policy development at central level;
 - appointing a lead ministry;
 - the co-ordination of central and decentralised levels;
 - the adoption of a collaborative and participatory approach to reform;
 - and forging links across services, professionals, and parents at local level.

Issues

- 6.4 So far, our recommendations have been around the coordination of ECEC infrastructure across Wales to ensure that young children receive the highest possible quality of care and early education from local services. However, for

ECEC policy to be effective, policy-making must also be coordinated within Government and replicated at regional and local levels.

- 6.5 ECEC supports a wide range of government policy agendas – such as ensuring labour supply, tackling poverty, equality of opportunity for women, family well-being and social inclusion – but there is a present danger that a split system that divides childcare and education policy will retain separated agendas. Children’s well-being and learning should be the core goals of ECEC services yet childcare services for under 3’s can be seen as an adjunct to labour market policies. This can result in our youngest children being in settings with weak developmental agendas. In parallel, pre-school early education services place most children aged 3 to 6 years in primary school classes characterised by teachers and support staff without early-childhood specialisms and in the absence of care professionals.
- 6.6 In Wales, the government has committed to embedding children’s rights across all work-streams. ECEC policy must therefore be primarily focused on the best interests of the child showing greater understanding of the specific developmental tasks and learning strategies of young children.
- 6.7 On the ground we are proposing unification of service within a national quality framework that bring together the tradition of care and education and this needs to be replicated at local, regional and national levels.

Recommendations

10. We recommend that at a national level the First Minister consider allocating a single ministerial responsibility for ECEC supported by a single departmental structure.
11. We recommend that Welsh Government should issue guidance to ensure that ECEC support services (such as advisory services) are delivered regionally rather than at local authority level (based on the footprints of the regional education consortia). This would balance local decision making with the need to limit variation in access and quality, would offer greater

consistency in interpretation and provision, provide opportunities to gather greater expertise and be more cost-effective.

12. We recommend that Welsh Government should guide local authorities to replicate the unified approach to ECEC in the best interest of children, families and communities.
13. We recommend that the new ECEC Single Quality Framework should be implemented across the sector and promoted as an initial focus for collaborative working encouraging a shared professional quality standard, language and value system.

7. The workforce

The Current Situation

- 7.1 There is no uniform requirement for the ECEC workforce in Wales in terms of either qualifications, or ratios of staff to children.
- 7.2 ECEC settings that are regulated under the Children & Families Measure (Wales) 2010 must ensure that practitioners are suitably qualified. The qualification requirements are set out in the National Minimum Standards for Regulated Childcare. Currently, the minimum standards are that the person in charge of a daycare setting must have a level 3 qualification. In sessional daycare settings at least 50% of non-supervisory staff hold a level 2 qualification of which half must hold level 3. In full daycare, 80% of staff must hold a level 2 qualification of whom 50% must hold a level 3 qualification³¹. The Care Council for Wales has responsibility for agreeing and publishing the List of Required Qualifications to work within the Early Years and Childcare Sector in Wales.
- 7.3 National Minimum Standards for Day Care and Childminding require level 3 qualifications to lead and manage group-based ECEC provision, excluding childminders who are not required to hold a full level 3 qualification but are required to have completed an appropriate pre-registration course recognised by the Care Council for Wales' and included in the list of List of required Qualifications for the Early Years and Childcare Workforce in Wales.
- 7.4 In ECEC settings in receipt of Flying Start funding where services are targeted at the most economically deprived children, all practitioners must be qualified to a minimum of Level 3 NVQ/QCF in Children's Care Learning & Development (CCLD). Leaders of settings must be qualified to Level 4 NVQ / QCF level 5 CCLD or equivalent with a recommendation that leaders have undertaken the Leadership modules within the Level 5 CCLD. All Flying Start childcare staff must undertake at least five days continuous professional development training per year³².

- 7.5 Within schools delivering the Foundation Phase in Wales, the recommended adult to pupil (sic) ratio for 3 to 5 year olds is 1:8 with one being a qualified teacher. There are no specific requirements for school support staff in Wales³³ working with pre-school children to have any specialist training.
- 7.6 Teachers in Wales leading the Foundation Phase in schools must be university graduates with a relevant degree and a teaching qualification and have completed a probationary period. They are registered with the General Teaching Council for Wales (GTCW) as primary school teachers qualified to teach children aged 3 to 12 years. However, the amount of experience that teachers have within ECEC can be variable. Most primary school teachers in the UK will complete their initial training and probation work with very little interaction or professional development working with children aged 3 to 5 years and often have no training around, or professional contact with, younger children³⁴.

Evidence

- 7.7 Amongst other international research, the EPPE study³⁵ provides compelling evidence of the positive impact for children made by appropriately qualified, higher-level practitioners in ECEC. The study found that settings that have staff with higher level qualifications and particularly those led by qualified teachers were those that had the highest quality scores and were where children made most progress.
- 7.8 Further research³⁶ has shown the effect is not just limited to teacher-led settings, but that better qualified staff teams with graduate early-years leaders offered higher quality support for older (30 months to 5 years³⁷) children developing communication, language and literacy skills and their reasoning, thinking and mathematical skills. The effect of higher-qualified leaders was found to be over and beyond the 'added value' of their individual interactions with children: less qualified staff were also significantly better at supporting learning when working with graduate leaders. This reinforces findings from the EPPE study that found that employing someone with a higher level qualification

significantly improved the warmth and quality of interactions and the cognitive development of children.

- 7.9 Research for Care Council for Wales³⁸ in 2012 found that in the non-maintained sector, while around 85% of practitioners held at least a level 2 qualification, and 60%, level 3, fewer than 10% of ECEC practitioners hold a relevant higher qualification.

Issues

- 7.10 The inconsistency in requirements for qualifications across ECEC settings is another way in which the care and early education elements of early childhood services are unhelpfully distinguished. This is not only perpetuated by the split regulatory and inspection frameworks but by long-held and carefully guarded professional traditions.
- 7.11 Differing workforce requirements for regulated childcare, Flying Start and Foundation Phase make no sense when set in the context of children's needs and rights.
- 7.12 There is a need to build on existing workforce and qualification strategies to prevent falling behind in Wales by; not requiring higher-level qualifications in non-maintained settings; allowing ambiguity and disparity over the required qualifications of teaching and learning assistants working in schools; accepting low minimum qualification requirements for practitioners in the non-maintained sector and the level of experience and specialism required of teachers leading the Foundation Phase. Wherever early childhood services are delivered they should be supported by a high quality aspirational workforce delivering age-appropriate services informed by a robust understanding of child development.
- 7.13 We also have inconsistency in the Foundation Phase in the delivery of Welsh-medium ECEC. All practitioners should have linguistic skills appropriate to their setting/school, enabling the effective delivery of all areas of learning within the Foundation Phase.

Pedagogical Leadership

- 7.14 We should be working towards a situation in Wales where group-based ECEC services³⁹ for young children are all led by a teacher or graduate-level practitioner with an appropriate pedagogical specialism that enables them to best support children's development. However, there are significant barriers to achieving this that need to be systematically overcome.
- 7.15 Currently, the only recognised route to becoming the kind of higher-level practitioner that the research says is needed in Wales is the Qualified Teacher Status, and even this does not necessarily prepare teachers effectively to work with children in the Foundation Phase. The recent review of the ECEC workforce in England⁴⁰ also recognised this issue and recommended a new early year's specialist route to Qualified Teacher Status. Given the pedagogical rather than educational approach inherent within the Foundation Phase we would support such a development in Wales with a separately registered Early Childhood QTS specialising in the years from birth to seven.
- 7.16 Many non-maintained ECEC settings already employ leaders with Qualified Teacher Status and would benefit further from a specialist Qualified Teacher Status that supported Foundation Phase learning. However, significant differences in the ways in which non-maintained settings are funded compared with schools means that many settings are unable to offer commensurate salaries. A model of ECEC leadership that only valued QTS would also disregard and alienate much of the existing ECEC workforce. Such a model would fail to recognise a broader range of competencies, the value of work-based learning and experience, and would put a lid firmly on career progression.
- 7.17 Other European countries⁴¹ which have early years systems and curriculum similar to the Foundation Phase have settings led by higher-qualified specialist practitioners and have been shown to deliver high quality ECEC outcomes. These Early Childhood Specialists (or pedagogues) are generally tertiary-trained to work specifically with children from birth to age 5 or 6 years and have status similar to, or just below that of a primary school teacher. In England, the

development of the Early Years Professional Status (EYPS) qualification was designed in this way, and allowed existing vocationally-trained ECEC practitioners to gain a higher-level leadership qualification. However, there is evidence⁴² that the qualification has not given them the greater status - equivalent with teachers - that had been hoped for, nor better pay and conditions resulting in some disillusionment and low take-up and was abandoned following the Nutbrown Review in 2012.

7.18 We need a vocational route that develops higher-level (level 6) practitioners who can lead teams and be capable of making significant positive impact on outcomes in all settings. Work has started to explore the structure of this qualification. However, we must also recognise that we are starting from a low base and with limited funding in non-maintained settings to make it happen. An incremental approach is therefore a necessity. As a first step towards a graduate-level led ECEC sector, the current Level 5 Diploma in Children's Care Learning and Development (Advanced Practice) would fulfil some of the pre-requisites for quality leadership within settings and is consistent with the approach taken in Wales to value and recognise competence-based qualifications.

7.19 Eventually, a Specialist Early Childhood Qualified Teacher Status and a work-based-learning Early Childhood Care and Education (Pedagogic) Leadership Qualification at level 6 should come together as part of an integrated qualifications framework supporting career progression and challenging the perceived hierarchy between 'teachers' and 'childcarers' and between maintained and non-maintained elements of the sector. The current disparity of esteem works against professional cohesion and is unhelpful to families in deciding on the best setting for their child. There is also evidence⁴³ that this lack of cohesion can negatively impact on a child's development, impacting more significantly on those already disadvantaged. Pragmatically however, given the experience in other countries, we do not believe that the status of non-teacher leaders will be seen as equal to Qualified Teacher Status in the short-term. Therefore, paths to specialist early childhood leader status should

be made available to include work-based learning and to support a range of ambition in the early years workforce.

7.20 In addition, consideration needs to be given to the required knowledge and skills of those managing settings. A regulatory requirement for settings to be led by a higher-level practitioner would bring ECEC settings in line with adult social care. In adult social care those managing provisions for vulnerable adults are required to hold a level 5 management qualification in order to practice. This is not currently expected of the early years workforce.

Management & Leadership

7.21 As well as pedagogical leadership, ECEC settings need good management and organisational leadership to deliver high quality, sustainable services. In small schools, head teachers (who are qualified and experienced practitioners) provide both pedagogical and administrative leadership while larger schools will have a management team who may focus on different roles. In non-maintained settings, even those that employ significant numbers of practitioners, there is no regulatory requirement for those managing settings to be qualified beyond a practice-based Level 3. The Level 5 Children's Care Learning and Development qualification (Management route) provides a suitable standard for larger ECEC setting leaders and is already required for Flying Start settings in Wales. For small settings where the leader is also a practitioner within the child: adult ratios (and, where, should the recommendations of this report be implemented they will be required to achieve an Advanced Practice Children's Care Learning and Development Level 5 qualification as a leader in the setting) and where the need for administrative leadership is less acute, leaders must also have the opportunity to build on their Advanced Practitioner status to gain a higher management qualification (at level 5 or 6) should they wish.

Practitioners

7.22 In Wales we have taken positive steps to maintain a competence based childcare and early years workforce (in contrast with recent developments in

England) by ensuring that qualifications required to practice are designed to develop the knowledge, understanding and skills of practitioners as well as measuring competence. That said we have not made the mistake of assuming that high-level qualifications alone will address workforce needs. In many respects the Sector Skills Council (Care Council for Wales) has carefully managed increasing workforce knowledge and skills by taking incremental steps to increasing the qualification outcomes, knowledge and competence for those working and leading the sector. Most importantly, the list of required qualifications developed for non-maintained ECEC has ensured that the qualifications offered are increasingly high level and importantly, appropriate. Nonetheless, we feel that the evidence-base is such that this should be built upon by aspiring to an ECEC workforce qualified to a level 3 standard. This should include not only practitioners working in settings regulated under the Children & Families (Wales) Measure 2010, but also support staff in schools working as part of the 1:8 ratio delivering the Foundation Phase.

Recommendations

The following recommendations sit comfortably within the current apprenticeship funding priorities thus allowing for tertiary and flexible work based learning delivery.

14. We recommend that the Care Council for Wales is commissioned to build on the existing workforce strategy and the ambitions of *Building a Brighter Future: Early Years and Childcare Plan* to develop the workforce strategy further and incorporate the following:

- the retention of competency based qualifications
- further promote the use of specialist pathways and progression within current qualifications
- further development of the List of Required Qualifications to include all early childhood provision, levels of qualification and delivery modes and identified common core mandatory competencies (to include efforts to influence higher education early years degree programmes)

- an aspiration be set for all ECEC settings to be led by practitioner qualified to level 6 but in the short-term we recommend interim steps (recommendation 15 below)

15. We recommend that regulations should be revised to require appropriate level 5 leadership qualifications for all newly registered settings from 2018, and all settings from 2020, excluding single childminders providing for under 12 children.
16. We recommend that Welsh Government introduce regulations that require larger settings (registered for 20 children or more) to have a supernumerary manager should also require that manager to hold an appropriate level 5 qualification⁴⁴ (Children’s Care Learning and Development – Management route) by 2020 and a level 6 qualification by 2024.
17. We recommend that Welsh Government introduce regulations, by 2022, that require all ECEC practitioners counted within regulated ratios to be appropriately qualified to level 3, or above, or working towards a work-based learning qualification at level 3 to be achieved within a three year period. This should include childminders (although they should be allowed three years from their initial registration to achieve this).
18. We recommend that Welsh Government introduce regulations so that in funded Foundation Phase (in schools and non-maintained settings) or Flying Start services practitioners counted within ratios should be appropriately qualified to level 3 from 2020 and undertake at least 5 days of continued professional development training annually.
19. We recommend that Welsh Government introduce a new competency based early childhood specialist route to Qualified Teacher Status that should be introduced specialising in child development in the years from birth to seven and the Foundation Phase from 2017. This should run concurrently with the development of a work based learning level 6 ECEC leadership qualification.

Building on the proposals set out in the *Building a Brighter Future: Early Years and Childcare Plan*, a clear and coherent workforce strategy for all early childhood practitioners to be developed by 2015. As well as the issues for Care Council for Wales highlighted in *Building a Brighter Future: Early Years and Childcare Plan* the strategy should include;

- the development of a code of practice for the ECEC workforce;
- consistency of job titles and role descriptions;
- the development of a plan to embed level 3 as the minimum qualification standard for ECEC services;
- embedding the level 5 diploma qualifications into leadership and management roles and structures;
- the further development of the qualification framework for the workforce to include higher-level competency qualifications to level 6;
- the development of a set of competencies based on National Occupational Standards that must be held by leaders across the sector in maintained and non-maintained settings
- further promote current guidance for qualification pathways and specialism in the sector.

8. Assessment

Current Situation

8.1 A Welsh Government Review of Early Years Child Assessment Tools⁴⁵ found that young children in Wales are being cared for and learn in many different settings, each with different aims, funding, resources, staffing and quality control procedures. Not unexpectedly this results in a wide range of practice, in particular in approaches to, and standards of, child development assessment.

Evidence

8.2 The Review of Assessment Tools found that very few are used on a universal basis with all children. Each local Health Board (LHB) and each health profession uses its own preferred assessment tool(s). Similarly, with the exception of Flying Start settings, ECEC settings are using a wide range of assessment tools, either commercial or those developed locally or in-house. With the withdrawal of the requirement to use the CDAP for on-entry baseline assessment, schools are reverting to using previous approved on-entry baseline assessment schemes or are increasingly relying on commercial assessment tools which generate reliable and standardised data.

Issues

8.3 This lack of uniformity (as further highlighted in *Building a Brighter Future: Early Years and Childcare Plan*) leads to issues around transition where practitioners in one setting may not trust, understand or be able to effectively interrogate the data on an individual child's progress when the child moves from one setting to another. This has a potential to negatively impact on the child and results in:

- no or partial information sharing - professionals working with children do not have access to the same information;
- difficulties for families in understanding their child's progression and development;
- reduced family ability to effectively support their child's development and contribute to their development profile;

- missed opportunities for early intervention;
- the loss of support and interventions following transitions;
- a situation where there is no consistent comparative data set for decision makers to interrogate when assessing the effectiveness of policy.

8.4 The negative impact of these complexities will be particularly felt by families whose children attend more than one setting at the same time, for example, school and wrap around care. Furthermore, the most vulnerable children and those with complex needs who may be receiving specialist interventions, e.g. speech and language therapy, may be further disadvantaged if the practitioners supporting them in specialist and universal settings are not using initial common assessment criteria.

8.5 With a common assessment approach there is an opportunity to gather longitudinal data that can be interrogated to evaluate the effectiveness of different stages of education and their impact on outcomes. This data is important to Welsh Government to enable Welsh Government to measure the effectiveness of policy in an efficient and cost effective way. Intermittent academic research is not the most effective way of demonstrating the success of different stages and their contributions to improving outcomes, including PISA results. The most recent evaluation report on Flying Start⁴⁶ also notes the difficulty in making an assessment of the overall quality of Flying Start childcare provision due to a lack of centrally reported data gathered using a standardised tool. An effective national data set would enable a more meaningful assessment of effectiveness and identification of necessary policy and practice in early childhood.

8.6 The Welsh Government has adopted the *Schedule of Growing Skills (SoGS)* tool as an assessment scheme for children in Flying Start areas (although it is not being used universally). While this may be an effective tool, popular with practitioners, the associated cost is likely to be prohibitive to roll out across the whole sector.

Recommendations

We welcome the development of a 'made in Wales' Assessment Tool for the Foundation Phase as set out in 'Building a Brighter Future: Early Years and Childcare Plan'.

20. We recommend that the proposals should go further and that the Welsh Government commission the development of a free at the point of use, comprehensive, on-going common assessment tool (common across professions, settings, agencies and sectors) to be made available for use across all early childhood settings 0-7 years, meeting the following criteria:

- simple and manageable for practitioners to use;
- begins pre-birth records and extends from ante natal records onwards as a holistic record of a child's early years
- collect information that is easy for parents to understand and contribute to;
- enable early identification of concern so that resources can be targeted more effectively to meet need;
- easily transferable between settings, supporting happy and successful transition between settings;
- is moderated, supported and quality tested both regionally and nationally;
- collects data in a manner that has the potential to enable health practitioners and the new unified Inspectorate to identify local and national trends to inform policy making and enable effective workforce planning.

9. Regulation of childcare that operates for less than two hours or for children over eight years of age

- 9.1 The Group was asked to look at the issue of whether any change should be made in the regulation of childcare that operates for less than two hours or for children over the age of eight. Currently such provision is exempted under the Children and Families (Wales) Measure 2010.
- 9.2 From the perspective of children's rights it is very difficult to justify the arbitrary - though pragmatic – situation whereby ECEC services operating for two hours or less, or providing services only for over 8's are not obliged to register or be inspected. Children in these settings deserve an equal quality of service and families using these provisions have the right to a proportionate measure of quality control and an assurance with regard to safety of the services provided.
- 9.3 One consequence of the current situation is that parents are often confused about childcare regulation and make choices about provision based on assumptions that all settings are registered and inspected, that schools and teaching staff are responsible for provision on school premises, that all provision is required to meet the same standard of care and that all provision is sufficiently safe and adequately insured.
- 9.4 A further consequence is that those using unregistered settings are not able to claim Childcare Element of the Working Tax Credit nor are they able to claim tax relief through the Employer Supported Childcare scheme. This is likely to remain the situation with the introduction of Universal Credit and the Tax Free Childcare currently being proposed by Westminster Government from 2015. In England, a light-touch approval scheme for over 8's has been in operation for a number of years although there are currently proposals to reduce the level of provider requirement to a new 'child-safety register'. The situation in Wales is therefore anomalous, and could be seen as inequitable.
- 9.5 However, we have considered all of our recommendations in the light of the United Nations Convention on the Rights of the Child and in that context it is clearly wrong, and likely to be of greatest detriment to children living in poverty

and who may be further disadvantaged, to use public funding to support settings in which public authorities have no meaningful measure of the safety of that provision. We are further unable to make any assessment of the extent to which Welsh families may be being disadvantaged by the current position because there is no reliable data about the number of unregistered settings or about the number of children attending these settings or settings offering a range of unregistered provision that offer 'day-care provision through the back door'.

- 9.6 It should also be recognised that multiple service provision can be offered at low cost to the parent though the cost of inconsistent carers and multiple provision can represent a high cost to the child. It is a situation that is potentially damaging to a child with the greatest impact being felt by those children already disadvantaged and most needing support.
- 9.7 There are significant implications for both services and regulators in achieving registration and regulation of all services and offering all children equity of minimum standards of provision, but the challenges should not be insurmountable. We have no wish to recommend costly or disproportionate measures but we are convinced that a measure of control is essential. At present unregistered settings are sometimes supported on a voluntary basis to ensure a level of quality and safeguarding is in place but many are reported to be largely unsupported and may operate in isolation with no safeguards in place.
- 9.8 It should also be recognised that while reported to be offering much needed provision, in some areas the existence of unregistered, low cost, potentially low quality services can threaten the sustainability of higher quality, registered services.
- 9.9 During initial stages of stakeholder consultation the Group was minded to consider recommending that these provisions should be 'declared' as opposed to 'registered' under regulation. However, broader stakeholder consultation found a strong belief (over 98% respondents believe that all provision should

be registered) that all children have the right to the safeguards associated with regulation and inspection when they are being cared for outside of the family.

Recommendation

21. We recommend that Welsh Government require all settings to register with the unified ECEC Inspectorate (see page 41) and be subject to proportionate requirements of registration, regulation and inspection.

Options to consider

- settings pay a registration fee to support costs
 - all settings should display a Registration Certificate
 - registration certificates should display basic information about the setting (including opening times, age group provided for, insurance details and level of inspection regime to which the provision is subject to) and link to information related to safeguarding and regulatory and inspection requirements
22. We recommend that local authorities be required to provide information about the status of service type and provision through Family Information Services to ensure that parents are sufficiently informed to make considered judgements about childcare.

10. Conclusions

- 10.1 It is clear that current structures serve to perpetuate the unhelpful cultural distinction between the care element of work with young children and activity that is regarded as 'purely educational'. Our recommendations set out to ensure that we have a consistent, whole child, needs-led approach to learning and child development across all early childhood services in Wales.
- 10.2 There has been an exponential rise in demand for childcare during the last decade that has been met with a range of provision and subsequent though necessary amendment to inspection regimes. The outcome is reported to be growing concerns about what is regarded as an inconsistent system of inspection. It has reached a point now where the constant adaptation of provision is becoming unwieldy and ineffective. Historically, the maintained sector (schools) catered for children age five and over while the non-maintained sector (day nurseries, playgroups, childminders etc.) provided only care. This has now changed, with early years provision starting from the age of two years in Flying Start areas and for children aged three years in others, with the principles of Foundation Phase early education being followed by all. There has been no significant change in approach within the education system in the maintained sector that responds fully to the different needs that children have before statutory school age, while the non-maintained sector struggles to deliver the quality of early education that children are entitled to.
- 10.3 The maintained and non-maintained sectors each work to their own relevant frameworks for regulation and inspection purposes. These frameworks are not sufficiently compatible to work alongside each other to deliver the strongest experiences and outcomes for children. That they are not wholly compatible evidences the conflicting expectations and measures placed on providers, but more importantly, puts into question whether the holistic needs of the child are the primary focus of the frameworks and highlights the fundamental divide in provision.

- 10.4 This disparity is far from ideal - and the situation is exacerbated by the reported inconsistencies within each inspectorate as to how the principles of each framework should be applied and monitored.
- 10.5 Currently, numerous other frameworks exist to monitor and guide the health, safety, well-being and play experiences of children in Wales.
- 10.6 We have discussed a unified regulation and inspection regime and changes to structural regulations that will lead to quality improvement, but without other complimentary measures such as consistent definitions of quality, quality assurance schemes and continuing professional development, evidence suggests that they will not be enough to drive up the quality of ECEC provision, particularly for the youngest children.
- 10.7 The current situation of split regulatory and inspection responsibility is reported to be causing confusion, mistrust and limiting the ability of ECEC providers to set goals that will be reliably recognised as steps towards quality improvement. To reduce anxiety in relation to inconsistent expectations from within and across individual inspectorates and from advisory services, both providers *and* advisory staff in the ECEC sector are calling for greater clarity about roles and responsibilities and consistency of interpretation of quality.
- 10.8 The most important recommendation we have made is therefore for a Single Quality Framework for Early Childhood Education and Care. It needs to be accessible to all services, sufficiently clear to allow for robust self-evaluation and provide an opportunity to support sector wide improvement.
- 10.9 The Single Quality Framework for early years provision should have at its core the aim of meeting the needs of every child, be built upon an understanding of child development, adopt all principles and actions required for early intervention and use assessment as a working tool to give compensatory support as well as being able to extend the brightest and most able children wherever they access provision. It should be robust and based on the strongest evidence of how children develop most effectively in their formative years.

- 10.10 The design of the Single Quality Framework will encourage ongoing improvement across the sector and be understood and adopted by all types of setting providing early childhood education and care. The Framework will encourage consistent high quality provision in both the maintained and non-maintained sectors, leading to the strongest outcomes for children. Enhanced child development based on defined milestones, will become the focus for quality measures. The Framework will provide a tool to enable measurement of both process variables and structural factors with which balanced and informative judgements of quality can be made.
- 10.11 It is a given that all children need a happy and secure home life. They also need a happy and secure experience in their life outside the home where they can continue their learning, develop their social skills and emotional resilience and be able to develop naturally through play, challenge, new relationships and meaningful experiences. They also need to discover that they are part of a community and that they are capable learners who can succeed within an extensive support and harmonious support network. If we can provide every child with a happy, social, warm and caring environment in which to develop during their crucial formative years, where all provision is working to the same quality expectations and ethos whichever setting their parents may choose, then the scene is set for ongoing lifelong learning as they progress through the stages of life. The goal is to reach a point where the quality of inspection of maintained and non-maintained provision is no longer separated but is a transferable continuum, from pre-birth through to the end of the Foundation Phase.
- 10.12 The recommendation to introduce an ECEC Single Quality Framework will provide a focussed, realistic and cost effective first phase towards the long-term recommendations in this report of a single inspectorate, improved methods of working together and developing the workforce. It will provide a platform for the two inspectorates and all stakeholders to begin to work towards common outcomes which address both education and care. The process of collaboration in developing the new framework will provide a forum for setting the scene for future collaborative provision, opportunity to consider

current conflicting views and a period of intensive reflection and decision-making about how to best meet the needs of each child through a holistic approach that will serve to ease transition between settings.

- 10.13 Should the Welsh Government's statement in *Building a Brighter Future*, that current legislation prevents a single inspection approach remain the case, then a Single Quality Framework will at the very least provide an umbrella framework across provision. This will ensure that the needs of the child are at the core of quality provision, that all providers share a common ethos and language and that information is shared according to common protocols. The Single Quality Framework alone will support the emergence of a shared value system that, at the very least, bridges the inspection divide.
- 10.14 The recommendations in this report build on current good practice and create a framework of best practice which is affordable to implement in the short-term and to maintain in the longer term. There will be a shared language and shared expectations. This will lead to natural workforce development and begin to dovetail the two provisions as they work towards a common framework.
- 10.15 Joint working strategies will develop into information-sharing protocols and a shared professional language between the workforces - which ultimately will forge the desired holistic and transferable provision wanted and needed by stakeholders - particularly parents, where "sharing good practice in sharing information and managing effective transitions" can be realised (*Building a Brighter Future: Early Years and Childcare Plan*, p. 40).
- 10.16 Alongside this is the need to understand what will be required of the workforce and what the limitations and parameters of the different roles will be. From a family's point of view, the provision will become more streamlined where "formal education" becomes a part of the broader childcare provision, where the ECEC Single Quality Framework ensures that the child's experience is part of a "whole family service" and where ultimately the school may become the hub for community childcare provision. This will help achieve the Welsh Government aim to "improve transition through whole-phase and whole-

school approaches” and “develop guidance on effective cross-phase working” (*Building a Brighter Future: Early Years and Childcare Plan* p. 40).

- 10.17 From the providers’ point of view, the childcare provision offered will be a connected service, with shared professional language, expectations and requirements. This, in turn, will promote a financially viable model which satisfies the needs of stakeholders, but, more importantly, addresses the holistic needs of each child at each part of their day, whether in maintained or non-maintained provision.
- 10.18 While the non-maintained sector is currently inspected more often than schools - usually annually unless they are funded for Foundation Phase places and become subject to an additional six yearly Estyn inspection, schools are inspected only once every six years, with a very different focus. More emphasis and value tends to be placed on the results of the maintained sector inspection by Estyn, concentrating on formal education and process variables - than the inspections by CSSIW, which must focus on ensuring legal compliance and therefore, until the recent introduction of the Quality Judgement Framework, structural factors. Additionally, the non-maintained sector is perceived as being orientated towards the less-valued care and well-being aspect of childcare and the maintained sector towards formal education. If the sector is to move away from this artificial division in child development, towards the agreed and desirable holistic approach, then readjustment is essential to move towards shared professional standards where care and wellbeing are as respected and valued as essential to engagement in optimal learning and development/educational opportunities.
- 10.19 It is not realistic to assume that the current workforce in the non-maintained sector can work to the same professional standards as teaching staff in schools immediately, as current levels of required qualifications are not yet equivalent. However, as teachers in the Foundation Phase do not always perceive the care of their pupils as part of their remit in the same way as the non-maintained sector, there will be requirements for readjustment and

professional development across the workforce as a whole for the ECEC Single Quality Framework to be effective.

- 10.20 The ECEC Single Quality Framework must therefore incorporate a requirement for workforce development within its remit (see Section 7) avoiding the issues experienced in England. For the Framework to be effective, it must incorporate a staged approach towards building a graduate leadership workforce in the non-maintained sector, where entrants to the sector are enabled to work from level 2 and 3 towards a level 6 qualification through a quality work-based education route which is recognised as equal to a teaching qualification in both maintained and non-maintained sectors. The increasing recognition of the Credit and Qualifications Framework Wales (CQFW) - which maps vocational and academic qualifications equally according to level and is sufficiently flexible to be used in all settings and career stages - will be a prime factor in establishing parity of qualification in maintained and non-maintained settings in the longer-term. This will monitor progress towards the aim outlined in Building a Brighter Future to develop the right approach to “minimum qualification levels, graduate leadership, continuous professional development and career pathways in a 10-year workforce plan” (p. 47).
- 10.21 In the longer term, the qualification framework should include recognised Qualified Teacher Status for the early childhood care and education sector whether employed in the maintained or non-maintained sector. Minimum required qualifications for support staff in the maintained sector will also be clarified and the framework must provide a national, consistent interpretation of the Foundation Phase.
- 10.22 The issue of Additional Learning Needs (ALN) across the sector will be addressed if, as is recommended, the needs of each child are at the core of provision. This will necessitate a tailored approach to each child, crystallised within the ECEC Single Quality Framework, which will ensure parents and stakeholders can be confident that the individual needs of every child will be catered for within every childcare setting and at transition. There will be a

need to work in conjunction with the Team Around the Child and Family approaches advocated by Welsh Government for full effect and appropriate quality measures to be included in the framework.

- 10.23 As a result, if the ECEC Single Quality Framework is implemented appropriately, all families with children who have additional needs can be assured that their child will have their right to equal access to quality provision upheld, no matter which setting parents choose or what level of support their child may need.
- 10.24 The ECEC Single Quality Framework should have staged Quality Benchmark Standards at different levels towards achieving Best Practice. This will ensure that there is an incentive and framework for continuous improvement of provision. The number of levels and level descriptors within the Single Quality Framework design would be the subject of collaborative exploration between stakeholders, firstly to identify and agree Best Practice and then the appropriate steps towards achieving it.
- 10.25 The ECEC Single Quality Framework will be robust and clear to allow providers to continually self-assess their own provision. This will also encourage providers to work towards higher levels within the Framework and as the leadership becomes more confident, the workforce is developed further and becomes more qualified leading to greater synchronisation between maintained and non-maintained provision.
- 10.26 Ultimately, the ECEC Single Quality Framework will be the vehicle to develop a new Value System to drive the sector forward. It will consist of a number of quality levels which will prevent complacency of provision as the process variables enjoyed by the child to meet their individual needs can always be improved, enhanced and augmented as can the outcomes and structural factors of the provision delivery.
- 10.27 Now is the time to step back, reflect and strip back provision to provide a logical ECEC Single Quality Framework which works for the sector as a whole

in the context of Wales today and which places the needs of the child at its core.

Appendix 1: Summary of recommendations

Issue	No.	Summary of Recommendation	Page	Timescale
Single Quality Framework	1	We recommend that the Welsh Government commissions a new, robust Single Quality Framework for Early Childhood Care and Education.	25	2015
	2	We recommended that Welsh Government ensures that detailed guidance about the ECEC Single Quality Framework should be made available to all practitioners and settings.	25	2016
	3	We recommended that Local Authorities are required to provide strong, effective and consistent advisory services, in the language of the setting, to all settings in a bid to secure equality of access to quality service delivery for all children and families.	25	2016
	4	We recommend that the inspectorate(s) be required to ensure that quality standards to be achieved at inspection are those explicit within the ECEC Single Quality Framework through a standardised and moderated process. A uniform understanding of expectations should be delivered equally to inspectors, to advisors and those delivering services.	26	2016
	5	We recommend that the Welsh Government introduce Regional Early Childhood Education and Care Boards and issue these Boards with guidance, building on Welsh	26	2016

		Government's education consortia proposals. These Boards should be put in place to oversee the advice and guidance being offered; collate information about regional need to support quality delivery of services; feed information back into a national all-Wales ECEC Board, contributing to a national evaluation system. The ECEC Board would act as a conduit of information to and from government about sector development, sustainability, improvement and models of best practice.		
The Regulation of Early Childhood Care and Education	6	We recommend that the regulations under the Children and Families (Wales) Measure 2010 and those elements of the Guidance for the Inspection of Primary Schools and Non-Maintained Settings (Education Act 2005) relating to provision for pupils aged seven and under be replaced with by Welsh Government with a single set of Early Childhood Education and Care Regulations and Standards based on the ECEC Single Quality Framework (see Section 3).	31	2016
	7	We recommend that the Welsh Government should issue a new Standards and guidance to be drafted within the context of the ECEC Single Quality Framework.	32	2016
The Inspection of Early Childhood Education and Care	8	We recommend that the joint working that we have been informed is taking place by CSSIW and Estyn in non-maintained settings be further developed to enable the expertise of CSSIW to inform the inspection of under seven provision in the maintained settings to include the development of a common language used for all settings that provide for children under the age of seven years and to enable Estyn to inform the judgement of CSSIW in relation	36	2014

		to the reporting of outcome requirements in Foundation Phase.		
	9	We recommend that Welsh Government legislate for a single system of inspection to replace dual inspection regimes ¹ replacing the current early childhood responsibilities of both Estyn and CSSIW from 2016.	36	2016
Working Together	10	We recommend, at national level, that the First Minister consider allocating a single ministerial responsibility for ECEC supported by a single departmental structure.	40	2016
	11	We recommend that Welsh Government should issue guidance to ensure that ECEC support services (such as advisory services) are delivered regionally rather than at local authority level (based on the footprints of the regional education consortia).	40	2016
	12	We recommend that the Welsh Government should guide local authorities to replicate the unified approach to ECEC in the best interest of children, families and communities.	40	2016
	13	We recommend that the new ECEC Single Quality Framework should be implemented across the sector and promoted as an initial focus for collaborative working encouraging a shared professional quality standard, language and value system.	40	2016

The Workforce	14	We recommend that the Care Council for Wales is commissioned by Welsh Government to build on existing workforce strategy and the ambitions of <i>Building a Brighter Future: Early Years and Childcare Plan</i> to develop the workforce strategy further as outlined in the full recommendations.	46	2015
	15	We recommend that Welsh Government ensures that regulations are revised to require appropriate level 5 qualifications for leaders of all newly registered settings from 2018, and all settings from 2020.	47	2018/20
	16	We recommend that Welsh Government introduce regulations that require larger settings (registered for 20 children or more) to have a supernumerary manager should also require that manager to hold an appropriate level 5 qualification ⁴⁷ (with specific leadership modules) by 2020 and a level 6 qualification by 2024.	47	2020
	17	We recommend that all ECEC practitioners counted within regulated ratios should be appropriately qualified to, or above, level 3 or working towards a work-based learning qualification at level 3 to be achieved within a three year period. This should include childminders (although they should be allowed three years from their initial registration to achieve this).	47	2022

	18	We recommend that in funded Foundation Phase (in schools and non-maintained settings) or Flying Start services practitioners counted within ratios should be appropriately qualified to level 3 and undertake at least 5 days of continuous professional development training annually.	47	2020
	19	We recommend that a new competency based early childhood specialist route to Qualified Teacher Status should be introduced specialising in child development in the years from birth to seven and the Foundation Phase. This should run concurrently with the development of a work based learning level 6 ECEC leadership qualification.	47	2017
Assessment	20	We recommend that the Welsh Government commission the development of a free at the point of use, comprehensive, on-going common assessment tool (common across professions, settings, agencies and sectors).	50	2015
Regulation of childcare that operates for less than two hours or for children over eight years of age	21	We recommend that Welsh Government require all settings to register with the unified ECEC Inspectorate and be subject to proportionate requirements of registration, regulation and inspection.	53	2016
	22	We recommend that local authorities be required to provide information about the status of service type and provision through Family Information Services to ensure that parents are	54	2014

		sufficiently informed to make considered judgements about childcare.		
--	--	--	--	--

Appendix 2: Summary of recommendations in order of recommended implementation date

Issue	No.	Summary of Recommendation	Page	Timescale
Regulation of childcare that operates for less than two hours or for children over eight years of age	22	We recommend that local authorities be required to provide information about the status of service type and provision through Family Information Services to ensure that parents are sufficiently informed to make considered judgements about childcare.	54	2014
The Inspection of Early Childhood Education and Care	8	We recommend that the joint working that we have been informed is taking place by CSSIW and Estyn in non-maintained settings be further developed to enable the expertise of CSSIW to inform the inspection of under seven provision in the maintained settings to include the development of a common language used for all settings that provide for children under the age of seven years and to enable Estyn to inform the judgement of CSSIW in relation to the reporting of outcome requirements in Foundation Phase.	36	2014
Single Quality Framework	1	We recommend that the Welsh Government commissions a new, robust Single Quality Framework for Early Childhood Care and Education.	25	2015
The Workforce	14	We recommend that the Care Council for Wales is commissioned by Welsh Government to build on existing workforce strategy and the ambitions of <i>Building a Brighter Future: Early Years and Childcare Plan</i> to develop the workforce strategy further as outlined in the full recommendations.	46	2015

Assessment	20	We recommend that the Welsh Government commission the development of a free at the point of use, comprehensive, on-going common assessment tool (common across professions, settings, agencies and sectors).	50	2015
Single Quality Framework	2	We recommended that Welsh Government ensures that detailed guidance about the ECEC Single Quality Framework should be made available to all practitioners and settings.	25	2016
	3	We recommended that Local Authorities are required to provide strong, effective and consistent advisory services, in the language of the setting, to all settings in a bid to secure equality of access to quality service delivery for all children and families.	25	2016
	4	We recommend that the inspectorate(s) be required to ensure that quality standards to be achieved at inspection are those explicit within the ECEC Single Quality Framework through a standardised and moderated process. A uniform understanding of expectations should be delivered equally to inspectors, to advisors and those delivering services.	26	2016

	5	We recommend that the Welsh Government introduce Regional Early Childhood Education and Care Boards and issue these Boards with guidance, building on Welsh Government's education consortia proposals. These Boards should be put in place to oversee the advice and guidance being offered; collate information about regional need to support quality delivery of services; feed information back into a national all-Wales ECEC Board, contributing to a national evaluation system. The ECEC Board would act as a conduit of information to and from government about sector development, sustainability, improvement and models of best practice.	26	2016
The Regulation of Early Childhood Care and Education	6	We recommend that the regulations under the Children and Families (Wales) Measure 2010 and those elements of the Guidance for the Inspection of Primary Schools and Non-Maintained Settings (Education Act 2005) relating to provision for pupils aged seven and under be replaced with by Welsh Government with a single set of Early Childhood Education and Care Regulations and Standards based on the ECEC Single Quality Framework (see Section 3).	31	2016
The Regulation of Early Childhood Care and Education	7	We recommend that the Welsh Government should issue a new Standards and guidance to be drafted within the context of the ECEC Single Quality Framework.	32	2016
The Inspection of Early Childhood Education and Care	9	We recommend that Welsh Government legislate for a single system of inspection to replace dual inspection regimes ¹ replacing the current early childhood responsibilities of both Estyn and CSSIW from 2016.	36	2016

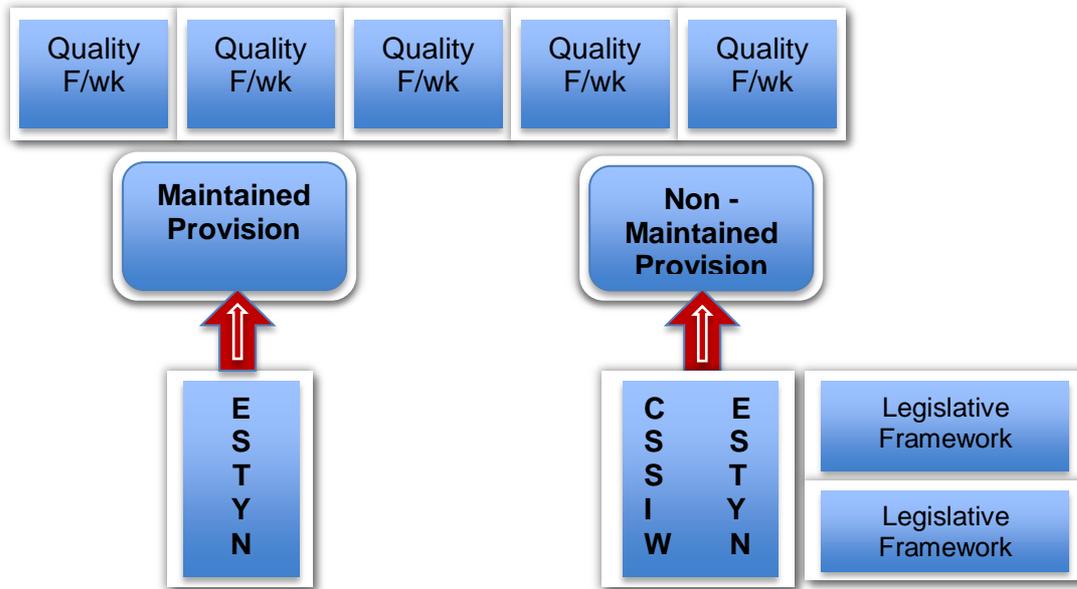
Working Together	10	We recommend, at a national level, that the First Minister consider allocating a single ministerial responsibility for ECEC supported by a single departmental structure.	40	2016
	11	We recommend that Welsh Government should issue guidance to ensure that ECEC support services (such as advisory services) are delivered regionally rather than at local authority level (based on the footprints of the regional education consortia).	40	2016
	12	We recommend that the Welsh Government should guide local authorities to replicate the unified approach to ECEC in the best interest of children, families and communities.	40	2016
	13	We recommend that the new ECEC Single Quality Framework should be implemented across the sector and promoted as an initial focus for collaborative working encouraging a shared professional quality standard, language and value system.	40	2016
Regulation of childcare that operates for less than two hours or for children over eight years of age	21	We recommend that Welsh Government require all settings to register with the unified ECEC Inspectorate and be subject to proportionate requirements of registration, regulation and inspection.	53	2016

The Workforce	19	We recommend that a new competency based early childhood specialist route to Qualified Teacher Status should be introduced specialising in child development in the years from birth to seven and the Foundation Phase. This should run concurrently with the development of a work based learning level 6 ECEC leadership qualification.	47	2017
	15	We recommend that Welsh Government ensures that regulations are revised to require appropriate level 5 qualifications for leaders of all newly registered settings from 2018, and all settings from 2020.	47	2018/20
	16	We recommend that regulations that require larger settings (registered for 20 children or more) to have a supernumerary manager should also require that manager to hold an appropriate level 5 qualification ¹ (with specific leadership modules) by 2020 and a level 6 qualification by 2024.	47	2020
	18	We recommend that in funded Foundation Phase (in schools and non-maintained settings) or Flying Start services practitioners counted within ratios should be appropriately qualified to level 3 and undertake at least 5 days of continuous professional development training annually.	47	2020

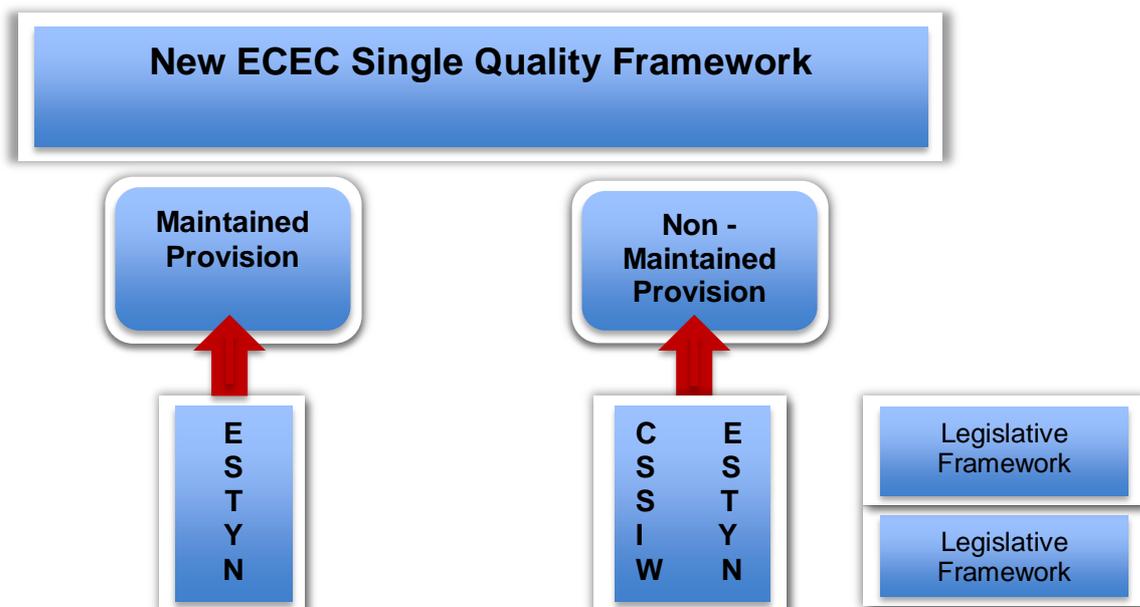
	17	We recommend that all ECEC practitioners counted within regulated ratios should be appropriately qualified to, or above, level 3 or working towards a work-based learning qualification at level 3 to be achieved within a three year period. This should include childminders (although they should be allowed three years from their initial registration to achieve this).	47	2022
--	----	---	----	------

Appendix 3: Staged approach to achieving recommended outcomes

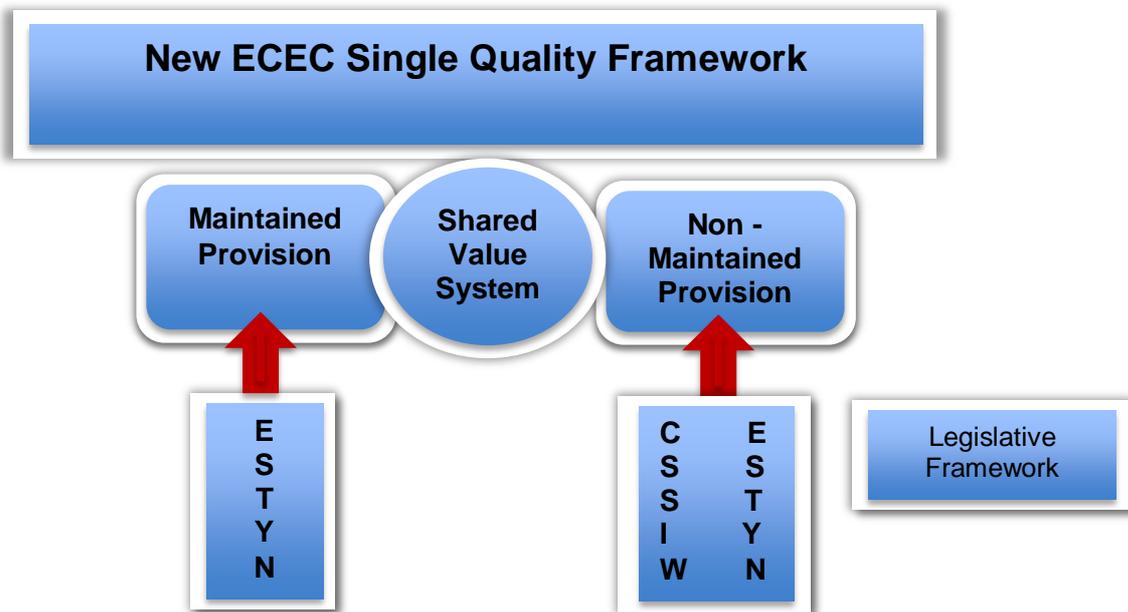
Current Situation



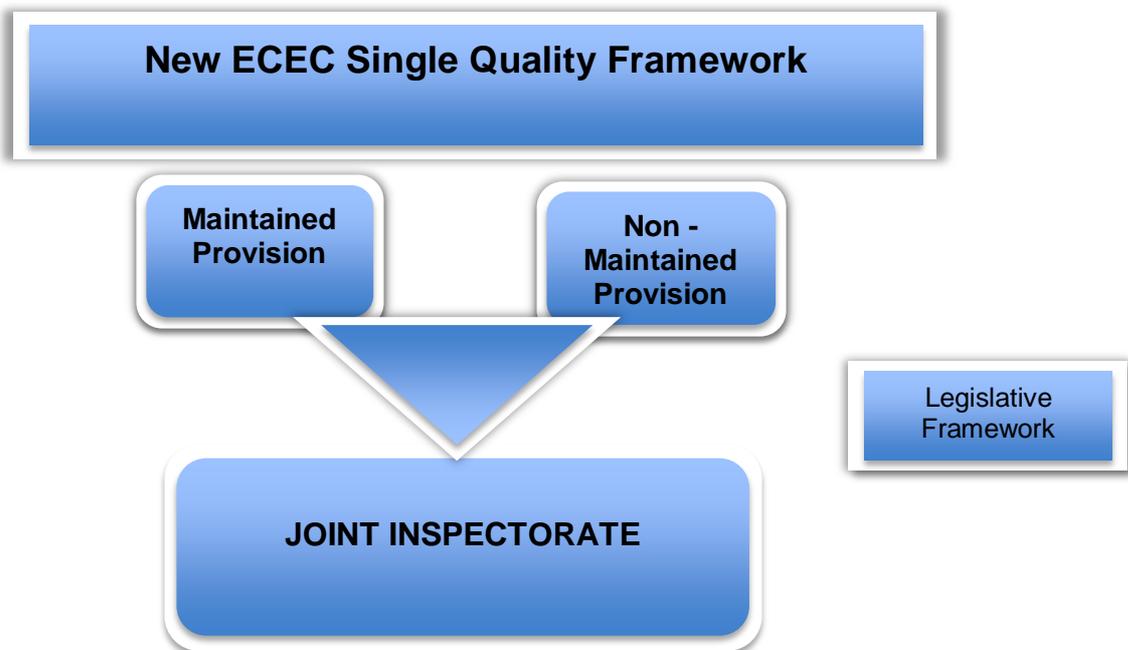
Phase 1



Phase 2



Phase 3



Appendix 4: Members of the working group

Rhiannon Crowhurst Rhiannon is a highly experienced teacher and head teacher of Melin Infant school in Neath, she currently on secondment to the Regional Integrated School Improvement Service (RISIS) Central Wales South West Wales Regional Collaboration.

David Dallimore works as an independent researcher and consultant across the early years, childcare and play field in both England and Wales. After an early career in outdoor education, David worked for a national childcare charity supporting the development of the first *National Childcare Strategy* from 1998. As an independent researcher and consultant he supported the Welsh Government Childcare Working Group and authored the subsequent report '*A Flying Start: Childcare for Children, Parents and Communities*'. In 2008 David worked on developing a '*Children & Young People's Workforce Strategy*' in Wales and also the first *Childcare and Early Years Workforce Plan*. For Care Council for Wales, David carried out research into the Early Years & Childcare Workforce in 2008, 2010 and 2012. David also researches and lectures at Bangor University and is currently investigating issues relating to informal childcare choice in Wales. He is an associate consultant for Family & Childcare Trust, National Children's Bureau and the Welsh Institute for Social and Economic Research Development.

Sian Catryn Mary Davies has held the role of Chief Executive Officer of Wales Pre-school Providers Association since 2009. Prior to undertaking this role she has held various management roles within the National Childminding Association (NCMA). Sian has twenty six years experience of working in the childcare sector and a proven record of working in partnership with a range of Government and local authority agencies. Sian has been involved with the development of national and local policy and initiatives over the years; including the development of the Foundation Phase, Childcare Strategy, Cymorth, Sure Start and the development of the National Minimum Standards for Wales.

Karen Graham Karen is Professor of Childhood and Family Studies at Glyndwr University and is Director of the Centre for the Child, Family and Society. Karen has experience as Director of multi award winning daycare provision, work-based

learning provision and school based education. Her teaching experience spans early years and Key Stages 1 and 2 in addition to roles as a Deputy Headteacher and Advisory Teacher. Karen has broad experience working with local authorities, sector skills councils, child and family stakeholder groups and international working groups on children's play and children's rights. She has been a member of the Pembrokeshire Ministerial Board set up by Welsh Ministers in 2011 and is currently a member of the Early Years and Childcare Partnership Board, co-chaired by the Minister for Education and Deputy Minister for Poverty.

Wendy Hawkins Wendy originally trained as a secondary school teacher and taught in schools in Wales and England. She has significant experience in children's play and has represented Wales on the NEC for the Pre-School Playgroup Association (PPA) for England and Wales. Wendy has been a National Adviser leading Wales PPA before overseeing the development of an independent group for Wales. In 2002 she became the Director of Clybiau Plant Cymru Kids' Clubs and has led the development and growth of the organisations across Wales.

Lynne Hill has worked for Children in Wales for twelve years, following a career in social work and children's services. Lynne leads the organisations work on early years and childcare, provision for children with disabilities, young carers, parenting and family support and information services. Lynne has led a number of projects within Children in Wales, including the development of Early Support in Wales, ESF funded work as part of Reach the Heights project, and work on ID cards for young carers and an information guide for Kinship Carers.

Helen Mary Jones is the Chief Executive of Youth Cymru, a voluntary organisation supporting youth work in Wales, and a public affairs consultant. She served for 12 years as a member of the National Assembly for Wales. Between 2007 and 2011 she chaired the Children and Young People's Committee, pioneering new ways to involve children and young people in the Committee's deliberations. Prior to her election in 1999 Helen Mary worked in a range of youth and community roles, and as the Deputy Director of the Equal Opportunities Commission in Wales. In 2011 she was appointed by Welsh Ministers to the Board set up to support and Challenge

Pembrokeshire County Council following a series of reports highlighting failures in safeguarding practice in education.

Hywel Jones Hywel is Chief Executive, Mudiad Meithrin a native of the Isle of Anglesey. He was appointed Head of Boys Physical Education at Penweddig School, Aberystwyth in 1974, and moved, in 1982 to take up post as the Head of the Urdd Outdoor Pursuits Centre, Glan-Ilyn, Y Bala. Whilst there, he oversaw extensive modernisation of the centre, gaining funding for extra accommodation, a new dining hall, a sports hall, and a ten-pin bowling centre, trebling the income, and the footfall into the centre. He has been in his present post since 1993, and again, has been responsible for the organisation's growth and expansion to what is now the largest childcare organisation in Wales. He established the renowned training company, Cam wrth Gam, and secured funding to build two large integrated centres (the only voluntary organisation to do so), and four large office complexes. Hywel has been, at various times, a member of the BBC Wales Education Panel, Children in Wales Executive committee, The Foundation Phase Monitoring Group, and the Welsh Medium Education Strategy Working Group. He is currently a member of the Early Years and Childcare Partnership, chaired jointly by two Ministers, the Welsh Language Partnership Group, now chaired by the First Minister.

He was awarded the OBE in 2006 for services to the Welsh Language and Education, and was made an Honorary Fellow of the University of Wales, Trinity St David's Carmarthen in 2012, for services to Childcare and the Welsh Language. He is also an Honorary Druid of The National Eisteddfod of Wales.

Rita Jones has recently retired from her post as Deputy Chief Executive of Mudiad Meithrin. She worked for the organisation for thirty years, and was mainly responsible for training and ensuring quality in all aspects of the work and activities of the organisation and its member settings. The effective development and operation of Mudiad Meithrin's quality assurance scheme was her responsibility. She has contributed to the development and management of a number of national agencies in the field of disability and children's services in Wales including membership of Learning Disability Wales Management Board, Children in Wales Management Board and Clybiau Plant Cymru Management Board. She has also

worked closely with the Care Council of Wales on the development of new qualifications for the early years workforce in Wales including specialised units on immersion methodology. She now works as an independent consultant assisting with the development of new policies and resources for the Welsh medium early years sector.

Jennifer Lenczner is a qualified teacher and has more than 30 years teaching experience in early years, primary, secondary and adult education. For the last 13 years she has specialised in the early years and Foundation Phase. Since joining the EAS Foundation Phase Team in 2012 Jennifer has provided training, advice and guidance for both schools and settings throughout Caerphilly and Blaenau Gwent. In 2008 she was appointed as Caerphilly Borough County Council's Advisory Teacher for non-maintained settings, providing on-going training, resources and support and guiding them successfully through Estyn inspections. Jennifer has previously been an active member of Cardiff County Council's Literacy Strategy Team and Foundation Phase Team. She has also successfully co-ordinated a number of initiatives in Cardiff including: Basic Skills outreach adult literacy and numeracy service; Springboard Transition Programme - the aim of which was to raise standards of literacy and numeracy skills between primary and secondary education and the Basic Skills Language and Play programme. She has extensive experience liaising successfully with a wide range of agencies to develop partnership working.

Claire Protheroe is the Direct Services Manager for PACEY Cymru (Professional Association of Childcare and Early Years). Claire leads on the work of PACEY in Wales, developing and maintaining strategic relationships with key partners and providing leadership and business planning for the organisation in Wales over many key areas. Claire has many years of childcare and early years experience and has held a variety of roles within the sector including working as a registered childminder so understands the issues facing practitioners in the field. Claire has represented PACEY Cymru at many expert and working groups at local, regional and national level. This includes the Care Council for Wales, Childcare and Play sector, Early Years Development and Assessment Framework and also partnership working with the other childcare organisations in the development of resources and reports for example 'Fun

Food and Active Play for Tiny Tots ' and a research report into 'Inclusion in the Early Years'. Claire has a 1st Class BA (Hons) degree in Early Years Education.

Vicki Neale has worked for the Care Council for Wales since 2007 specialising in Early Years and Childcare. During her time at the Care Council for Wales, Vicki's recently has developed the Early Years and Childcare qualification list and the Flying Start CPD Framework. In addition, Vicki has developed and published a number of publications to support and raise standards within the Early Years and Childcare Sector these include; 'Supervising Well' and 'Your First Year as an Early Years and Childcare Manager'

Fiona Santos has been working in the childcare sector for over 20 years. Her experience includes both a variety of practitioner roles including Nanning in America, managing a day nursery in both America and Wales and working on a Playbus in the Cardiff area. For the past 14 years she has taken a strategic lead role working as the Childcare and Early Years Coordinator in Caerphilly County Borough Council. This post has evolved with the various regional, local and national initiatives including the introduction of the Early Years and Childcare Partnerships (EYDCP's) and many Welsh Government Childcare Programmes including Sure Start, Flying Start and the Foundation Phase. Fiona was also an inaugural member, and is co-chair, of the AWARE (All Wales Association of Representatives of EYDCP's) group, a network and consultative body.

Sandra Welsby Sandra Welsby leads NDNA Cymru. NDNA Cymru offers support to 446 day nurseries, 18,700 children and a workforce of approximately 6,000. NDNA Cymru supports the development and implementation of the Welsh Government's policy agenda and commitments for childcare and play by supporting quality, accessible, affordable childcare to meet the needs of children and families throughout Wales. Sandra is the National Manager (Wales) who represents the sector at strategic meetings with the Welsh Government, Care and Social Services Inspectorate Wales (CSSIW), Care Council for Wales, and various other agencies supporting and addressing early years and childcare issues. Since joining NDNA in April, 2005, Sandra has been instrumental in developing the infrastructure of NDNA Cymru, her experience and knowledge of the sector enables NDNA Cymru to offer

effective support and recognition to the early years and childcare sector throughout Wales. Sandra has a wealth of experience in early years and childcare in Wales, early years and childcare policy, multi agency working, funding and project management skills. Sandra has previously worked in the public, private and voluntary sector in Wales.

Appendix 5: List of consultations

- All Wales Foundation Phase Advisers group (AWFPA)
- AWARE network
- CCW
- Childcare Strategy Unit Cardiff
- Children's Commissioner's office.
- Clybiau Plant Cymru Kids' Clubs staff
- Colleagues working in education across Neath Port Talbot and Swansea
- CSSIW
- Early Years and Childcare Workforce Network
- Estyn
- Estyn - Working Group
- FIS Network
- Flying Start network
- Foundation Phase System Leaders within the ERW consortium
- LA Advisory Teachers
- NDNA membership
- NDNA Wales Policy Committee
- PACEY Cymru
- Parenting professionals
- Play Wales
- Staff at WG
- University Staff
- Wales PPA -staff and the board
- Wales PPA membership at regional forums
- WCVA

In addition, three open consultation meetings took place (Aberystwyth, Cardiff and Wrexham)

During this review over 3000 stakeholders were consulted across sector groups in the maintained and non -maintained throughout Wales. Stakeholders (excluding the

Care Council for Wales) representing membership groups represented over 8400 members.

Notes

- ¹Welsh Government, 2013. Building a Brighter Future: Early Years and Childcare Plan. Cardiff: Welsh Government Department for Education and Skills and Department for Communities and Tackling Poverty.
- ² OECD (2006). Starting strong II: Early childhood education and care (Vol. 2). OECD Publishing.
- ³ Welsh Assembly Government (2002) Childcare Action Plan.
- ⁴ Many of the recommendations are similar to those made in the 2009 *Review of the Regulations and National Minimum Standards for Daycare and Childminding* which followed widespread consultation, and whose recommendations the sector was disappointed not to see implemented at the time.
- ⁵ Welsh Government, 2013
- ⁶ European Commission (2011) European Commission Communication: Providing all our children with the best start for the world of tomorrow [COM(2011)66] http://ec.europa.eu/education/school-education/doc2266_en.htm
- ⁷ Penn H et al. (2004) What is the impact of out-of-home integrated care and education settings on children aged 0-6 and their parents? Research Evidence in Education Library. London: EPPI-Centre, Social Science Research Unit, Institute of Education, University of London.
- ⁸ Naumann, I. McLean, C., Koslowski, A., Tisdall, K., Lloyd, E. (2013) Early Childhood Education And Care Provision: International Review Of Policy, Delivery And Funding. Scottish Government. Edinburgh.
- ⁹ Kaga, Bennett, Moss (2010) *aring and Learning Together: Study on the integration of ECCE within education*. UNESCO.
- ¹⁰ European Commission (2007)
- ¹¹ Rhys, M., Waldron, S. Taylor C., Power, S. (2014) Policy vs. implementation in the Foundation Phase. Conference Paper. WISERD Conference 2014
- ¹² e.g. Sylva et al, 2004
- ¹³ Parker, I. (2013) Early Developments: Bridging the gap between evidence and policy in Early-Years Education. IPPR, London
- ¹⁴ Parker, I. (2013) Ibid
- ¹⁵ Mathers S, Singler R and Karemaker A (2012) Improving quality in the early years: a comparison of perspectives and measures, London: Daycare Trust.
- ¹⁶ OECD (2001). Starting strong: Early childhood education and care (Vol. 1). OECD Publishing.
- ¹⁷ Welsh Government. Evaluating the Foundation Phase: Policy Logic Model and Programme Theory. (2012)
- ¹⁸ Centre on the Developing Child at Harvard University [CDC] (2007) A science-based framework for early childhood policy, Cambridge, MA: CDC. http://developingchild.harvard.edu/index.php/download_file/-/view/63/
- ¹⁹ Sylva K, Melhuish E, Sammons P, Siraj-Blatchford I and Taggart B (2004) 'The Final Report: Effective Pre-School Education', The Effective Provision of Pre-School Education (EPPE) project Technical Paper 12, London: Department for Education and Skills/Institute of Education/University of London
- ²⁰ Havnes T and Mogstad M (2009) 'No Child Left Behind: Universal Childcare and Children's long-run outcomes', Statistics Norway, Research Department, Discussion Papers No. 582, May 2009
- ²¹ Sylva K, Melhuish E, Sammons P, Siraj-Blatchford I and Taggart B (2004) 'Effective provision of pre-school education: Final report', London: Department for Education and Skills
- ²² Hopkins R, Stokes L and Wilkinson D (2010) Quality, outcomes and costs in Early Years education: Report to the Office for National Statistics, London: National Institute of Economic and Social Research
- ²³ Sylva K, Siraj-Blatchford I, Taggart B, Sammons P, Melhuish E, Elliot K and Totsika V (2006) 'Capturing quality in early childhood through Early Childhood Environmental Rating Scales', *Early Childhood Research Quarterly* 21(1): 76–92. ISSN 0885-2006

- ²⁴ Including out of school childcare, maintaining as a minimum the current requirement to regulate services for children up to the age of eight years.
- ²⁵ Including out of school childcare where a different philosophy is in place respecting that children need the freedom to play and have choice without being assessed against educational outcomes.
- ²⁶ The history of care inspections goes back to the 19th century, designed to protect children in care institutions and from notorious 'baby-farmers'. The 1872 Infant Life Protection Act was the precursor to various UK Parliament Children Acts which were eventually complimented in a devolved Wales by the Children & Families (Wales) Measure (2010). Through most of this time inspections were the responsibility of local authorities in Wales, with national responsibility being given to the then Care Standards Inspectorate for Wales before the merging of social care, children's care and social services inspections to become CSSIW in 2002.
- ²⁷ Bennett, J., (2008) Early Childhood Education and Care Systems in the OECD Countries: the Issue of Tradition and Governance. OECD
- ²⁸ Kaga, Bennett, Moss (2010) Caring and Learning Together: Study on the integration of ECCE within education. UNESCO.
- ²⁹ Parker, I. (2013) Ibid.
- ³⁰ OECD (Online service). Starting strong II: Early childhood education and care. Vol. 2. OECD Publishing, 2006.
- ³¹ Details of qualifications are given in the Care Council for Wales' list of Accepted Qualifications for the Early Years and Childcare Workforce in Wales or Skills Active's Integrated Qualification Framework for Playwork .
- ³² Welsh Government. Flying Start Childcare Guidance. 2013
- ³³ Welsh Government be undertaking a review of the current qualification requirements for support staff working in schools at different levels within the classroom and develop options for future qualification requirements by October 2013 – this will be in partnership with unions and employers.
- ³⁴ Educational Institute of Scotland, (2010) Nursery Education Research Review Report, www.eis.org.uk/images/nursery%20research%20review%20report%20291010.pdf
- ³⁵ Sylva K, Melhuish E, Sammons P, Siraj-Blatchford I and Taggart B (2004) 'Effective provision of pre-school education: Final report', London: Department for Education and Skills
- ³⁶ Mathers, S. et al (2011) Evaluation of the graduate leader fund final report. Dept. for Education Research Report DFE-RR144
- ³⁷ The research noted that the impact of higher -qualified staff was not significant for younger children, but that this could be explained by the fact that highly qualified staff spent four times more time with early-years aged children than with infants and toddlers. The result is therefore not necessarily meaningful: the impact on the youngest children may not show up as significant in studies because highly qualified staff do not interact with these children.
- ³⁸ Dallimore, D. (2012) The Early Years & Childcare Workforce in Wales: 2012. Care Council for Wales.
- ³⁹ Excluding childminders
- ⁴⁰ Nutbrown, C. (2012) Foundations for Quality. The independent review of early education and childcare qualifications. DfE London
- ⁴¹ eg. Austria, Belgium, Czech Republic, Finland, Hungary, Italy and Sweden
- ⁴² Nutbrown, C. (2012) Ibid.
- ⁴³ OECD (2012). Starting strong III: Early childhood education and care (Vol. 3). OECD Publishing.
- ⁴⁴ The modular structure of the Children's Care Learning and Development qualification allows practitioners to gain both a practice-based (pedagogical) Level 5 and a leadership Level 5 with the addition of 12 additional units.
- ⁴⁵ Welsh Government (2012) The review of Early Years child assessment tools used in Wales
- ⁴⁶ Welsh Government (2013) National Evaluation of Flying Start: Area case study synthesis report

⁴⁷ The modular structure of the Children's Care Learning and Development qualification allows practitioners to gain both a practice-based (pedagogical) Level 5 and a leadership Level 5 with the addition of 12 additional units.