

Exceptions to childcare registration and the proposal for a Voluntary Approval Scheme

Which of the following statements describes you? Please select all that apply.

I am a member of an umbrella body or work for a local authority

Before completing this form, please can you let us know if you have also taken part in, or are due to take part in, one of the focus groups held as part of this consultation?

Yes

Part A: Exceptions Order Review

Question 1: Do you agree or disagree that a person should not act as a child minder if they are: a parent, or have parental responsibility for the child; a foster parent for the child; a relative; or person living at the same home as the child?

Neither agree nor disagree

Supporting comments

We feel that there must be parity between providers, however, and at present there is a position where children attend childcare provision run by their parents, foster parents, or relatives. In some rural areas, or based on the needs of the child, a childminder might be the most appropriate childcare provider, and any policy / legislative change must acknowledge this and not disadvantage children. When considering policies in this area, the child's voice must be prioritised.

Question 2: Do you agree or disagree that relatives or a person living at the same home as the child should be permitted to act as registered child minders for related children or children they live with, provided that all of the following conditions are met:

They are not the child's parents and do not have parental responsibility, They are not the child's foster carer, The care does not take place at the child's home, and The care is available and on offer to non-related children.

Agree

Supporting comments

Please also refer to the comments in response to Question one. The conditions could work to clarify the position of childminders provided care to related children and address the issue about this eventuality taking place in childcare provision.

As noted, registration processes, and inspection processes exist to mitigate the risks of parents being paid to parent. There is also a reporting function to CIW that mitigates this risk further.

Question 3: Do you agree or disagree with the proposed changes to the exceptions relating to babysitters, nannies and au pairs:

	Agree	Disagree	Neither agree nor disagree	Don't know
Aligning exceptions in relation to nannies, au pairs and babysitters	X			
Removing the time limit of 6pm-2am for babysitters	X			
Limiting the number of families a babysitter can care for at once to 2 families	X			
Stipulating that the care arrangements should be made between the provider and the parents of either family	X			
For care on domestic premises, specify that the care is to be wholly or mainly provided in the home of either of the families	X			
For non-domestic premises, stipulating that the care takes place on a non-domestic premises (which could include for example: a hotel or guest house) of the parent's choice	X			

Supporting comments

Further work is required to inform parents of the childcare choices they can make, and the difference between a registered and non-registered provision. One of the key calls we make in the Early Years Wales manifesto underlines this point, as many parents feel the current application process is confusing, and it is not always clear about what entitlements the parent and their child could be afforded.

Question 4: Do you agree or disagree that a provider should not be required to register as a day care provider if they provide youth services to young people aged 10 and over and where provision for 10 year olds is aimed at supporting them with transitions from primary to secondary education along with personal, social, and educational needs?

Neither agree nor disagree

Supporting comments

This is a complex area with many types of provision operating from registered provision to open-access play, with community groups also providing opportunities for children. Requiring all these services to register would inevitably result in some closing or withdrawing services that children and families rely on. This could cause issues especially in areas where childcare provision is already scarce, such as rural areas or areas of relative deprivation.

It is worth noting that the description of the aim is very broad in the question, and it would be possible for a wide range of services and activities to fit these criteria.

Question 5: Do you agree or disagree that:

	Agree	Disagree	Neither agree nor disagree	Don't know
2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider?		X		
Age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption		X		

Supporting comments

Time:

The concept of considering the developmental needs of children under 4 is one we would agree with, however, there are considerations that we are not convinced have been given full attention if the uniform position is all children under 4 can be left for up to 2 hours in unregistered provision. Firstly, the duration of 2 hours is a very long time for a three-year-old child - it almost matches the funded offer for 2-year-olds in the existing Flying Start scheme for a single session. Secondly, in these formative years, encouraging parental engagement would benefit the child. As historic cases of child-harm have been evident through non-registered provision, it would seem important to address these challenges and ensure that the standards required are there to always keep children safe. Understandably, 2 hours works for parents, sufficient time to leave a child at an activity and complete some shopping or tasks and return to pick them up, however, with children under 4 being present at all times would be important for their emotional support in the event that anything upset the child, or they were ill/ injured in the activity. Equally, providers writing into their policies that parents should remain on-site for the duration of an activity, even if not in the activity area with the child, is not a viable approach as parents adapt the policy guidance to support their own needs and agendas.

It is important for policy makers to consider whether 2 hours overly long to be left unattended when the individual session has areas of policy weakness. It is crucially important that we properly consider the safeguarding and developmental needs of children when crafting policies such as this. The child's voice must be at the front and centre.

Age:

Categorically, children under 4 should not be attending coaching or tuition for any significant duration of time unless the provider is registered and demonstrates the developmentally appropriate approaches to working with children. However, this also raises the question about children's readiness for lengthy tuition and coaching aged 5-7. Potentially, we would be looking at coaching and tuition based on the practice, principles, and approaches, to ensure that this is meeting children's needs, but in a legislative approach this is too granular. For example, a play-session where children aged 5 are empowered to play safely with peers is a completely different context from a 2-hour coaching/ tuition session driven by achieving outcomes. If the legislation requires an age, we would be supportive of 6 - end of Reception as a middle-ground for coaching and tuition making it clear that play work and play sessions where children have agency and decision making are not 'coaching and tuition'.

Question 6: Do you agree or disagree with our proposal to amend the categories of coaching and tuition within the exceptions order to the following:

- (a) sport;
- (b) expressive and creative arts;
- (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being;
- (d) religious or cultural study?

Disagree

Supporting comments

The categorisation is incredibly broad in interpretation and opens a concern that the categories could be used to circumnavigate the policy and intentions.

Firstly, with sport, it would be an easy step to improve safeguards to add 'National Governing Body endorsed sport'. This may indicate that the exceptions applies to sport being delivered under the frameworks, policies and practices of an NGB and therefore close the door on multi-sport activity that has no affiliation to an NGB.

We are interested in the definition of Educational Support and how well understood the 6 areas of learning experience are in the public discourse. We note Clybiau's concern about the AoLE 'Health and Wellbeing' as generically this could be thought of as a wide-ranging 'catch-all' for anything from meditation and yoga, to supporting the learning for making healthy nutritious choices through cooking and diet (as two distinctly different examples). Again, potential to strengthen this definition would be to state in the regs that the Education Support must be linked to the appropriate curriculum outcomes from Curriculum for Wales. This may have to fall into guidance material, but we can understand Clybiau's concerns and the lack of general knowledge about the curriculum for Wales and the 6 Areas of Learning Experience - and that Health and Wellbeing gives the most concern that almost anything could fit that definition.

Question 7: Do you agree or disagree that a provider should register as a day care provider if they offer coaching and tuition in more than one of the types of activity?

Agree

Supporting comments

Such a move would help provide local authorities with a better understanding of the unregulated sector and ensure they are adhering to child protection laws and regulations. It also avoids a 'holding activity' like a video or analysis session where the length of overall time children are with an activity under the exceptions order can exceed 2 hours by circumnavigating the policy.

Question 8: Do you agree or disagree that if children aged 2 and under attend a school as pupils, the part of the school with children aged 2 and under in attendance should be required to register as a day care provider?

Agree

Supporting comments

Registering such individuals in the school setting is important, as they will be held to the same standards in which daycare providers are asked to adhere to, and increase the school's attention to the quality-of-care standards for these children in their early childhood.

Question 9: Do you agree or disagree that if a registered child minder or day care provider is suspended by enforcement, they should not be able to use the exceptions to operate their provision for 2 hours or less a day for the period of suspension?

Agree

Supporting comments

Agree, this strengthens the existing arrangements. We also consider it important that once suspended by enforcement, all follow-up investigations are conducted in a timely way to support all involved (service provider - to address or respond to enforcement issues; and children and families - to know where their alternatives are or if/when the service is allowed to resume).

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Question 10: Do you agree or disagree that all providers offering child minding, day care or coaching and tuition activities for children aged 2 and under, where the parent is not present, should be required to register with CIW, even if the care is for 2 hours or less a day or 5 days or fewer a year?

Agree

Supporting comments

The evidence of the importance of this formative time in children's development is widely understood. There is sufficient literature of quality that outlines the importance of attachment theory, neurological development and children's welfare. If providers want to offer activities to children aged 2 and under, the safeguards must be higher, and the quality must be guided by an ability for this to be inspected against agreed criteria.

Question 11: Do you agree or disagree that providers offering child minding, day care or coaching and tuition for children aged 2 and under, when parents remain on the premises (but not present during the session) should not be required to register, even if the care is for 2 hours or less or 5 days or fewer a year?

Agree

Supporting comments

The main area of concern is the parents who do not adhere to this when they remain on the premises (but not present during the session).

If it were to say, for example, parents remain in the same room but not actively involved in the session the provider could ascertain that the parents remained on-site.

Again, we highlight the theories above and the importance for children aged 2 and under to have parental / carer support and interaction. Especially with regards to movement, if the parent knows and understands the types of movement and activity their child enjoys, they are much more likely to be an enabler for movement opportunities in their child's life within the home.

Question 12: Would you like to make any further comment on the content of the Draft Child Minding and Day Care Exceptions (Wales) Order 2026?

These are complex areas of policy and legislation. There are areas in the proposal that would support and improve the existing arrangements. We are, however, concerned that there are still gaps in priority areas. These gaps have been identified in the comments above, and potentially still raise concerns about the appropriateness and safety of children.

Part B: Development of proposed Voluntary Approval Scheme

Question 13: Do you agree or disagree with the aims of the proposed Voluntary Approval Scheme?

	Agree	Disagree	Neither agree nor disagree	Don't know
To allow families to access Tax-Free Childcare and Universal Credit Childcare to pay for a greater range of services where both the family and provider are eligible		X		
To verify the provider has met set approval criteria, including basic safety checks, which may offer some reassurance to parents about their choice of provider		X		
To help develop a better understanding of, and provide support and information to the unregistered sector who sign up to the Voluntary Approval Scheme	X			

Supporting comments:

We are not convinced that a VAS (Voluntary Approval Scheme) would be better for children and for safeguarding than a mandatory light-touch registration process that would be more closely aligned to an equitable offer. To allow unregistered providers to access tax-free and UC offers, runs a risk that currently registered providers de-register and work to lower standards due to competition and pressure.

We can understand why sports and coaching and tuition providers would be attracted to a VAS, for commercial benefits, Registration helps ensure that childcare works for the child, as everybody required to care for a child is held to the same standards and expected to support the development of children with specific quality in mind.

However, we are concerned that this would further undermine sections of the childcare sector in Wales and have a detrimental impact on sustainability of play work organisations that are required to register under the NMS. Noting that the NMS consultation results are not in, it would be important to understand the interrelatedness of the two consultations and the policies that fall out of the work in both areas. This question also reinforces the earlier point that parents do not fully understand the difference between registered and unregistered. They are likely to be further confused by a VAS - which would infer that the provider is somewhat like a registered provision - yet in operating practices would be quite different.

Question 14: Which of the approval criteria outlined below do you feel should be required for the proposed Voluntary Approval Scheme?

Being 18 or over

Having completed [emergency paediatric first aid training](#)

Having completed a safeguarding intermediate course of at least [Group B](#)/ level 2 specification

Having completed the Childcare Essentials for Providers of Childcare, Playwork and Activities

Having a current enhanced DBS (Disclosure and Barring Service) check

Not being barred from regulated activity with children or be unsuitable to work with or have unsupervised contact with children

Having public liability insurance which covers death, injury, damage or other loss

The applicant will be required to make a self-declaration, (which will not be followed up or checked by Care Inspectorate Wales), that they understand and will employ best practice on behalf of the provision in relation to:

- The 'Working together to safeguard people: code of safeguarding practice' including safe recruitment practice, complaints procedures and risk assessment.
- If serving or handling food, food hygiene.
- Have regard to sector best practice guidance in relation to staffing, premises, record keeping, child safety, health and well-being.

Supporting comments:

To help respond to this consultation, Early Years Wales held a focus group with providers in the sector to gain an understanding of what practitioners and childminders thought about the proposed Voluntary Approval Scheme. Participants argued that only conscientious providers would engage with the scheme, leaving less committed providers unregulated. The consensus was that all unregulated provision should be held to the same standards as those under the National Minimum Standards (NMS), ensuring equity and safeguarding across the sector.

For any adopted scheme – it must include that all staff are covered by the checks for DBS and appropriateness to work, and that any information missing or omitted is an offence (it would be easy to declare that its available but not have this in reality). Where the focus of the work is for providing families with options for childcare, having the appropriate training to meet this aim is important.

Question 15: Are there any other criteria that you think should be included?

The Early Years Wales focus group also addressed issues around staff-to-child ratios, particularly within childminding settings. Concerns were expressed about the feasibility and safety of one childminder caring for children of vastly different ages, such as infants and older children at the same time. It was questions whether parents fully understood the different ratio requirements for childminders compared to childcare settings. There were suggestions to consider ratios on a setting-wide basis rather than per room, to reflect the realities of staffing across the day. A more flexible, dynamic approach to ratios, as encouraged under NMS 14.2, was advocated to accommodate routine staff movements for tasks like meal preparation or attending to individual child needs.

Question 16: Which of the following features do you think would be proportionate to include as part of the management and oversight of the proposed Voluntary Approval Scheme?

The proposed Voluntary Approval Scheme would be managed by Care Inspectorate Wales (CIW).

The approved provider would be required to renew annually and there would be an annual fee.

Details of the approved provider would be passed onto the Local Authorities. Approved providers could then receive support, information, advertisement and guidance from the Local Authority should they wish.

The approved provider would be required to notify CIW in the event of a conviction, caution, change of name, address or contact details.

CIW would suspend approval or withdraw an approved provider from the scheme if the outcome of any Local Authority safeguarding investigations concluded that the provider exposes or may expose one or more of the children in their care to the risk of harm.

CIW would refuse an application to the Scheme and withdraw an approval if the approval criteria are not/no longer met.

An approved provider or applicant will be provided with notices of any decisions in relation to suspension, withdrawal or refusal of an application and will have 28 days to make an appeal by submitting representations.

CIW would immediately suspend approval when considered necessary and appropriate.

Supporting comments:

We feel that bullet point seven should be led by the body the provider is linked to. This means that information can be shared with CIW, resulting in improved communication and reporting of safeguarding concerns between organisations.

Question 17: Which of these providers do you believe should be eligible to seek approval on the proposed Voluntary Approval Scheme?

Supporting comments:

We feel that we are unable to put a cross in any of the boxes of this question, due to the fact that we are supportive instead of a mandatory light-touch inspection approach. Many providers tell us regularly that inspection pressures can often have a negative impact on the mental health of staff within the setting. At the beginning of the year, we published research detailing the mental health and wellbeing levels amongst staff in the childcare sector. Results showed a general negative trend amongst all age groups, qualification levels and setting types. Alarming, many of the respondents highlighted inspection pressures as a reason for this, with one respondent even detailing that they "had not felt the same since the last inspection".

Therefore, a light touch approach would be preferable.

Question 18: Do you agree or disagree with the principle that the scheme should have a joining fee for providers who seek approval on the proposed Voluntary Approval Scheme?

Neither agree nor disagree

Supporting comments:

Our response is determined by the potential cost and ease of access for providers. Many of our providers report struggles with finances due to the rising cost of living and central funding not meeting the costs of effectively covering staff wages. Many providers may feel left out if they are unable to afford the costs associated with signing up to the scheme.

Question 19: The Welsh Government is proposing to create a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers. This scheme would be available to providers who are exempt from registering as child minders or day care providers. Having considered the details and development of the work to date, do you agree or disagree that a Voluntary Approval Scheme should be developed for Wales?

Disagree

Supporting comments:

As noted in answers to previous questions, we have concerns about the possible unintended consequences of the VAS and therefore prefer a mandatory light touch registration approach.

Part C: Impact assessment and mandatory questions

Question 20: What risks, if any, do you feel should be further recognised within the draft regulatory impact assessment?

The Early Years Wales policy working group provided feedback on the Childcare Exceptions Order, highlighting significant concerns regarding the current priorities in childcare provision. A key issue raised was the perception that childcare services are primarily designed to facilitate parents' return to work, rather than being centred on the developmental and emotional needs of children. The current model of 17.5 hours per week was criticised for creating fragmented routines for children, who often transition multiple times a day between nursery, school-based settings, and after-school care. Such inconsistency was seen as disruptive and detrimental to children's well-being and development.

Furthermore, the short daily provision of two and a half hours in the morning was flagged as impractical for working parents, particularly those on lower incomes, failing to support stable employment or quality early years experiences for their children.

The VAS risks the deregistration of existing provision and therefore, an unintended consequence of lowering standards for children. It also risks the long-term sustainability of the out of school childcare sector, and displacing children from other childcare into provision facilitated by access to parental funding through a VAS register.

Question 22: What costs, if any, do you feel should be further recognised within the draft regulatory impact assessment?

We feel that associated costs of staff time in the potential application / reporting process of a Voluntary Approval Scheme should be recognised within the legislation. Many settings report to us regularly on the struggle of meeting ratios whilst completing mandatory paperwork which ensures the consistent running of their provision. Therefore, further support to help providers access such a scheme would be welcomed, ensuring that child development is not compromised in the form of ratios being impacted.

Question 23: What comments, if any, do you have on the draft impact assessments, particularly the impact of the draft order on children, families, those living in socio-economic disadvantage and people with protected characteristics (including evidence you feel should be considered)?

It is really important that the rights and wellbeing of children remain at the epicentre of any piece of policy or legislation which has an impact on their care. Policy should carefully consider how a child may react to the changes in guidance and advice, with potential impacts on their development taken into account.

Submit your response

Do you live in Wales?

No answer

Do you have a business interest in Wales?

No answer

You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Leo Holmes

Organisation (if applicable) Early Years Wales

If you want to receive a receipt of your response, please provide an email address.

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