Welsh Government Integrated Impact Assessment

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| **Title of proposal:** | **National Minimum Standards for Regulated Childcare – consultation on proposed changes, 2022** |
| **Official(s) completing the Integrated Impact Assessment (name(s) and name of team)**: | **Anne Pound** |
| **Department:** | **EPS Childcare Play and Early Years** |
| **Head of Division/SRO (name):** | **Nicola Edwards** |
| **Cabinet Secretary/Minister responsible:** | **Deputy Minister for Social Services** |
| **Start Date:** | **14/10/2021** |

# Section 1. What action is the Welsh Government considering and why?

The [National Minimum Standards for Regulated Childcare for children up to the age of 12 years](https://gov.wales/sites/default/files/publications/2019-06/national-minimum-standards-for-regulated-childcare.pdf) (NMS) was last updated in 2016. These standards are designed to assist providers and settings to meet the regulations that are relevant to the service they provide. Registered persons must have regard to the standards which relate to the type of care provided.

A [review](https://gov.wales/sites/default/files/publications/2019-08/review-of-the-national-minimum-standards-for-regulated-childcare.pdf) of the NMS took place between 2017 and 2019 which involved the analysis of the relationship between The Child Minding and Day Care (Wales) (Amendment) Regulations 2016 and the NMS, and implementation of the NMS on the ground. A [review](https://gov.wales/sites/default/files/publications/2019-08/review-of-the-national-minimum-standards-for-regulated-childcare.pdf) report was published in the summer of 2019.

The Welsh Government review included engagement with stakeholders across the childcare and play work sector and examination of the approaches adopted by other UK administrations in assessing the standard of childcare and play work provision. A number of key issues emerged from the review, which ranged from potential changes to specific standards to consideration of the wider regulatory and quality agenda and their relationship with the childcare and play work sector.

Twenty recommendations were made as a result of the review. Some of the recommendations are embedded in existing Welsh Government work programmes, for example the Ministerial Play Review and work in relation to Early Childhood Education and Care.

Officials have worked with key stakeholders from across the childcare and play work sector to consider the recommendations and how best to implement them taking into account the impact of any potential long term changes to the NMS on the safety and quality of care provided. A collaborative approach has been taken by engaging with representatives of registered providers from the childcare and play work sector and other relevant partners (Cwlwm, Play Wales, Local Authorities, **Estyn and Social Care Wales),** whose settings need to meet NMS, as well as engaging with **Care Inspectorate Wales (**CIW) who inspect registered providers against the NMS.

Our intention is to consult on any proposed changes with a broad range of stakeholders over the summer 2022, with a view to making changes in winter 2022/23

In the main recommendations which are out of scope for this work are being considered/or will be considered as part of separate work streams, in particular the Ministerial Play Review and the planned consultation on the Child Minding and Day Care Exceptions (Wales) Order 2010.

The recommendations within scope for the project are:

***Safeguarding (incl. safeguarding training)***

R1. Local authorities should work with the relevant Safeguarding Children Board to consider the training offer to childcare settings and provide advice to individuals and settings on appropriate training provision

R2. Improved information sharing arrangements between Care Inspectorate Wales and local authorities around safeguarding issues

***Supernumerary***

R6. Consideration to be given about whether a more flexible approach could be adopted for supernumerary staff depending on specific circumstances and the nature of the provision

***Qualifications and training***

R7. Consideration to be given to whether standard 13.7(DC) could be amended to include staff “working towards a qualification” within a set time frame as part of accepted ratio

R8. Continue ongoing work with the sector and Care Inspectorate Wales to ensure greater understanding of the recognised qualifications to meet the requirements of the current NMS

R9. Greater emphasis to be placed on Continued Professional Development (CPD) within NMS

R11. Consider scoping work carried out to date around first aid training and specifically Paediatric First Aid training requirements

***Child minding***

R12. Consideration to be given to the provision of guidance in instances where more than two registered child-minders or more than one child-minder and an assistant work from the same premises

R13. Clearer guidance to be developed on the role of child-minding assistants, in particular around how they are supervised to ensure quality and safe care for children

***Quality***

R17. Further work to be carried out to explore the quality agenda and the relationship between the NMS, Care Inspectorate Wales’s Inspection Framework and the quality guidance schemes across the childcare and play sector. Any findings to be fully aligned with the longer term vision for Early Childhood Education and Care reform.

***New Curriculum***

R18. Consider how best to support the sector through the transition from Foundation Phase to New Curriculum principles and new ways of working.

We have also taken opportunities to update the NMS for example to reflect changes to organisations that were referred to that no longer exist and to changes to qualifications. Some of the NMS standards have been amended presentationally (i.e. re-ordered) to allow clearer messages.

**Five ways of working**

**Throughout the work of the project we are considering how any changes to the NMS in respect of the above areas will support the sector and bring benefits to children and families in the long term.**

**Through the focus on supporting a suitably qualified workforce, we are taking important steps to ensure the workforce is equipped to protect children from harm and prevent negative experiences. The work is being undertaken in a collaborative way, with significant involvement from key stakeholders to identify and develop tangible policy solutions, and the intention is to consult a wide range of stakeholders. The work within scope of this project will contribute, in particular, towards realising the Well-being goals relating to a healthier Wales; a resilient Wales; a prosperous Wales, more equal and more vibrant Wales.**

**The recommendations are informed by the views of the childcare and play work sector with the proposed changes seeking to strike a proportionate balance between giving children the best start in life and ensuring that settings can remain viable and thrive.** The refreshed NMS will align with the development of the Early Childhood Education and Care (ECEC) Quality Framework the Curriculum for Wales, Children’s Rights, the Childcare Offer for Wales, the Early Years Workforce Plan and Flying Start.

**Any changes to the NMS will have a direct impact on registered providers who need to operate in line with the standards. There has been a focus on supporting the current workforce in registered childcare and play work settings to increase their training and continuous professional development. This will ensure that staff are equipped and able to protect children from harm and prevent negative experiences while they are in childcare and play work settings.**

# Section 8. Conclusion

* 1. **How have people most likely to be affected by the proposal been involved in developing it?**

The proposed changes to the NMS build upon the recommendations identified in the 2019 review which included engagement with stakeholders across the childcare and play sector.

We have worked with our internal and external stakeholders to consider the recommendations and how best to implement them, taking into account the impact of any potential long term changes to the NMS on the safety and quality of care provided. These have included CIW who inspect against the NMS and members of the Cwlwm childcare consortium and Play Wales whose represent childcare and play work providers.

The updated NMS, reflecting the advice and recommendations of stakeholders, will be subject to a full 12 week consultation when the views of stakeholders, providers and the wider public will be sought on the proposed changes. The Welsh Government will use its digital channels and existing networks across all relevant policy areas to raise awareness of the consultation and to engage a diverse range of people. This will include organisations which are family-facing and those which represent the interests of children in Wales, as well as The Children’s Commissioner, Future Generations Commissioner and the Welsh Language Commissioner. CIW, Social Care Wales, the Cwlwm childcare consortium and local authorities will support the consultation process, ensuring it is publicised with childcare and play work providers across the sector. The wording of the final updated NMS guidance will be informed by feedback received from the consultation.

* 1. **What are the most significant impacts, positive and negative?**

The proposed changes to the NMS and supporting guidance will help ensure the document takes account of the recommendations from the NMS review. This will have a positive impact helping to support childcare and play work providers meet the necessary regulatory requirements for the provision of registered childcare and play work

In response to feedback from the childcare and play work sector Welsh Government have looked where possible to provide greater flexibility and clarity in terms of the requirements in the NMS, with the aims of supporting the sustainability and viability of private, third sector and public providers while continuing to prioritise the safety and well-being of the minded children.

Any improvements to the NMS should have a positive impact on childcare and play work providers wherever they are located in Wales. Specific recommendations such as a more proportionate response to supernumerary staffing requirements in day care settings, for example, should facilitate the development of innovative provision whereby sessional providers may look to extend provision and to register to provide full day care. This would be particularly beneficial in rural areas where such provision is limited

Any potential negative impacts from the proposed removal of the supernumerary requirement have been mitigated by strengthening standards which relate to the adult: child ratios for staff time working directly with children.

The sustainability of the childcare sector is a positive impact of the proposed change, the sector is as a key part of the foundational economy and enables parents to return to work, increase their hours and support those working irregular hours.

Based on feedback from the sector and as part of the NMS review, the proposed changes have also focused on providing greater clarity for childcare providers, in areas where previously the wording of standards has been ambiguous. The proposals also include supporting guidance across a number of areas including Safeguarding, First Aid training, Quality provision, and arrangements for childminders working with assistants. These changes will have a positive impact on the quality of provision and the safety and wellbeing of children. High quality childcare provision can have a positive influence on a child’s development and help them develop to their full potential. Evidence suggests children from disadvantaged backgrounds benefit more from quality childcare and that it can help redress both developmental disadvantages and the attainment gap.

* 1. **In light of the impacts identified, how will the proposal:**
* **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
* **avoid, reduce or mitigate any negative impacts?**

The proposed amendments outlined above will play an important part in supporting the general principle of the Well-Being of Future Generations (Wales) Act 2015, which is about making positive interventions now, in order to benefit people living their lives in Wales in the future. The updated NMS will help to ensure that children are cared for in a safe, secure and appropriate environment.

The proposal contributes towards the Act’s Well-being goals, in particular;

* **A prosperous Wales**
	+ Supports the sustainability of the childcare and play sector as a key part of the foundational economy.
	+ Enables parents to return to work, increase their hours and support those working irregular hours.
	+ Ensures the availability of formal childcare places as the economy re-opens and parents return to work.
* **A healthier Wales**
	+ Promotes good health and well-being for everyone, reducing stress and anxiety associated with their business and finding additional childcare.
	+ Providing a safe, caring, nurturing and learning environment for children, particular during a time of uncertainty.
	+ Access to high quality safe and secure childcare and play improves children’s physical and mental health and well-being.
	+ Provides opportunities for children to play.
	+ Childcare and play settings provide children with access to qualified play workers who can support their play.
	+ Childcare and play settings provide children with access to qualified childcare workers who can support their play
* **A more equal Wales**
	+ Ensures that all children are able to can access quality provision, helping to reduce the gap between the least and most deprived in our communities.
	+ High quality childcare provision can have a positive influence on a child’s development and help them develop to their full potential. Evidence suggests children from disadvantaged backgrounds benefit more from quality childcare and that it can help redress both developmental disadvantages and the attainment gap.
* **A Wales of vibrant culture and thriving Welsh language**
	+ Ensures that children accessing Welsh medium provision are receive high quality care - by providing Welsh medium childcare and play opportunities for children who do not come from Welsh medium families, giving them the opportunity to socialise and play through the medium of Welsh.

**8.4How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The proposed changes will be subject to consultation and responses received in response to the consultation will be considered in finalising the updated NMS. We will continue to seek feedback from the sector on the effectiveness of the updated NMS, and the impact of the additional guidance, considering any improvements that may be required in future. We will also seek feedback on a regular basis from CIW who regulate and inspect childcare settings on behalf of Welsh Ministers.

# Children’s Rights Impact Assessment

**All** completed Children’s Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

1. **Describe and explain the impact of the proposal on children and young people.**
* ***How will the proposal affect the lives of children, positively and negatively?***

In order to ensure children are cared for in a safe, secure and appropriate environment childcare settings are subject to regulation, registration and inspection. CIW on behalf of Welsh Government is the regulator and inspector of registered childcare provision.

A [review](https://gov.wales/sites/default/files/publications/2019-08/review-of-the-national-minimum-standards-for-regulated-childcare.pdf) into the NMS took place from 2017-19, publishing its report and recommendations in summer 2019. The review involved the analysis of the relationship between The Child Minding and Day Care (Wales) (Amendment) Regulations 2016 and the NMS and implementation of the NMS on the ground. A [review](https://gov.wales/sites/default/files/publications/2019-08/review-of-the-national-minimum-standards-for-regulated-childcare.pdf) report was published in the summer of 2019.

The Welsh Government review included engagement with stakeholders across the childcare and play work sector and examination of the approaches adopted by other UK administrations to assessing the standard of childcare and play work provision. A number of key issues emerged from the review, which ranged from potential changes to specific standards to consideration of the wider regulatory and quality agenda and their relationship with the childcare and play work sector.

Twenty recommendations were put forward in response to these findings, but implementation was delayed due to the Covid-19 pandemic. Some of the recommendations are embedded in existing Welsh Government work programmes, for example the Ministerial Play Review and realisation of the vision for Early Childhood Education and Care.

Officials have worked with key stakeholders from across the childcare sector to consider the recommendations and how best to implement them taking into account the impact of any potential long term changes to the NMS on the safety and quality of care provided for children. A collaborative approach has been taken by engaging with representatives of registered providers of childcare and play sector (Cwlwm, Local Authorities, **Estyn and Social Care Wales),** whose settings need to meet NMS and **CIW** who inspect against the NMS.

A refreshed online National Minimum Standards for Childcare Providers (NMS) will be produced / launched incorporating the recommendations from this review.;

Our intention is to consult on any proposed changes with a broad range of stakeholders in summer 2022. **We are** planning to engage with organisations representing the interests of children and families as part of the formal consultation.

 Based on feedback from the sector and as part of the NMS review, we have focused on providing greater clarity for childcare providers, in areas where previously the wording of standards has been ambiguous and developing guidance across a number of areas including Safeguarding, First Aid training, Quality provision, and arrangements for childminders working with assistants.

1. **Explain how the proposal is likely to impact on children’s rights.**

The changes to the National Minimum Standards for Regulated Childcare will impact on the safety and wellbeing of children by strengthening standards and providing greater clarity and guidance for childcare providers in how they meet the required standards.

Based on feedback from the sector and as part of the NMS review, we have focused on providing greater clarity for childcare providers, in areas where previously the wording of standards has been ambiguous and developing guidance across a number of areas including Safeguarding, First Aid training, Quality provision, and arrangements for childminders working with assistants.

The table below outlines the [UNCRC articles](https://downloads.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf?_adal_sd=www.unicef.org.uk.1640010589737&_adal_ca=so%3DLive%26me%3Dorganic%26ca%3D(not%2520set)%26co%3D(not%2520set)%26ke%3D(not%2520set).1640010589737&_adal_cw=1640010585527.1640010589737&_adal_id=fcb44cc8-ea43-4c46-8eac-2cffa75dc34a.1640010586.2.1640010586.1640010586.11cd8fb9-510f-414a-9212-90e74ce82a88.1640010589737&_ga=2.189999020.602968535.1640010585-229921152.1640010585) that are most relevant to the above decisions.

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| **Article Number**  | **Description**  |  | **Links to decisions**  |
| **2**  | **Non-discrimination** - The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.  |  | The amended NMS will apply to all registered childcare and play settings caring for children from birth up to the age of 12 years.   |
| **3**  | **Best Interest of the Child** - The best interests of the child must be a top priority in all decisions and actions that affect children.  |  | The amended NMS will focus on the need to properly protect and safeguard children in childcare settings.   |
| **6**  | **Life, Survival and Development** - Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.  |  | High quality childcare provision can have a positive influence on a child’s development and help them develop to their full potential. The amended NMS will play an essential role in helping to ensure that children are cared for in a safe, secure and appropriate environment.    |
| **18**  | **Parental responsibilities and state assistance** - Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.  |  | The provision of childcare plays a crucial role in the lives of Welsh families by enabling parents and carers to access training and employment opportunities, which in turn can assist families in moving out of poverty. By ensuring the National Minimum Standards are amended and fit for purpose, parents can be assured that their children are cared for in a safe and secure environment.   |
| **24**  | **Health and Social Services** - Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.   |  | Access to high quality safe and secure childcare and play improves children’s physical and mental health and well-being. Registered childcare and play work settings provide ensure that any meals and/or snacks children receive are nutritionally balanced, in line with [Welsh Government's Foodand Nutrition guidance for childcare settings](https://gov.wales/food-and-nutrition-childcare-settings-full-guidance); |
| **31**  | **Leisure, Play and Culture** - Every child has the right to engage in play and recreational activities**.** |  | Childcare and play settings provide children with opportunities to play.  |

# WELSH LANGUAGE IMPACT ASSESSMENT

*Cymraeg 2050* is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in its Programme for Government. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015*.*

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The *Cymraeg 2050* strategy has three themes:

The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

1. Welsh Language Impact Assessment reference number 08/05/2022 (completed by the Welsh Language Standards Team) email: Safonau.Standards@gov.wales
2. Does the proposal demonstrate a clear link with the Welsh Government’s strategy for the Welsh language? – [*Cymraeg 2050 A million Welsh speakers*](http://gov.wales/docs/dcells/publications/170711-welsh-language-strategy-eng.pdf) and the related [Work Programme for 2017-2021](https://gov.wales/docs/dcells/publications/170711-cymraeg-2050-work-programme-eng-v2.pdf)?

The Welsh Government's vision is to see the Welsh language thrive, with an increase in the number of people who both speak and use the language in their daily lives. Both this strategy and the Well Being of Future Generations (Wales) Act state that the Welsh language is a strategic priority for the Welsh Government.

We want to work with our partners to develop practical solutions to barriers parents may face in accessing the childcare they need to be able to work, including ensuring sufficiency of Welsh-medium and bilingual childcare. Expanding Welsh-medium provision in the early years is one of the key aims of our Welsh Language Strategy, *Cymraeg 2050*.

The importance of the Welsh language strategy is further highlighted with Welsh Government’s long-term aim being “for our early years provision is to reach a position where children under five have had sufficient contact with the Welsh language to be able to start on their journey towards fluency”. The NMS review takes account of the particular issues faced by providers in contributing to a child’s Welsh language development.

The proposed changes set out at Section 1 will support registered childcare and play work providers in meeting NMS standards. These will include Welsh medium settings and bilingual and English medium settings all of whom will need to meet outcomes aligned to equality and inclusion and the need to have regard to the Welsh Language.

1. Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language. **How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)? You should note your responses to the following in your answer to this question, along with any other relevant information:**

Access to Welsh medium childcare and play gives children the opportunity to socialise and play through the medium of Welsh (for some children, exposure to the Welsh language will not have been possible during lockdown). Support for Welsh medium settings will also support Welsh medium education as children who attend Welsh medium childcare or more likely to progress to Welsh medium schools than those attending English medium provision. Strengthening of Welsh medium settings also means that settings will be in a position to offer a service to Welsh speaking families or to families where there is an appetite for the children to be bilingual, even if the parents are not. In situations where this is happening, children are able to continue with their day to day lives and activities whilst speaking their first language (in the case of Welsh speaking families) or children in non-Welsh speaking households have the added benefit of childcare through the medium of Welsh, further supporting their learning and development and future employment choices.