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| Title: | Notice of new guidance which has implications for the National Minimum Standards for Regulated Childcare for children up to the age of 12 years |
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| Issued by: | |
| Nicola Edwards Deputy Director, Childcare, Play and Early Years Division | |
| Addressed to: | Please forward to: |
| Care Inspectorate Wales Estyn Social Care Wales SkillsActive Welsh Local Government Association Local Authority Chief Executives Local Authority Childcare Co-ordinators and Childcare Offer leads Local Authority Play Co-ordinators Local Authority Flying Start teams AWARE Local Authority Family Information Services CWLWM Childcare Consortium Play Wales | All registered child minding and day care services and other interested parties |

Summary

This Circular Letter is issued with the agreement of the Deputy Minister for Social Services. Please ensure that its contents are communicated to all interested parties as soon as possible.

The purpose of this Circular Letter is to provide advice to the childcare and play work sector in Wales about new legislation and guidance which relates to the National Minimum Standards for Regulated Childcare for children up to the age of 12 years (NMS).

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New guidance and legislation relating to National Minimum Standards for Regulated Childcare for children up to the age of 12 years

The purpose of this circular letter is to draw to your attention to;

- recently published fire safety guidance for child minders
- changes in legislation for children with Additional Learning Needs
- the introduction of the national curriculum in non-maintained settings

Fire safety guidance for Child minders

In response to requests from the child minding sector for additional guidance around fire safety for child minders, the Welsh Government has recently published [fire safety guidance](#) for child minders. The guidance aims to support child minders in considering how they may mitigate the risks inherent in a domestic environment and so help ensure the safety of the children being cared for in child minding settings. The guidance has been developed by fire safety professionals in consultation with key stakeholders including Care Inspectorate Wales (CIW) and Pacey (Cymru) and includes advice about how to carry out risk assessments to prevent fires in the home.

Whilst, in the main, the guidance aligns with the information contained within the [National Minimum Standards for Regulated Childcare for children up to the age of 12 years \(NMS\)](#), under Standard 24 Safety, the recently published guidance provides an updated position in respect of Standard 24.23, in that it advises that fire-fighting equipment of any kind is unnecessary in any domestic setting, including domestic premises used by child minders. On that basis, current advice is that fire blankets and extinguishers are neither mandatory nor recommended.

We will be looking to review the NMS in due course to reflect the current guidance.

Changes in legislation for children with Additional Learning Needs (ALN)

The ALN system is the new statutory support system for children and young people aged 0 to 25 in Wales with ALN that is due to come into force in September 2021.

The legislative framework of the new system is created by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ('the Act'), the ALN Code for Wales and regulations made under the Act. Through this statutory framework, the Welsh Government aims to ensure that all learners with ALN are supported to overcome barriers to learning and can achieve their full potential.

The NMS Standard 4 'Meeting of Individual needs' references at 4.5

*the need for registered childcare providers to follow the **current Code of Practice for Special Educational Needs (or Additional Learning Needs) for Wales.***

The Additional Learning Needs Act replaces the terms 'special educational needs' (SEN) with the new term 'additional learning needs (ALN)'. The ALN system will commence on a phased basis from **September 2021**, with the statutory roles created under the Act having been commenced in January 2021.

The [ALN Code](#) issued under the Act to support the new ALN system includes guidance for local authority funded non-maintained providers of nursery education. In line with the local authority's funding arrangements, funded providers **are required** to have regard to this guidance. Chapters 6, 10 and 11 of the Code provide specific guidance for local authority funded non-maintained providers of nursery education. Other registered providers of childcare may also find it useful. The Code explains how local authorities will support childcare providers in identifying children with ALN within their settings.

Every local authority is required to appoint an officer called the **Early Years Additional Learning Needs Lead Officer** ('the **Early Years ALNLO**') who will work with childcare providers and relevant umbrella organisations to develop their skills and knowledge of ALN. This role was made statutory in January 2021.

The Early Years ALNLO will support providers in identifying and referring cases of potential ALN to the local authority early, with a view to appropriate early intervention being put in place promptly. The Early Years ALNLO will also help providers of childcare and non-maintained nursery education with guidance and training on meeting the needs of children attending their settings, for example in relation to assisting with delivery of the additional learning provision (ALP) set out in a child's Individual Development Plan (IDP) and developmental delay.

In addition to the information in the ALN Code, the Welsh Government have produced a range of [guidance](#) about ALN with further information planned in relation to the phased implementation of the ALN system.

An all-audience [e-learning course](#) on the ALN system was published on Hwb in January 2021, and a suite of short videos, each providing an overview of the responsibilities of different sectors under the Act will be published in summer 2021. Separate videos will be available for both LAs and the Early Years sector.

Implementation of the Curriculum for Wales

The NMS refers to the Foundation Phase - the current early years curriculum for children aged 3-7 years.

All child minders and day care settings including sessional day care settings who provide early years education through the Foundation Phase curriculum must comply with the Foundation Phase Framework made under the Education Act 2002. In addition, registered childcare providers (whether funded by the LA to deliver early years Foundation Phase or not) must, in line with Standard 7.10 of the NMS, understand and apply the principles of the Foundation Phase "in a way appropriate to the age, abilities and stage of development of children in their care and the nature of the provision." This Standard does not apply to open access play or out of school provision, although relevant elements should still be considered desirable as good practice.

From September 2022, the Foundation Phase will be replaced by the Curriculum for Wales. All registered childcare providers, to whom Standard 7.10 of the NMS currently apply, will need to understand the principles of the Curriculum for Wales and begin preparations to apply these in settings from September 2022.

The Welsh Government has committed to make available a curriculum for funded non-maintained settings to adopt in order to meet the requirements of the Curriculum and Assessment (Wales) Act 2021. Funded settings will be able to adopt this curriculum, or they may wish to design their own, or work with others to design a curriculum. However, settings wishing to design their own curriculum will need to ensure it meets the statutory requirements set out in the Act. A [draft curriculum](#) for funded non-maintained settings was published for consultation on 21 May.

The curriculum will be published in December 2021. The Welsh Government is considering the professional learning needs of the sector to support the effective implementation of the new curriculum from September 2022.

Providers can contact their relevant umbrella organisation for information on current training opportunities which might be available. Contact details can be found at [CWLWM](#). For information on supporting and facilitating children's play in a range of settings including schools offering the new curriculum please contact [Play Wales](#)

NMS Review and next steps

The Welsh Government will be working with key stakeholders to update the National Minimum Standards and to publish a refreshed standards document in 2022, in order to reflect relevant developments in related policy areas and taking into account some of the recommendations arising from the [review report](#) published in 2019.