

Equality Impact Assessment (EIA) – Part 1

Policy title and purpose (brief outline):	Extension of the Childcare Registration Framework within the “Children and Families (Wales) Measure 2010”
--------------------------------------------------	------------------------------------------------------------------------------------------------------------------

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Currently in Wales, childcare registration is generally required where childcare providers provide care for children up to the age of eight. All registered childcare providers must abide by relevant regulations and by standards as set out in the National Minimum Standards for Regulated Child Care (NMS). This standard of care is assured through inspection and regulation by Care and Social Services Inspectorate Wales (CSSIW) against these standards.

The policy is to extend the upper limit for the compulsory registration of childcare provision from 8 to 12 years. The overall objective of the policy is to put in place arrangements to ensure there is a consistent means for regulating the quality and suitability of childcare provision for children aged eight years and over in Wales. These changes will lead to an increase in the number of childcare settings required to comply with the NMS for Regulated Child Care which include outcomes aligned with equality and inclusion. The intended main beneficiaries are:

Children

- in childcare provision up to the age of 12 years who will benefit from being cared for in settings subject to minimum standards of care designed to ensure they are part of safe and appropriate environment with suitably qualified staff.

Parents/Carers

- will receive greater assurances around the safety and quality of the care their children are receiving.
- will be able to access the UK wide tax and benefits subsidies open to parents who use registered childcare, which will help make childcare more affordable.

The extension of the upper age limit for the registration of childcare provision will come into effect from April 2016. All childcare and play provision, including (child minders, day care services, after school clubs, holiday play schemes and play provision) for children under 12 years old (operating for over 2 hours a day), will need to register with CSSIW. The desired outcome will be an increase in the number of registered childcare providers in Wales for children from 0 to 12 years.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

- We included questions within our consultation which sought to address views around how the changes we proposed may affect equality.
- Before undertaking the consultation we engaged with internal stakeholders to help identify the impact the project will have on equality.
- We have also engaged with external stakeholders from across the childcare sector, to gather views about the extension of childcare registration. These have included organisations that provide care for, oversee and promote equality for children with protected characteristics.

Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

When looking at these changes, policy officials took a range of information into account. These included:

- Information regarding registration for older children in other parts of the UK where arrangements are in place for the registration of provision for children over the age of 8 years;
- Quantative data on the availability of childcare provision taken form the from the Local Authority Childcare Sufficiency Assessments (CSAs);
- Data from the Family Information Service on settings in Wales providing provision for children over the age of 8 years;
- Welsh National Minimum Standards (NMS) for regulated Child Care;
- Data taken from surveys conducted by CSSIW, about the effect the changes will have on the sector (i.e. How many businesses would likely be affected); and
- Consultation responses following a twelve week public consultation.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
-----	----------	----------	-------------------	-----------------------------------------------------------------------

Younger people <i>(Children and young people, up to 18)</i>	X			By changing the requirement to register, more settings will need to comply with the National Minimum Standards for Regulated Child Care, increasing the level of care that younger people receive.
People 18-50	X			<p>People within this age group are more likely to be parents. Changes to the regulations mean that parents will feel more assured over the childcare their children will receive.</p> <p>Certain parents will be able to access the UK wide tax and benefits subsidies open to parents who use registered childcare, which will help make childcare more affordable.</p>
Older people (50+)	X			This scheme may affect older parents as above, and may have a marginal effect on grandparents, by reducing the burden to provide childcare, and some may be able to access additional support (through UK wide tax and benefit systems) which will help make childcare more affordable.

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
------------	----------	----------	-------------------	----------------------------------------------------------------------

Visual impairment	X			More childcare settings will now need to conform to the National Minimum Standards for Regulated Child Care, specifically standards 4.8, 4.9 and 4.10 which promote reasonable care for children who have special or additional needs.
Hearing impairment	X			
Physically disabled	X			
Learning disability	X			
Mental health problem	X			
Other impairments issues	X			

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			X	This policy is not targeted towards any gender in particular and should benefit parents generally irrespective of gender.
Female			X	

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	As above

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			X	This policy does not target persons based on their marital status.
Civil Partnership			X	

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			X	Not likely to impact, although may affect a person's choice as to whether to have children.
Maternity (the period after birth)			X	Change primarily affects parents of older children so impact on mothers in the period after birth likely to be limited.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,	X			Potential for a modest positive benefit, insofar as more settings will be required to comply with Standard 16.1 of National Minimum

National Origin (e.g. Welsh, English)	X			Standard for Regulated Child Care: 'Equality of opportunity and anti-discriminatory practice is promoted in the setting.'
Asylum Seeker and Refugees	X			
Gypsies and Travellers	X			
Migrants	X			
Others	X			

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)	X			Potential for a modest positive benefit, insofar as more settings will be required to comply with standard 4.3, 12.1, 12.4 and 12.5 of the National Minimum Standard for Regulated Child Care; which are all targeted at religious parity.
Belief e.g. Humanists			X	Not mentioned in NMS
Non-belief			X	Not mentioned in NMS

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men	X			Potential for a modest positive benefit, insofar as more settings will be required to comply with Standard 16.1 of NMS: 'Equality of opportunity and anti-discriminatory practice is promoted in the setting.'
Lesbians	X			
Bi-sexual	X			

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	X			The regulations are based upon the United Nations Convention on the Rights of the Child (UNCRC). Please see the Children's Rights Impact Assessment for more information on this. This policy does not conflict with any of the articles listed in the Human Rights Act 1998. The National Minimum Standards for Regulated Child Care reference the UNCRC and sets out that all those caring for and working with children and young people have a role to fulfil in recognising children's rights and helping them reach their potential as individuals.

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The proposal to increase the upper age for the compulsory registration of childcare from 8 to 12 years ensures there is a consistent means for regulating the quality and suitability of childcare provision for children aged eight years and over in Wales. It ensures articles contained within the UNCHR are upheld not just for younger children, but also for older children using childcare.

The proposal will also enable more parents in Wales to access the UK wide tax and benefit subsidies available in respect of the costs of using registered and approved childcare. This will help to reduce the costs of childcare, therefore, contributing to the tackling poverty priority of enabling more parents to access affordable childcare.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

By increasing the upper age limit for the registration of childcare and amending the NMS to reflect this, more childcare settings will be subject to regulation and inspection with the safeguards this brings. Standard 16.3 specifically refers to compliance with anti-discriminatory legislation and good practice in all areas.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The changes will lead to an increase in the number of childcare settings required to comply with the NMS. These standards include outcomes aligned with equality and inclusion and the need to have regard to the Welsh Language. These will help form the basis for advancing / promoting good relations and wider community cohesion.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

N/A

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

N/a

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation

to the policy (e.g. consultations, specific monitoring etc).

We will monitor the impacts of this policy with the support of CSSIW and their reporting procedures, and through the Local Authority findings in their Childcare Sufficiency Assessments.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

--