



Llywodraeth Cymru
Welsh Government

Number: WG43989

Welsh Government

Consultation Document

Proposed changes to the National Minimum Standards (NMS) for Regulated Childcare for Children aged up to 12 years

We are seeking your views on proposed changes to the National Minimum Standards (NMS) for Regulated Childcare for children up to the age of 12 years

Date of issue: **28 June 2022**

Action required: Responses by **20 September 2022**

Mae'r ddogfen hon ar gael yn Gymraeg hefyd /
This document is also available in Welsh

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Overview

This consultation seeks your views on the proposed changes to the National Minimum Standards (NMS) for Regulated Childcare for children up to the age of 12 years. The NMS apply to all registered persons, child minders and providers of day care (including open access play provision) for children up to 12 years of age. This consultation is also of interest to other parties, such as, representative bodies and organisations working with the child minding sector, the play and day care sector; local authorities; and parents.

The consultation proposes changes which mainly respond to key recommendations from a [Review of the National Minimum Standards for Regulated Childcare](#) which published its report in 2019. Minor changes to the NMS have also been made to bring the standards up to date in respect of references to Care Inspectorate Wales (CIW), Curriculum for Wales, Social Care Wales (SCW), the Play Education and Training Council (PETC) Wales and play work.

Since the last update to the NMS in 2016, other changes have been made to Welsh Government policies and legislation that link to or relate to the NMS. It is therefore necessary to refresh the NMS to respond to these changes. Our intention will be to keep the NMS under review and revise as appropriate as the policy and legislation evolve over the coming years.

Once the consultation phase concludes, responses will be analysed and the NMS and associated guidance will be refined with input from our partners (local authorities, childcare and play umbrella organisations in Wales). This will help ensure the NMS supports the childcare and play sector through the provision of clear guidance to meet the relevant requirements of the standards and regulations.

How to respond

To help you complete this consultation we have set out the main areas where changes to the NMS are being proposed along with how they may benefit different groups of people. For ease of reference, we have also set out the questions we are asking you to respond to under each section.

Responses to consultations can be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: []

Submit your response by midnight **20 September 2022** in any of the following ways:

- Complete our **online** form
- Download, complete our response form and email it to: childcareandplaymailbox@gov.wales
- Download, complete our response form and post to:

NMS Consultation
Childcare Play and Early Years Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

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

Contact details

For further information:

Childcare Play and Early Years Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Email: childcareandplaymailbox@gov.wales

This document is also available in Welsh: [hyperlink](#)

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail:
Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545 745 or
0303 123 1113
Website: <https://ico.org.uk/>

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1. Background

The National Minimum Standards for Registered Childcare (NMS) apply to child minders and providers of day care for children up to the age of 12 years. They cover a wide range of different types of provision, including child minders, day care, out of school childcare and open access play provision. The NMS are designed to assist providers in meeting the [Child Minding and Day Care Regulations \(2010\)](#) as amended.

The NMS play an essential role in helping to ensure that children are cared for in a safe, secure and appropriate environment, with quality provision at its heart.

Access to high quality childcare provision can have a positive effect on a child's social, emotional and cognitive development and future attainment. As Wales seeks to recover from the effects of the pandemic, it has highlighted and reinforced the essential role the childcare and play sector have in providing access to these experiences for children and how childcare provision supports wider economic recovery.

In 2019, following the Review of the National Minimum Standards for Regulated Childcare ('the review') the Welsh Government published a [report](#) which contained 20 recommendations. The review included engagement with partners across the childcare and play sector, such as Social Care Wales, Cwlwm¹ and local authorities to examine whether the standards were fit for purpose. A desktop review was also undertaken of the approaches adopted by other UK administrations. A number of key issues emerged from the review, which ranged from changes to specific standards, to consideration of the wider regulatory and quality agenda and their relationship with the childcare and play sector. Annex 1 sets out the recommendations of the review broken down into those recommendations that informed proposed changes to the NMS, and those recommendations that informed the wider work of Welsh Government in this area.

We have worked with partners representing the childcare and play work sector to consider the key recommendations and how best to respond to them, taking into account the impact of any potential long-term changes to the NMS on the safety and quality of care provided. These are now presented to you in this consultation document along with the rationale for change.

Since the last update to the NMS in 2016, other changes to Welsh Government policies have taken place and new guidance has been issued which link to or relate to the NMS. Whilst these additions are not being specifically consulted upon, we have taken this opportunity to align these changes alongside the key recommendations from the review.

¹ Childcare in Wales Learning & Working Mutually (Cwlwm)

The 'other changes' we refer to include for example the guidance around changes associated with smoking legislation, food hygiene, and fire safety arrangements.

Minor changes to the NMS have also been made to bring the standards up to date in respect of references to Care Inspectorate Wales (CIW), Curriculum for Wales, Social Care Wales (SCW), Play Education and Training Council (PETC) Wales, and play work.

If you do have any comments on the wider NMS the consultation document allows you to do this.

Standard 16 focuses on Equal Opportunities, but we think we could go further in our expectations on childcare providers to embrace an anti-racism approach. Therefore, we have also taken the opportunity to ask questions about how the NMS could be amended to reflect an [Anti-Racist Wales – Action Plan](#). Responses will inform work being undertaken partners and representative bodies from the childcare and play sector; Black, Asian and Minority Ethnic groups; and parents to develop and scope actions to respond.

2. What is this consultation about?

The purpose of this consultation is to seek your views to the changes we are proposing to make to the NMS as a result of the review and its recommendations. We are also seeking your views on whether there are any other changes that you consider we should be making to the updated NMS and associated guidance. The changes are supported by the documents below and an outline of each change with an explanation to the reasoning behind the change is given.

When providing your views and feedback, please refer to the documents that have been prepared to sit alongside this consultation document, which are:

- [The National Minimum Standards for Regulated Childcare for Children aged up to 12 years \(NMS\) 2022](#) – Draft of NMS including all proposed changes with additional guidance provided in Annexes
- [Integrated Impact Assessment \(IIA\)](#) – this provides an analysis of the impact of the changes to the NMS in terms of social, economic, cultural and environmental aspects.

The responses we receive to the consultation exercise will help inform the publication of an updated version of the NMS and associated guidance. These will provide greater clarity and guidance to the childcare and play work sector across a number of key areas.

3. What changes are planned?

In response to feedback, the revised NMS intends to provide greater clarity and guidance in relation to some key areas. These key areas include:

- [First Aid requirements \(Standard 10: Healthcare\)](#)
- [Child minders working with assistants \(Standard 13: - Suitable person \(CM\)\)](#)
- [Childcare qualifications for day care providers \(Standard 13: Suitable person \(DC\)\)](#)
- [Supernumerary member of staff \(Standard 15: Staffing ratios\)](#)
- [Quality \(Standard 18: Quality assurance\)](#)
- [Safeguarding \(Standard 20: Safeguarding\)](#)

Standards have been revised to reflect ordering and flow, and/or updated to reflect current references to guidance. Some parts of standards have been removed (such as in the case of 15:13 supernumerary standard) and new standards have been developed or amalgamated as appropriate.

Where further information is needed, additional guidance has been provided as annexes in the NMS to support some of the standards as appropriate.

In order to provide context and a rationale for the proposed changes to the standards that have been significantly revised, we have set out the changes as follows:

- In a table format which sets out the recommendation from the review alongside the associated action and standards or sections of the NMS that are affected
- Links to the standards and additional guidance can be found within [The National Minimum Standards for Regulated Childcare for Children aged up to 12 years \(NMS\) 2022](#) (please use the index in the NMS document to help access the relevant sections when responding to this consultation)
- An explanation is given to provide an overview of the proposed response to the relevant NMS recommendation(s)
- An outline of how the proposed changes may benefit different groups of people where it is relevant to them
- Each section also contains questions about the Standard(s) affected. A list of all questions is also included at the end of the document

4. Proposed changes explained

Standard 10: Healthcare - First Aid

First Aid		
NMS Review - Recommendation 11	Action	Additional guidance to support Standards
<i>Consider scoping work carried out to date around first aid training and specifically Paediatric First Aid training requirements</i>	Standard 10 has been updated to provide greater clarity with regards to training requirements for different settings along with additional criteria and information provided in an Annex B	NMS: Annex B Guidance for Paediatric First Aid (PFA) Training

Currently standard 10.12 -10.16 state:

10.12 there is a first aid box complying with the relevant regulations and the contents of the box are checked frequently and replaced as necessary. Where appropriate, a designated member of staff should be responsible for this. The first aid box should be accessible to staff, but out of the reach of children.

10.13 in non-domestic settings, the service complies with the Health and Safety (First Aid) Regulations 1981 in relation to the employees.

10.14 at all times, at least one person caring for the children must have a current qualification in first aid appropriate for the age of the children being cared for. In calculating the ratio of adults to children, the ratio of trained persons to children should never fall below 1:10, or 1:13 for children under the age of 8 years in open access play settings. All first aid qualifications should be kept up to date and renewed every 3 years.

10.15 child minders must have undertaken training in first aid and hold a first aid qualification appropriate for the age of the child(ren) being cared for. All first aid qualifications should be up to date and renewed every 3 years.

10.16 where care is provided for babies and children in nappies, there should be a nappy changing policy in place with which staff are familiar. The policy should cover both hygiene matters and good safeguarding practice.

First aid training for staff in childcare and play settings is an integral part of providing a safe and secure environment for children and for the staff caring for them. The registered person(s) must ensure that there are always suitably trained staff on the premises.

The NMS review highlighted the need for more clarity around first aid requirements to help settings to ensure they are compliant under the regulations (Child Minding and Day Care (Wales) Regulations 2010 as amended by the Child Minding and Day Care (Wales) (Amendment) Regulations 2016) and the NMS. The findings from the review related to a number of key areas, in particular, the requirement for more information about the training staff need to complete and the proportion of staff who should hold first aid certificates.

The proposed changes to standard 10 in this consultation have sought to address areas where the NMS were unclear and did not provide enough information about, for example, course content and duration. Standard 10 has therefore been updated with additional standards and guidance at **Annex B Guidance for Paediatric First Aid (PFA) Training** of the NMS which explains for example what a “suitable” first aid course means along with the course criteria.

How do these First Aid changes benefit me?

Child minders and day care providers including open access play provision providers	<ul style="list-style-type: none"> ➤ An increased level of the workforce trained in paediatric first aid would raise safety awareness amongst staff and provide a higher level of reassurance of safety for parents. ➤ Enhanced first aid training contributes to the quality of registered childcare provision. ➤ There is a potential benefit linked to sustainability e.g. by increasing marketability to parents, where a setting has an increased level of staff trained in paediatric first aid. ➤ Appropriately trained staff will have increased confidence and the assurance that they will be better placed to act when any emergencies or accidents do occur. ➤ Helps in the case of staff absences (daycare).
Parents/carers	<ul style="list-style-type: none"> ➤ An increased assurance that children in registered childcare will be well looked after in an emergency, which could assist in motivating more parents to use childcare. ➤ An increased level of the workforce trained in paediatric first aid would provide a higher level of reassurance of safety for parents.
Children	<ul style="list-style-type: none"> ➤ Children are reassured that if they hurt themselves that a member of staff will know what to do
Partners (interested parties including, Care Inspectorate Wales, Childcare	<ul style="list-style-type: none"> ➤ Additional clarity and guidance will provide partners with information about what constitutes “suitable” first aid training for childcare providers. ➤ Helps partners to guide and support settings to access the appropriate training

Umbrella Organisations and Local Authorities)	
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1. Questions: First Aid requirements (Standard 10: Healthcare)

Child Minders - Standard 10.21 - 10.22:

- 1.1 Do you agree that child minder assistants should hold a current Full Paediatric First Aid certificate of 12 hours if they are left in sole charge of the children?
- 1.2 Do you agree that if child minder assistants are not left in sole charge of children they should hold a current Emergency Paediatric First Aid 6 hours certificate?
- 1.3 Do you have any other comments with regards to First Aid in Child minder settings?

Day Care - Standard 10.23 - 10.26:

- 1.4 Do you agree that the requirement for day care is at least one adult to ten children must hold a current Full Paediatric First Aid certificate of 12 hours?
- 1.5 Do you agree that all other staff (including volunteers/trainees) in day care settings must hold a current Emergency Paediatric First Aid 6 hours certificate?
- 1.6 Do you have any other comments with regards to First Aid in Day Care settings?

Open Access Play - Standard 10.27-10.29:

- 1.7 Do you agree with the requirement of at least 1 adult to 13 children must hold a current Full Paediatric First Aid certificate of 12 hours in Open Access Play settings who accept children under the age of 8?
- 1.8 Do you agree with the requirement of at least one person must hold a current Full Paediatric First Aid 12 hours certificate and be present at all times, in Open Access Play settings who accept children over the age of 8?
- 1.9 Do you agree that in Open Access Play settings First Aid training in respect of all other staff should reflect the circumstances of the setting and be based on a risk assessment?
- 1.10 Do you have any other comments with regards to First Aid in Open Access Play settings?

First Aid – General questions

- 1.11 Child minding assistants must complete their Emergency Paediatric First Aid 6 hours certificate training before commencing work, whereas the standards currently state that new starters in Day Care settings should undertake an Emergency Paediatric First Aid 6 hours certificate within three months of starting work.
- 1.12 Should a current Emergency Paediatric First Aid 6 hours certificate be a requirement before starting work in both a child minding and day care setting?

Standard 13: Suitable Person

Standard 13(CM): Suitable Person (Child Minder)

Child minders working with assistants		
NMS Review - Recommendation 13	Action	Additional guidance to support Standards
<i>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</i>	<p>Standard 13 (CM) has been updated to reflect the requirements of Child minders who employ assistants. An Annex has also been developed to support this standard.</p> <p>Other standards (for example the Standard 1.2 Statement of Purpose) have also been updated to reflect these changes.</p>	NMS: Annex A Guidance for Child minder Assistants

Currently standards 1 and 13 (CM) state:

1.2 *The Statement of Purpose and additional information includes:*

For child minders only Composition of own family/ Whether the registered person is a foster carer

13.1 (CM) *child minders and any assistant employed by them are suitable to look after children up to the age of 12, and have the appropriate skills, experience and qualifications to meet the needs of the children;*

13.2 (CM) *the child minder has successfully completed an appropriate pre-registration course recognised in the Care Council for Wales' current list of Accepted Qualifications for the Early Years and Childcare Workforce in Wales (or any list which supersedes it) and is at least 18 years of age;*

13.3 (CM) *the child minder, any assistant, and any other persons aged 16 years or over who lives, works (including on a voluntary basis) or is otherwise present on the relevant premises and has or is likely to have regular contact with children has undergone a vetting procedure which complies with the Regulations and includes a Disclosure Barring Service (DBS) enhanced disclosure check. All checks are completed before the child minder and any assistant commence caring for children;*

13.4 (CM) *child minders notify the CSSIW about their intention to employ any assistants to look after children;*

13.5 (CM) *the child minder is accountable for and supervises the work of any assistant. The child minder needs to remain satisfied that the assistant is competent in all areas of work undertaken. The child minder keeps a record of any assistant's details, including full name and information about recruitment, training and qualifications;*

13.6 (CM) *the child minder has completed an appropriate first aid course which includes training in first aid appropriate to the age of the children being minded before commencing child minding. A current first aid certificate is maintained.*

13.7 (CM) *The following information should be maintained on a daily basis:*

- *name and address of assistants (if they are employed); and*
- *the names of people present, or likely to be present in the home, when child minding takes place.*

A registered child minder is responsible for ensuring any assistant employed by them or who volunteers to work alongside them is suitable to look after children up to the age of 12 and has appropriate skills, experience and qualifications to meet the needs of the children.

The NMS review recommended that clearer guidance be developed in relation to child minding assistants for example how child minder assistants are supervised to ensure quality and safe care for children.

The consultation proposes the inclusion of additional guidance (at **Annex A Guidance for Child minder assistants** of the NMS) to support the proposed changes to the standard 13 (CM). These changes are mainly around the responsibilities and role of the registered child minders in working with a child minding assistant.

How do the changes about child minding assistants benefit me?

Child minders working with an assistant	<ul style="list-style-type: none">➤ Provides additional information and removes some of the ambiguity about roles and responsibilities in respect of the role of child minder assistant compared with registered child minder➤ Helps to ensure compliance with the NMS and regulations
Child minder assistant	<ul style="list-style-type: none">➤ Clarifies the role and responsibilities and training of a child minder assistant

Parents/carers	<ul style="list-style-type: none"> ➤ Changes will provide greater clarity for parents and carers about the role child minder assistants will have in caring for their child(ren). ➤ Enables parents/carers to make an informed decision about their child(s) care
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2. Questions: Child minder assistants (Standard 13(CM): Suitable Person)

Your views are sought on whether you agree with the proposed changes to standard 13 and the additional guidance provided to support the registered child minder.

Child Minders - Standard 13.1(CM) – 13.7(CM) refer:

- 2.1 Do you agree with the inclusion of the additional information as set out in the standards at Annex A with regards to the employment of child minding assistants?
- 2.2 Do you agree that the information at Annex A includes all the relevant information to support the child minder to manage a child minder assistant and their work?
- 2.3 Do you have any other comments with regards to Child minder assistants?

Standard 13(DC): Suitable person (Day Care) - (Other Staff Qualifications)

Childcare qualifications for day care providers		
NMS Review – Recommendation 7	Action	Additional guidance to support Standards
<i>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 ratios</i>	Standard 13:10 (DC) (b) replaces Standard 13.7(DC) to explain in full the requirements of staff who are working towards a qualification	No

A registered provider must ensure that they employ the correct numbers of suitably qualified staff to care for the children at their setting. The NMS sets out for registered day care settings the percentage of staff who must hold required levels of qualifications as set out on [Social Care Wales’s Qualification Framework](#) or [PETC Wales – List of Required Qualifications](#) for Play Work. For full day care settings at least 80% of the non-supervisory staff are required to hold the appropriate Level 2 Qualification with at least half of these having an appropriate qualification at Level 3.

The NMS review acknowledged the recruitment problems the sector were facing in employing suitably qualified staff and recommended that consideration be given to whether standard 13 could be amended with regards staff working towards a qualification, allowing settings to incorporate those working towards a qualification in to the accepted ratio of staffing numbers.

Currently standard 13.7 (DC) b states:

for full day care at least 80% of the non-supervisory staff holds a qualification at least at level 2 from the Social Care Wales’ current list of Accepted Qualifications for the Early Years and Childcare Workforce in Wales or Skills Active’s Integrated Qualification Framework for Play work (or any lists which supersede them), which is appropriate to the post. At least half of these have a qualification at level 3.

The consultation proposes that this standard be revised so that in full day care settings, 60% of the staff hold the appropriate Level 2 qualification with at least half of these having an appropriate qualification at Level 3. We are proposing that an additional 20% of the staff can be working towards an appropriate qualification at Level 2 or Level 3. These staff would need to meet certain conditions for example that there is tangible evidence that the individual is actively working towards a level 2 or 3 qualification.

For example; discounting the Person/s in Charge, if there are 14 members of staff in a setting:

- At least 60% of these will need a qualification of at least Level 2 – In this example 9 members of staff;
- And at least half of these would need to hold at least a Level 3 – In this example 5 members of staff

Of the remaining members of staff:

- Up to 20% of staff members could be “working towards” a level 2 or 3 qualification – In this example that would mean 3 members of staff

Staff members can be volunteers or trainees, paid or unpaid

**settings round up to the nearest whole number/person.*

For the full list of working towards qualification conditions please refer to the proposed standard 13.10 (DC) (b) within the NMS document.

How do the changes about working towards qualifications benefit me?

Day care providers including open access play provision providers	➤ Could help ease staffing concerns post Covid-19 if staff who are working towards a qualification can be counted in the staff ratio requirements
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3. Questions: Childcare qualifications for day care providers

Your views are sought on whether you agree with the proposed changes to standard 13(DC) in relation to the qualifications of those working in day care settings.

Other Staff (Qualifications) - Standard 13.10 (DC) refer:

- 3.1. Do you agree with the proposal that in full day care settings, staff who are working towards Level 2 and 3 qualifications can be included within the staffing ratios?
- 3.2. Do you agree with the proposal that in full day care settings, the percentage of staff (20%) that can be working towards Level 2 and 3 qualifications to be included within the staffing ratios?
- 3.3. Should Welsh Government consider the ‘working towards’ element for other settings? If so which settings? What percentage of staff would you propose is appropriate that can be working towards a Level 2 and 3 qualifications to be included within the staffing ratios and in which settings?

3.4. Do you have any other comments with regards to working towards qualifications in full day care settings?

Standard 15: Staffing ratios - Supernumerary member of staff

Supernumerary		
NMS Review - Recommendation 6	Action	Additional guidance to support Standards
<i>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</i>	The existing Standard 15.13 is proposed to be removed from the NMS. Standard 15.6 has been strengthened to mitigate any risks associated with removal of the supernumerary standard.	No

Currently standard 15.13 states:

in full day care settings registered for 20 or more children, the manager should not be included in any calculation of adult:child ratios. For settings registered for less than 20 children, there is no expectation for the manager to be supernumerary and therefore, the manager may be included in the adult: child ratio calculations.

This consultation recognises that there has been a longstanding issue with standard 15.13 within the sector. It is acknowledged the standard can be a barrier for smaller full day care settings (with fewer than 20 children) who wish to innovate and expand their businesses.

The Welsh Government was able to test the temporary relaxation of this standard during the response to the challenges facing the sector during the pandemic. This was the most frequently used of the relaxation measures that childcare settings could apply for; where it was applied it did not lead to reported concerns about the Quality of Care in settings.

This consultation proposes the removal of this standard, meaning that managers can be included in adult: child ratios (if suitably qualified). However, to ensure that the care of children is not compromised by the removal of this standard, the need for management or preparatory tasks to be undertaken standard 15.6 (DC) has been amended to provide clarity. This standard, alongside standard 15.5 (DC) will ensure that settings have sufficient staff to carry out other duties without compromising the quality or safety of care.

How does the removal of the Supernumerary standard benefit me?

Day care providers	➤ Enable settings to operate without the need to include a supernumerary staff if they are registered for 20 or more children.
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	➤ Could support the sustainability of existing day care settings and facilitate their potential expansion.
Sessional care providers	➤ It may also facilitate and support innovative provision where sessional providers may look to extend provision and to register to provide full day care.
Parents/carers	➤ Greater choices and flexibility for parents looking for childcare provision and support parents looking for wrap around childcare.

4. Questions: Supernumerary

Your views are sought on whether you agree with the proposed changes for full day care settings registered for 20 or more children.

Staffing Ratios (Day Care) - Standard 15.1(DC) – 15.6 (DC) refer:

- 4.1. Do you agree with the proposal to remove the standard requiring full day care settings registered for 20 or more children to discount suitably qualified managers within their staffing ratios?
- 4.2. Do you agree that the amendments to standard 15.6 (DC) give sufficient clarity as to how settings can manage ratios when staff are required to spend time in other tasks?
- 4.3. Do you have any other comments with regards to staffing ratios in day care settings?

Standard 18: Quality

Quality		
NMS Review - Recommendation 17	Action	Additional guidance to support Standards
<p><i>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 ECEC</i></p>	<p>A standalone statement is provided in the NMS about what quality means in the context of childcare provision.</p> <p>In addition, Standards 18.1 to 18.5 have been changed to reflect the requirements under Quality more clearly.</p>	No

Currently standard 18 states:

18.1 there are effective quality assurance and quality monitoring systems in place. The views of the children and their parents are sought as part of this process to measure the success of the service in meeting the assessed needs of the children;

18.2 there is continuous monitoring of the quality of service provided that meets the requirements of Regulation 16 – Review of quality of care;

18.3 account is taken of the advice and recommendations of CIW and any professional bodies to which he or she may be

The NMS review reported inconsistency in messaging around quality and what it means for the childcare and play sector. It was felt that there was a need to provide clarity on how quality can be recognised and achieved by the sector and to highlight that it should cut across many aspects of the NMS focusing on continuous improvement and outcomes for children.

In the introduction section of the document an additional section entitled “What do we mean by High Quality Provision” has been included to set out what we mean by high quality care. In addition, standard 18 has been expanded and amended to strengthen information and requirements with regards to quality. Standards 18.1 to 18.5 refer.

How does the new information provided about Quality benefit me?

All childcare providers	<ul style="list-style-type: none">➤ Provide a clearer explanation and advice about my role in continuously improving my provision across all aspects of the business to ensure quality outcomes for children.➤ Meet the regulations, standards and inspection requirements
Parents/carers	<ul style="list-style-type: none">➤ Enables parents and carers to better understand what to expect from a setting in terms of quality and therefore enable informed decisions when choosing childcare.➤ Engages parents/carers in improving the quality of care given to their child(ren)
Children	<ul style="list-style-type: none">➤ Allows children to provide their views on the quality of care and any improvements made
Partners	<ul style="list-style-type: none">➤ Provides a shared understanding of what quality provision means in the context of the NMS

5. Questions: Quality

Your views are sought on whether you agree with the proposed expansion of the Quality Standard.

Quality - Standard 18.1 – 18.5 refer:

- 5.1. Do you agree that the expanded information as set out in the proposed Standard 18 supports the continuous improvement of quality childcare services?
- 5.2. Do you have any other comments with regards to Quality?

Standard 20: Safeguarding

Safeguarding		
NMS Review - Recommendation 1	Action	Additional guidance to support Standards
<i>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</i>	<p>A new standard has been included at 20.7 to outline suitable safeguarding requirements.</p> <p>Annex C details the types of roles in childcare and playwork and the levels of safeguarding training appropriate to different roles within the sector.</p>	NMS: Annex C NMS Safeguarding Guidance: Roles and Responsibilities

Safeguarding children is a fundamental part of the NMS and cuts across many areas of childcare practice. Recommendation 1 from the NMS review identified the need to strengthen the information around what safeguarding training should be accessed by the childcare and playwork sector to ensure providers met the requirements of the NMS and regulation 20 Safeguarding and promotion of welfare within the Child Minding and Day Care (Wales) Regulations 2010 (as amended).

Social Care Wales² are currently undertaking work developing a National Safeguarding Training Framework. As part of this work they have consulted on their Framework and are considering responses with a view to launching the framework during National Safeguarding Week in November 2022.

Therefore, the proposed changes that have been made to the NMS are aligned with this important work. The additional standard at 20.7 and guidance at **Annex C NMS Safeguarding Guidance: Roles and Responsibilities** provided as part of the NMS;

- State that all providers and staff working in childcare and play work settings must carry out **mandatory** safeguarding training
- Provide guidance setting out what training is required for different job roles within a childcare or play work setting
- Provides signposts to relevant training opportunities including e-learning modules and where to source training

² Social Care Wales (SCW) is responsible for promoting high quality standards and best practice, maintaining and overseeing the Childcare and Early Years sector's training, qualifications and development requirements. SCW is a Welsh Government Sponsored Body and a key strategic delivery partner for our 10 year workforce plan supporting its key themes including attracting high quality recruits and raising standards and skills.

How do the changes about safeguarding benefit me?

All childcare providers	<ul style="list-style-type: none">➤ Clarity about what safeguarding training that needs to be carried out for individual roles within the childcare settings.➤ Information about how registered providers can access appropriate safeguarding training for themselves and staff in order to carry out roles effectively➤ Compliance with standards, regulation and inspection
Parents/carers	<ul style="list-style-type: none">➤ Reassurance that my child (ren) are being cared for appropriately and that any necessary concerns are correctly dealt with and actioned.
Children	<ul style="list-style-type: none">➤ Children know that they are safe and are looked after by people that care about their well-being

6. Questions: Safeguarding

Your views are sought on whether you agree with the proposed expansion of the Safeguarding Standard, particularly in relation to training requirements.

Safeguarding - Standard 20.7 refer:

- 6.1. Do you agree that all staff working in childcare and play work settings should undertake mandatory safeguarding training?
- 6.2. Do you agree that different roles within childcare and play work settings should have different training requirements? Does Annex C adequately reflect the roles that should be in the different groupings?
- 6.3. Do you agree the mandatory training at Annex C should be cumulative, e.g. Group A training needs to be completed before Group B and so on?
- 6.4. Do you have any other comments with regards to Safeguarding?

Amendments to other Standards

Across the NMS document we have made changes to the ordering of documents to better group linked sub-standards. Where relevant we have put in place headings to indicate themes. Where appropriate we have also highlighted where standards are different for Child minders, Day Care settings and Open Access Play, this is to allow different settings to use the document in a more user-friendly way. Where appropriate we have also updated references to bodies or organisations and provided links to relevant webpages to allow settings to access the information they need more easily.

What this means for me

Settings and individuals will be able to navigate through the NMS.

7. Questions: Amendments to other standards

Your views are sought on whether there are any other amendments the Welsh Government should make to the standards, as set out.

Other amends:

- 7.1. Are there any other **minor** amends that Welsh Government should consider making at this time? Please specify the specific standard and proposed amend.
- 7.2. Do you have any other comments or suggestions with regards to the NMS that you wish to provide at this time?

Standard 16: Equal opportunities

Under-representation of Black, Asian and Minority Ethnic people in a range of sectors and professions has been a consistent theme in work on the Anti-Racist Wales - Action Plan. This picture is the same in the childcare and play sector.

Welsh Government and the sector are very aware of the impact that under-representation can have on those working in the sector and aspiring to work in the sector; but also for those children who experience such under-representation. Welsh Government has just launched the [Anti-Racist Wales – Action Plan](#) in it we set out our ambitions to develop a response from the childcare and play sector to respond.

The five CWLWM partners have put in place their own individual actions to support a more inclusive and diverse Wales. CWLWM are also developing resources relating to anti-racism principles, including webinars and training to support childcare and play settings and practitioners. As well as promoting Welsh medium childcare in ethnic minority communities.

Currently standard 16 states:

- 16.1 equality of opportunity and anti-discriminatory practice is promoted in the setting;*
- 16.2 there is an equal opportunities policy, which is consistent with current legislation and guidance and is regularly reviewed. All staff and volunteers understand and implement this policy and it is available to parents; and*
- 16.3 all children and adults are treated with equal concern and the registered person complies with relevant anti-discriminatory legislation and good practice in all areas, including employment, training, admission to day care and access to the resources, activities and facilities available.*

Welsh Government will be working in collaboration with sector partners and ethnic minority partners to develop actions to support change in the sector. We are taking the opportunity to ask some initial questions about how these standards might be strengthened in the near future in response to this challenge.

What this means for me

Standard 16 will not be amended as a result of this consultation. However, the response provided under this section will frame the conversation about how the National Minimum Standards can be used to promote an Anti-Racist Wales.

8. Questions: Equal Opportunities

Your views are sought on how the NMS can support positive change with regards to racism. The responses to these questions will feed into a larger piece of work to support the sector to respond to racism and race inequality. A summary analysis of responses will be published as part of the consultation response. The responses to these questions will also feed into a work group looking at the sectors response to the [Anti-Racist Wales - Action Plan](#).

Equal Opportunities - Standard 16.1-16.3 refer:

- 8.1. Do the current standards make sufficient regard to issues of race and racism?
- 8.2. Should issues of race and racism be captured within the NMS?
- 8.3. What amends could be made to the existing standards to reflect appropriate change?
- 8.4. Are there any other amends that Welsh Government should consider making at this time with regards to Equal Opportunities and/ or race inequality?

5. Consultation Questions

Administrative Questions:

Your name:	
Your address:	
Email:	
Telephone number:	
Organisation (if applicable):	
Please specify which group you identify with:	Representative body
	Provider
	Parent/ carer
	Member of the public
	Local Authority
	Other (please specify)
Do you agree that Welsh Government can publish your responses to this consultation in full?	Yes
	No
Do you agree that Welsh Government can publish your name and address (or part of the address) of the person or organisation who sent the response.	Yes
	No

Please refer to the relevant sections of the consultation document and the National Minimum Standards document when providing your responses to the questions

Changes have been made to clarify and strengthen the first aid requirements for all registered providers.

1. Questions: First Aid requirements (Standard 10: Healthcare)

Changes have been made to clarify and strengthen the first aid requirements for all registered providers.

Child Minders - Standard 10.21-10.22:

1.1 Do you agree that child minder assistants should hold a current Full Paediatric First Aid certificate of 12 hours if they are left in sole charge of the children?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.2 Do you agree that if child minder assistants are not left in sole charge of children they should hold a current Emergency Paediatric First Aid 6 hours certificate?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.3 Do you have any other comments with regards to First Aid in Child minder settings?

Please provide additional comments here:					
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Day Care - Standard 10.23-10.26:

- 1.4 Do you agree that the requirement for day care is at least one adult to ten children must hold a current Full Paediatric First Aid certificate of 12 hours?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.5 Do you agree that all other staff (including volunteers/trainees) in day care settings must hold a current Emergency Paediatric First Aid 6 hours certificate?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.6 Do you have any other comments with regards to First Aid in Day Care settings?

Please provide additional comments here:					
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Open Access Play - Standard 10.27-10.29:

- 1.7 Do you agree with the requirement of at least 1 adult to 13 children must hold a current Full Paediatric First Aid certificate of 12 hours in Open Access Play settings who accept children under the age of 8?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.8 Do you agree with, the requirement of at least one person must hold a current Full Paediatric First Aid 12 hours certificate and be present at all times? In Open Access Play settings who accept children over the age of 8?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.9 Do you agree that in Open Access Play settings First Aid training in respect of all other staff should reflect the circumstances of the setting and be based on a risk assessment?

Yes		No		Don't Know	
Please provide your rationale:					

- 1.10 Do you have any other comments with regards to First Aid in Open Access Play settings?

Please provide additional comments here:					
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First Aid – General

- 1.11 Child minding assistants must complete their Emergency Paediatric First Aid 6 hours certificate training before commencing work, whereas the standards currently state that new starters in Day Care settings should undertake an Emergency Paediatric First Aid 6 hours certificate within three months of starting work.

Should a current Emergency Paediatric First Aid 6 hours certificate be a requirement before starting work in both a child minding and day care setting?

Yes		No		Don't Know	
Please provide your rationale:					

2. Questions: Child minder assistants (Standard 13(CM): Suitable Person)

Your views are sought on whether you agree with the proposed changes to standard 13 (CM) and the additional guidance provided at **Annex A** to support the registered child minder.

Child Minders - Standard 13.1(CM) – 13.7(CM) refer:

2.1 Do you agree with the inclusion of the additional information as set out in the standards and **Annex A** with regards to the employment of child minding assistants?

Yes		No		Don't Know	
Please provide your rationale:					

2.2 Do you agree that the information at **Annex A** includes all the relevant information to support the child minder to manage a child minder assistant and their work?

Yes		No		Don't Know	
Please provide your rationale:					

2.3 Do you have any other comments with regards to Child minder assistants?

Please provide additional comments here:					
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3. Questions: Childcare qualifications for day care providers

Your views are sought on whether you agree with the proposed changes to standard 13(DC) in relation to the qualifications of those working in day care settings.

Other Staff (Qualifications) - Standard 13.10 (DC) refer:

- 3.1. Do you agree with the proposal that staff who are working towards Level 2 and 3 qualifications can be included within the staffing ratios in full day care settings?

Yes		No		Don't Know	
Please provide your rationale:					

- 3.2. Do you agree with the proposal percentage of staff (20%) that can be working towards Level 2 and 3 qualifications to be included within the staffing ratios in full day care settings?

Yes		No		Don't Know	
Please provide your rationale:					

- 3.3. Should Welsh Government consider the 'working towards' element for other settings? If so which settings? What percentage of staff would you propose is appropriate that can be working towards a Level 2 and 3 qualifications to be included within the staffing ratios?

Setting	Agree						Suggested % working towards
	Yes		No		Don't Know		
Sessional Care	Yes		No		Don't Know		
Open Access Play	Yes		No		Don't Know		
Other (please state)	Yes		No		Don't Know		
Please provide your rationale:							

- 3.4. Do you have any other comments with regards to childcare qualifications for day care?

Please provide additional comments here:
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4. Questions: Supernumerary

Your views are sought on whether you agree with the proposed changes for full day care settings registered for 20 or more children.

Staffing Ratios (Day Care) - Standard 15.1(DC) – 15.6(DC) refer:

- 4.1. Do you agree with the proposal to remove the standard requiring full day care settings registered for 20 or more children to discount suitably qualified managers within their staffing ratios?

Yes		No		Don't Know	
Please provide your rationale:					

- 4.2. Do you agree that the amendments to standard 15.6 (DC) give sufficient clarity as to how settings can manage ratios when staff are required to spend time in other tasks?

Yes		No		Don't Know	
Please provide your rationale:					

- 4.3. Do you have any other comments with regards to staffing ratios in day care settings?

Please provide additional comments here:					
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5. Questions: Quality

Your views are sought on whether you agree with the proposed expansion of the Quality Standard.

Quality - Standard 18.1 – 18.5 refer:

- 5.1. Do you agree that the expanded information as set out in the proposed Standard 18 supports the continuous improvement of quality childcare services?

Yes		No		Don't Know	
Please provide your rationale:					

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5.2. Do you have any other comments with regards to Quality?

Please provide additional comments here:
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6. Questions: Safeguarding

Your views are sought on whether you agree with the proposed expansion of the Safeguarding standard 20.7, particularly in relation to training requirements.

Safeguarding - Standard 20.7 refer:

6.1. Do you agree that all staff working in childcare and play work settings should undertake mandatory safeguarding training?

Yes		No		Don't Know	
Please provide your rationale:					

6.2. Do you agree that different roles within childcare and play work settings should have different training requirements? Does Annex C adequately reflect the roles that should be in the different groupings?

Yes		No		Don't Know	
Please provide your rationale:					

6.3. Do you agree the mandatory training at Annex C should be cumulative, e.g. Group A training needs to be completed before Group B and so on?

Yes		No		Don't Know	
Please provide your rationale:					

6.4. Do you have any other comments with regards to Safeguarding?

Please provide additional comments here:
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7. Questions: Amends to other standards

Your views are sought on whether there are any other amends that Welsh Government should make to the standards, as set out below.

Other amends:

7.1. Are there any other **minor** amends that Welsh Government should consider making at this time? Please specify the specific standard and proposed amend.

Standard:		Proposed Amend	
Please provide your rationale:			

7.2. Do you have any other comments or suggestions with regards to the NMS that you wish to provide at this time?

Please provide additional comments here:
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8. Questions: Equal Opportunities

Your views are sought on how the NMS can support positive change with regards to racism. The responses to these questions will feed into a larger piece of work to support the sector to respond to racism and race inequality. A summary analysis of responses will be published as part of the consultation response. The responses to these questions will also feed into a work group looking at the sectors response to the Anti-Racist Wales - Action Plan.

Equal Opportunities - Standard 16.1-16.3 refer:

8.1. Do the current standards make sufficient regard to issues of race and racism?

Yes		No		Don't Know	
Please provide your rationale:					

8.2. Should issues of race and racism be captured within the NMS?

Yes		No		Don't Know	
Please provide your rationale:					

8.3. What amends could be made to the existing standards to reflect appropriate change?

Standard:		Proposed Amend	
Please provide your rationale:			

8.4. Are there any other amends that Welsh Government should consider making at this time with regards to Equal Opportunities and/ or race inequality?

Please provide additional comments here:
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9. Questions: Impact on the Welsh Language

We would like to know your views on the effects that the NMS proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Welsh Language:

9.1. What effects do you think there would be on the Welsh Language? How could positive effects be increased, or negative effects be mitigated?

Please provide your comments here:

Annex 1: Recommendations from the Review of the National Minimum Standards (NMS) for Regulated Childcare

Recommendations from the review that informed changes to the NMS

No.	Recommendation	Response Action
1	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.	Proposed amends made to standard 20: child protection, as part of this consultation exercise
6	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, given there is no specific regulatory requirement for precise ratios.	Proposed amends made to Standards 15.13 and 15.16 as part of this consultation exercise
7	Consideration to be given to whether standard 13.7(DC) could be amended to include staff “working towards within a set time frame” a qualification as part of accepted ratios; and with the introduction of the new suite of qualifications for childcare practitioners, we will consider what amendments may be required.	Proposed changes mean that Standard 13:10 (DC) (b) replaces Standard 13.7(DC) as part of this consultation exercise
9	Greater emphasis to be placed on CPD within NMS.	Proposed additional guidance for child minders working with assistants, guidance on First Aid and Safeguarding training made as part of this consultation exercise
11	Consider scoping work carried out to date around first aid training and specifically Paediatric First Aid training requirements.	Proposed amends made to Standard 10 as part of this consultation exercise
13	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.	Proposed amends to Standard 13 (CM) and Standard 1.2 made as part of this consultation exercise
17	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 ECEC.	Proposed amends made Standard 18 Quality of Care as part of this consultation exercise

Recommendations from the review that informed wider work within Welsh Government

No.	Recommendation	Response Action
2	Improved information sharing arrangements between CIW and Local authorities (LA's) around safeguarding issues.	Improved systems processes and guidance have been established between CIW and LA's
3	CIW and local authorities to explore opportunities for regular and enhanced engagement for information sharing around areas of shared interests.	Embedded in existing Welsh Government work programmes and activities
4	Continued ongoing engagement between representatives of the childcare and play sector and CIW to address areas of inconsistency.	Embedded in existing Welsh Government work programmes and activities
5	Inspection and regulation of play settings to be considered for inclusion in broader Play Review.	To be considered as part of the response to the Play Review
8	Continue ongoing work with the sector and CIW to ensure greater understanding of the recognised qualifications to meet the requirements of the current NMS.	Ongoing work and activities continue to support the sector in meeting the qualification requirements of the NMS
10	Play qualifications to be considered as part of the broader Play Review.	To be considered as part of the response to the Play Review
12	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.	To be considered as part of the Independent Review of Childminding
14	Consideration to be given to the development of a more proportionate approach to regulation in respect of certain types of provision for example open access play provision or potentially seasonal provision. Regulation to reflect the specific nature and circumstances of the setting including staffing, community context, nature of the environment and age and ability of the children.	To be considered as part of the response to the Play Review
15	Findings from the Call for Evidence on the Child Minding and Day Care Exceptions (Wales) Order 2010 to be inform any potential changes to NMS.	Embedded in existing Welsh Government work programmes and activities

16	Consideration to be given to the registration requirements of play as part of the broader Play Review.	To be considered as part of the response to the Play Review
17	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 ECEC.	Further work on going as part of ECEC.
18	Consider how best to support the sector through the transition from Foundation Phase to New Curriculum principles and new ways of working.	From September 2022, the Foundation Phase will be replaced by the Curriculum for Wales Welsh Government will continue to support settings to transition.
19	Consider further work to explore in more detail with the sector some of the pros and cons of a more proportionate or type specific approach to standards.	Embedded in existing Welsh Government work programmes and activities
20	Explore ways of simplifying current NMS.	Embedded in existing Welsh Government work programmes and activities