



Llywodraeth Cymru
Welsh Government

Review of the National Minimum Standards for Regulated Childcare

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

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Review of the National Minimum Standards (NMS) for Regulated Childcare

Executive summary

Registered childcare provision for children up to the age of 12 years is governed by the National Minimum Standards (NMS). They cover a wide range of different types of provision, including child minders, day care, out of school childcare and open access play provision¹. The NMS are designed to help providers and settings meet the regulations associated with registered childcare provision. Care Inspectorate Wales (CIW) regulates and inspects childcare provision on behalf of Welsh Government in line with regulations, the NMS and their own inspection framework.

There has not been a comprehensive review of the NMS since 2010 despite substantive changes in the sector, including an extension in 2016 to the upper age limit for childcare registration from 8 to 12 years. In view of this, and in light of feedback from the childcare and play sector, the Welsh Government considered it timely to undertake a review of the NMS.

The review was undertaken by Welsh Government officials between 2017-19. It involved analysis of the relationship between The Child Minding and Day Care (Wales) (Amendment) Regulations 2016 and the NMS, engagement with stakeholders across the childcare and play sector and examination of the approaches adopted by other UK administrations to assessing the standard of childcare and play provision. The review also considered the relationship between CIW's Inspection Framework and the quality schemes operated by individual local authorities and the childcare and play organisations.

¹ Play Wales the national charity for children's play has highlighted the differentiation between the play sector (all those whose work impacts on children's play) and the **playwork** sector (all those who work to facilitate children's play in staffed settings such as open access play provision) which has arisen as a result of the language used in the Children and Families (Wales) Measure 2010 and its associated regulations. The wording of the report reflects this differentiation.

During the course of the review there have been a number of policy developments which have impacted the NMS. These include the development of the Early Childhood, Education and Care (ECEC) policy, the call for Evidence into the Child Minding and Day Care Exceptions (Wales) Order 2010, the forthcoming Play Review and the publication of *Cymraeg 2050 A million Welsh speakers*. The review has been mindful of these and has sought to align any recommendations and actions arising from its findings with these broader policy developments.

A number of key issues have emerged from the review. These range from potential changes to specific standards to consideration of the wider regulatory and quality agenda and their relationship with the childcare and play sector. The key themes can be summarised as follows;

- Safeguarding – concerns about the lack of understanding in some parts of the sector around responsibilities in relation to safeguarding and awareness of the wider safeguarding agenda;
- Inspection/CIW – a perception across some parts of the sector that there are inconsistencies in the application of the NMS. A wish for greater collaborative working with CIW to help address inconsistencies, promote understanding and take forward the quality agenda;
- Supernumerary staffing ratio - the requirement within the NMS that full day care settings registered for 20 children or more must have a supernumerary member of staff is seen by many as being too restrictive. The ratio applies even when fewer than 20 children are present and does not apply to sessional settings;
- Qualifications – the sector faces problems meeting the qualification requirements of the NMS. This is a particular issue for Welsh Language settings and playwork settings. There is also confusion within the sector around the qualification requirements of the NMS;
- First Aid - there were calls for greater clarity around the first aid qualification required to meet the NMS;

- Childminder Assistants and Childminders working together – a wish for greater clarity around regulatory requirements
- Open Access Play – feedback from the sector suggests a more proportionate approach to registration needs to be adopted;
- Quality – whilst the review showed that there are a range of quality frameworks designed to help drive forward the quality agenda, there are some mixed messages and duplication which has the potential to confuse both providers and parents and to reduce the opportunities for a joined up approach to quality across the sector;
- Foundation Phase – the NMS places responsibility on registered providers to ensure the principles of Foundation Phase (FP) are understood and applied appropriately regardless of whether or not they are funded to deliver Foundation Phase Nursery provision. Feedback suggested there was a lack of clear guidance to non funded FPN provision around what they were required to do to comply with the FP requirements of the NMS..
- Overall format/structure of NMS- there was general agreement about the usefulness of the standards in helping providers understand how to meet the regulations, albeit with significant reservations from the play sector in respect of certain standards. There were differing views across the sector about whether standards should be sector specific or sector wide. There was general support expressed for more proportionate standards.

In response to these findings, the review has suggested the following 20 recommendations. The Welsh Government wishes to engage with key stakeholders to agree an action plan to take forward the recommendations in a timely and proportionate manner.

Recommendation 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

Recommendation 2

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

Recommendation 3

Care Inspectorate Wales and local authorities to explore opportunities for regular and enhanced engagement for information sharing around areas of shared interests

Recommendation 4

Continued ongoing engagement between representatives of the childcare and play sector and Care Inspectorate Wales to address areas of inconsistency

Recommendation 5

Inspection and regulation of play settings to be considered for inclusion in broader Play Review

Recommendation 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

Recommendation 7

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

Recommendation 8

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

Recommendation 9

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

Recommendation 10

Play qualifications to be considered as part of the broader Play Review

Recommendation 11

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

Recommendation 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

Recommendation 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

Recommendation 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

Recommendation 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

Recommendation 16

Consideration to be given to the registration requirements of playwork settings as part of the broader Play Review

Recommendation 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

Recommendation 18

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

Recommendation 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.

Recommendation 20

Explore ways of simplifying current NMS

1. Background

1.1 Registered childcare provision is governed by the National Minimum Standards (NMS) made in accordance with section 30(3) of the Measure. 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 and settings to meet the regulations relevant to the service they provide and all registered persons must have regard to the NMS.

1.2 Childcare settings caring for children up to the age of 12 years are required to register in line with Part 2 (Child Minding and Day Care for Children) of the Children and Families (Wales) Measure 2010 (as amended) and its associated regulations.

1.3 In order to ensure children are cared for in a safe, secure and appropriate environment, childcare settings are subject to registration, regulation and inspection.

1.4 Care Inspectorate Wales (CIW) regulate and inspect registered childcare provision on behalf of the Welsh Government in line with regulations, the NMS and their own inspection framework.

Why was there a need for a review?

1.5 The review of the NMS was undertaken for a number of reasons, including:

- There has been no comprehensive review of the NMS since 2010 despite substantive changes in the sector including in 2016 an extension in the upper age limit for childcare registration from 8 to 12 years;
- The findings of the 2015 consultation exercise into the extension of the upper age limit for childcare regulation and associated changes to the

NMS indicated that there was an appetite for a more wide-scale review of the NMS;

- Commitment was given in the Welsh Government response to the 2015 consultation that officials would consider how best to address the broader issues raised about the NMS;
- Further engagement with childcare organisations through the Childcare Working Group² provided more detailed evidence around specific concerns within the NMS;
- The development of the Childcare Offer³ has brought to the fore many regulatory issues faced by providers;
- Changes to the way CIW regulate and inspect the social care sector following the introduction of the Regulation and Inspection of Social Care (Wales) Act 2016 highlighted the possibility of a different approach to regulation for the childcare sector

1.6 In discussions with policy and CIW colleagues at the outset of the review, it was determined that the review's purpose was to examine whether the standards were fit for purpose in helping to achieve the following outcomes:

- Availability of quality childcare which is accessible, affordable, sustainable and flexible;
- Assurance for parents that their children are cared for in a safe, caring, quality environment which meets the needs of the child;

² The Childcare Working Group was set up in 2014 to support Welsh Government in developing policy around childcare through the provision of expert advice from internal and external stakeholders. Its particular focus was in relation to potential changes to the Childcare Sufficiency Assessments and the registration of childcare provision. The Group last met in 2016. Membership consisted of representatives from

- Cwlwm, a third sector childcare consortium made up of 5 leading childcare and play organisations
- Play Wales the national charity for children's play.
- AWARE (All Wales Association of Representatives of Early Years and Childcare Partnerships)
- Family Information Service,
- WLGA(Welsh Local Government Association),
- CIW (Care Inspectorate Wales)
- Welsh Government
- Job Centre plus.

³ The Welsh Government pledged to offer 30 hours a week of government funded early education and childcare for working parents of 3 and 4 year olds in Wales, for 48 weeks of the year. The Offer was tested in parts of Wales from September 2017, and has been available in all areas of Wales since April 2019.

- A sustainable and growing childcare workforce which is supported by access to essential training and continued professional development;
- Creation of sustainable thriving businesses which are not subject to over regulation creating burdens and bureaucracy.

2. Methodology and context

2.1 The review was undertaken by Welsh Government officials and took place over a two year period between 2017-2019. It involved;

- Analysis of the relationship between Regulations and the NMS
- Desk based research to inform consideration of other UK government department standards and approaches to childcare and play regulation
- Consideration of the relationship between CIW's Inspection Framework and the quality schemes operated by individual local authorities and the childcare and play organisations.
- Discussions with internal policy colleagues
- Engagement and consultation with CIW, Estyn, and 6 national organisations representing the childcare and play sector
- Interviews with representatives from the childcare and play departments of 12 local authorities
- Review of the responses to the 2015 Consultation into the extension of childcare regulation

Analysis of the relationship between Regulations and the NMS

2.2 Providers of registered provision of childcare must comply with The Child Minding and Day Care (Wales) (Amendment) Regulations 2016. These Regulations are designed to ensure children in registered child-minding and day care settings are cared for in a safe and appropriate environment. They cover a wide range of areas including the suitability and qualifications of staff, safeguarding, health and well-

being, behaviour management and fitness of premises. The NMS are intended to help providers meet regulations. Providers must have regard to the standards which relate to the type of care provided.

2.3 In order to inform the review and to understand the relationship between the regulations and the standards, a mapping exercise was undertaken comparing regulations and standards. Each of the regulations relating to the NMS was considered to understand how it was reflected in terms of specific standards. Whilst in some instances there was a direct correlation between regulations and standards there were other instances where the standards contained significantly more detail than the regulations to which they related.

2.4 For example, in the case of suitability of staff or staffing ratios - whilst the regulations do not go into fine detail about precise qualifications or numbers, the standards set out specific information about qualifications and training requirements of staff, and ratios relating to the nature of settings and the ages of children. Similarly in terms of the suitability of the environment, the standards provide details about minimum space requirements for children in the setting and which areas of the premises can be designated for use. The standards also provide more details in terms of equal opportunities, the organisation of settings, opportunities for play and learning and safety requirements.

2.5 Whilst many of the additional requirements contained in the NMS relate to wider regulatory requirements, codes of practice, recognised qualification frameworks and good practice, there were instances where the standards appeared overly prescriptive.

2.6 This mapping exercise helped inform consideration of the degree of scope available to make changes if necessary to the standards without recourse to regulatory changes.

Consideration of other government department standards and approaches to regulation

2.7 The other UK administrations have different regulatory positions in respect of the registration of childcare, making a direct comparison with the situation in Wales

difficult. However to inform the review we have looked at the approaches adopted by the other administrations to help understand the rationale for their different approaches and to examine how regulation is managed elsewhere. We are also interested in the work other administrations have done or are doing to ensure their standards continue to be fit for purpose.

Scotland

2.8 The **Scottish Government's, Health and Social Care Standards**, (*"the standards"*) *My Support, My life* came into effect from April 2018. These replaced the 23 previous National Care Standards (NCS) with one overarching set of standards for all health and care services. The standards reflect the way everyone should expect to be treated when accessing care and support services. The standards apply to all services regulated by the Care Inspectorate including services for children and young people. This includes, but is not limited to, day care of children, such as nurseries, playgroups and afterschool clubs, and childminding services.

2.9 The standards do not replace existing legislation which sets out the requirements for service provision but rather they complement legislation. Non-registered settings are also encouraged to use the standards as a guideline for how to achieve high quality care.

2.10 The Health and Social Care Standards were developed following an extensive review of the previous NCS, which were introduced in 2002 and had not been reviewed since then. The Scottish Government announced its intention to review the NCS and undertook a public consultation to gather views of how best to do this.

2.11 Following consultation, consideration was given to develop new standards to cover issues common to all services, such as quality of interaction; management and leadership; and quality assurance. The needs of specific groups of people using care services was also considered. The Care Inspectorate and Healthcare Improvement Scotland were subsequently tasked with leading a development group. The group's membership included regulators from health and social care, professional associations, provider organisations, local authorities and service-user organisations.

2.12 The standards are written with a greater focus on human rights and personal wellbeing. Scrutiny and inspection of services are changing in Scotland to reflect the standards, whereby rather than only checking that a service is complying with inputs for all people, inspections will now consider the individual needs, choices, and experiences of people receiving care and support.

2.13 The Care Inspectorate take the standards into account to inform their inspection, scrutiny and quality assurance functions, and when making decisions about care services which are, or are applying to be, registered. The Care Inspectorate is in the process of developing self-evaluation quality frameworks for registered services to help them reflect on how well they are delivering services and to identify where improvements can be made for people who use services.

2.14. Where centres are funded for pre-school education, the quality indicators of *The Child at the Centre* and the *Curriculum Framework for Children 3-5* also help to describe national expectations.

2.15 A 'provider neutral' Funding Follows the Child approach will be introduced alongside the national roll-out of the expanded entitlement in 2020. The approach will be underpinned by a National Standard that all providers delivering the funded hours – regardless of whether they are in the public, private or third sector, or childminders – will have to meet. This will provide reassurance to parents and carers that any provider offering the funded hours will be able to offer their child a high quality ELC experience.

2.16 The National Standard will cover a wide range of criteria including, staffing, leadership and management, physical environment, the development of children's cognitive skills, inclusion, health and wellbeing and self-evaluation and improvement.

Northern Ireland

2.17 **The Northern Ireland Executive** produced its *Minimum Standards for Day Care and Childminding for Children Under Age 12* in 2012 which were amended in October 2018. The Health and Social Care Board has also produced *Implementation Guidance* to help providers meet the standards. This guidance document supports the interpretation and practical application of the Minimum Standards.

2.18 Health and Social Care Trusts (HSCT) are responsible for registering and inspecting the services of childminders, full day care and sessional day care providers, against legislative requirements. The standards have been developed to clarify these requirements and to ensure a regional approach to registration and inspection. This means that children and their parents using these services, along with service providers, can have confidence that all services will be measured against the same benchmark.

2.19 Minimum standards are considered to be the minimum level of service to be provided in order to pass an inspection and be registered with a HSC Trust. There are 16 minimum standards that registered providers must adhere to and they are grouped under 4 headings:

- Quality of Care
- Quality of Staffing, Management and Leadership
- Quality of the Physical Environment
- Quality of Monitoring and Evaluation

2.20 A fifth section outlines the policies and procedures registered providers must hold

England

2.21 In England, the standards against which childcare is regulated depend on the age of the child and the nature of the setting the child attends, as follows:

- For children aged 0-5 years, childcare providers must join the **Early Years Register** and meet the Department for Education (DfE)'s statutory framework for the early years foundation stage –which sets out the standards for learning, development and care, safeguarding, welfare, learning and development;
- For children aged over 5 years, childcare providers may need to join the **Childcare⁴ Register** which has two parts:
 - **Compulsory** for providers caring for children from 1 September after the child's fifth birthday up until their eighth birthday;
 - **Voluntary** for providers looking after children aged 8 and over, and for those providers who choose to register voluntarily (for example, nannies).

2.22 All registered childcare providers must also follow any relevant legislation, including laws about health and safety, disability discrimination, food hygiene, fire and planning requirements, with the additional requirements they must meet depending on the nature of the service they provide and which register they have joined.

Quality and the NMS

2.23 As part of the review, consideration has also been given to the relationship between CIW's Inspection Framework and the quality schemes operated by individual local authorities and the childcare and play organisations. We also considered quality standards in relation to Flying Start settings and those settings funded to provide Foundation Nursery provision.

⁴ <https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/the-ofsted-registers> Accessed 4th July 2019

Care Inspectorate Wales's Inspection Framework

2.24 CIW Inspection Framework (the CIW Framework) and guidance was examined to understand the relationship between the framework and NMS standards. The four themes of CIW's framework are:

1. Wellbeing
2. Care and Development
3. Environment
4. Leadership and Management

2.25 The framework covers all of the NMS standards within the theme of Leadership and Management as well as other themes depending upon the particular standard. As part of their inspection CIW award ratings of Excellent, Good, Adequate and Poor against each of the four themes. Those settings which do not meet the requirements of the NMS are awarded a 'Poor' rating whilst those who are 'just compliant' with NMS standards are rated as 'Adequate'.

2.26 Our examination of the framework and its relationship with the NMS shows that:

- The CIW Framework provides examples of what constitutes good practice;
- There are some instances where, good practice reflects what is set out in the NMS. This means there is potential for confusion for providers as to what should be done over and above the requirements of the NMS to achieve a 'Good' rating, given that compliance with the NMS alone is deemed 'Adequate';
- Tension exists between compliance with NMS being rated adequate and aspiration of many of the standards to provide quality provision;
- The Framework includes an annex with links to statutory guidance and best practice guidance which could usefully be added to NMS.

Childcare and play provider quality assurance frameworks

Below we provide an overview of third sector childcare and play organisations which provide quality assurance or assessment frameworks.

Early Years Wales - Quality for All

2.27 Early Years Wales is a national third sector childcare organization providing support to the pre-school childcare sector in Wales. Their quality assurance scheme Quality for All (QfA) has operated since 2011 and is available to members and non-members. It aims to provide a consistent approach to demonstrating quality across all types of childcare provision and across all age groups of children. It involves completing an evaluation form about the service in question followed by an assessment of practice at the service. QfA is a continuing process with annual re-assessments. The annual reaccreditation process is a shorter self-evaluation focusing on the development and progress of quality improvement plans, and any changes during the past year

2.28 The assessment looks at two main themes:

- i. Ownership, leadership, management and organization
- ii. The environment and operational practice – quality of care, children’s learning, play and wellbeing.

2.29 A useful list of associated links is also included at the end of the guidance booklet. A fee (the level of which depends on whether or not a provider is a member) is payable for guidance, assessment and annual re-accreditation.

Mudiad Meithrin

2.30 Mudiad Meithrin is a voluntary organisation specialising in support for Welsh medium early years provisions. Safonau Serennog is the name for Mudiad Meithrin’s quality scheme whose purpose is to set aims and achievable goals that all Cylchoedd Meithrin can work towards. The scheme offers a structure to enable committees and staff to evaluate their service objectively.

2.31 MM’s quality scheme has 3 different levels, as set out below:

Bronze

- registered with MM
- Registered with CIW or working towards registration(within 12 months)/ complies with NMS
- complies with MM's Welsh language policy

Silver –

- awarded to Cylchoedd Meithrin who have shown quality provision above Bronze star standard
- Cylchoedd Meithrin will be required to present a portfolio to Mudiad Meithrin that will be adjudicated by the Quality and Standard Adjudication Panel.
- portfolio to include a wide range of various types of evidence to support the following areas:
 - The Child's Wellbeing
 - Learning Experiences
 - Care and Development
 - Leadership and Management
 - The Welsh Language
 - The Environment
 - The Teaching and Assessing

Gold –

- awarded to Cylchoedd Meithrin that have shown the highest possible quality standard which go above and beyond the requirements for the Bronze and Silver Star Standards.
- Cylchoedd Meithrin will show innovation in the service it offers and will be recognized as a care and education provider of the highest standard.
- It will be used by MM as an example of excellence and sector leading practice. Inspected by an independent inspector.

The award of a Gold Star Standard is dependent on an inspection by an independent inspector, with a fee payable.

NDNA

2.32 National Day Nurseries Association (NDNA) is the national charity representing children's nurseries across the UK. NDNA's quality scheme 'Quality Counts' is designed to provide a framework for embedding quality and self evaluation in childcare settings. The scheme has 3 pathways with different costs for each:

- i. 'Journey to Excellence' which helps practitioners define and implement a vision of quality at their setting.
- ii. Online Audit and Review, which provides access to an online system involving audit, exemplification documents and checks with on line feedback identifying strengths and actions for improvement.
- iii. Certification mark which includes access to a mentor and includes a full day onsite assessment visit as well as documents referred to in option 2 above.

2.33 The standards that settings are required to meet cover the following areas:

- Play and learning
- Health, safety and wellbeing
- Leadership and management
- Workforce

2.34 Within each section there is a 1-3 scoring scale against a range of statements which appear to tie in with the NMS.

Scoring scale

1 = Working towards the statement – we meet some of the statement but our practice still needs improvement

2 = Meeting the statement – we mostly meet the statement but have identified some areas for further improvement

3 = Well-embedded – we meet the statement continuously and our practice has some excellent features

2.35 From a brief overview, NDNA's scheme seems to focus on how well standards are being taken forward rather than replacing/duplicating standards.

PACEY Cymru

2.36 PACEY Cymru is a third sector organisation providing support to childminders, nursery workers and nannies. They do not currently have a quality assurance scheme. They are of the view that following the introductions of ratings by CIW judgements on quality more clearly sit with CIW as the regulator and that there is a risk any rating/award status provided by quality assurance schemes run by others could conflict with those given by CIW. PACEY Cymru see the provider organisation's role as one of supporting providers to improve their ratings by using reflective practice and understanding the value of CPD to embark on a continuous quality improvement pathway. PACEY Cymru provide information, training, resources and guidance to members around quality improvement currently and this is constantly evolving to meet the needs of the settings they support.

Clybiau Plant Cymru Kids' Clubs (CPCKC)

2.37 CPCKC are a Wales wide third sector organisation that helps set up, develop and support out of school childcare clubs. They do not currently operate a quality assurance scheme, however they do have an agreement with Early Years Wales that their members can access their Quality for All scheme.

Play Wales

2.38 Play Wales' *The First Claim ... a framework for playwork quality assessment*⁵ publication aims to enable playworkers, and any other adults with an interest in children's play, to analyse, by observation and reflection, the play environments they operate. It gives a framework to assess the quality of what is being provided and experienced.

It allows users to explore:

- the nature of what children are doing
- the possible developmental and therapeutic roles of playing
- the roles and functions of the playworker (or other adult)
- the most appropriate ways of intervening in the play process
- the language and concepts of playwork

⁵ <http://playwales.org.uk/eng/firstclaim>

The First Claim ... is intended to complement other quality assurance procedures.

Local Authorities

2.39 Local authorities were asked whether they currently use quality schemes for childcare settings in their areas and, if so, they were invited to share them with us.

2.40 There appears to be a mixed picture across Wales. Some local authorities do not have bespoke schemes and support providers using the schemes provided by the childcare organisations mentioned above. Others, use their own schemes. These appear from our assessment to aim to complement the NMS but include additional distinct elements, for example some schemes include elements to cover education for sustainable development and global citizenship. Other local authorities report using elements of the Infant and Toddler Environmental Rating Scale (ITERS) and Early Childhood Environmental Rating Scale (ECERS) to assess quality. The stated aim of these scales is to assess the quality of interactions between staff and children, parents and other adults and among children themselves as well as features such as space, schedule and materials which support these interactions. Some local authorities have moved to using the Sustained Shared Thinking and Well-Being (SSTEW) tool which is described as having a focus on adult/child interactions, with the aim of developing strong relationships, effective communication and aspects of self-regulation.

2.41 One authority advised that they are actively looking to raise quality within the Private, Voluntary and Independent Sector through their quality improvement programme. They have produced documents in partnership with their Safeguarding Team and Public Health Wales which they feel help providers meet the requirements of the NMS as well as providing additional guidance around safeguarding, ALN, Leadership and Management, Wellbeing and Learning and Play.

Flying Start

2.42 Flying Start is the Welsh Government's targeted Early Years programme for families with children under 4 years of age in some of the most disadvantaged areas of Wales.

2.43 The core elements of the programme are drawn from a range of options that have been shown to influence positive outcomes for children and their families. These include funded quality, part-time childcare for 2-3 year olds which is integral to the Flying Start programme. There are 3 key measures of quality in a successful Flying Start childcare setting:

- **A high quality environment** - the standard of the physical environment has an impact on the quality of childcare provision. Accommodation and resources for Flying Start settings should be of the highest standard, to ensure the best learning environment for children, appropriate teaching spaces for staff and a place where parents feel comfortable and welcomed. Poor facilities can restrict children's experiences, which could have an adverse effect on their development.
- **High quality people** - Staff appointed to work in Flying Start childcare settings must be of the highest calibre in order to deliver high quality provision. To enhance children's development, staff should be well-trained and staff development should ensure continuity, stability and also improve quality. The adult to child ratio at Flying Start settings is the same as other registered childcare settings but volunteers cannot be counted within the number of adults as part of the minimum adult child ratio within a Flying Start setting.
- **A high quality experience for the child** - Children need a caring, stimulating environment. The environment should be both indoors and outdoors, safe and secure, whilst being challenging, where children can be happy and feel valued as individuals. Children should learn through first-hand, play-based experiences and discovery, with experimentation and independence being encouraged.
Flying Start childcare services place an emphasis on providing rich experiences which mirror the types of pedagogical philosophies introduced during the Foundation Phase. Quality at settings is managed by Flying Start Advisory Teachers who are responsible for driving standards in childcare settings and supporting Flying Start childcare staff. All Flying Start settings are expected to have a Quality Assurance system in place which is independently reviewed.

Foundation Phase

2.44 The Foundation Phase is the early years' education policy for 3 to 7 year olds in Wales. It is based on the principle that early years' education provision should offer a sound foundation for future learning through a developmentally appropriate curriculum. It brings more consistency and continuity to children's education at an all-important period in their development.

2.45 The Foundation Phase places great emphasis on children's learning by participating in practical activities. Young children will be given opportunities to gain first hand experiences through play and active involvement rather than by more formal education and completing exercises in books. It encourages children to be creative, imaginative and to have fun and places the child at the center of their learning.

2.46 The Foundation Phase for nursery age children at 3 and 4 years old, or FPN can be delivered in school (maintained settings) or non-maintained childcare settings.

2.47 All schools, and settings funded to deliver FPN are expected to adhere to the Foundation Phase Framework which sets out the curriculum and outcomes focusing on experiential learning, active involvement and the development of each child's

- skills and understanding
- personal, social, emotional, physical and intellectual well-being so as to develop the whole child
- positive attitudes to learning so that they enjoy it and want to continue
- self-esteem and self-confidence to experiment, investigate, learn new things and form new relationships
- creative, expressive and observational skills to encourage their development as individuals with different ways of responding to experiences
- activities in the outdoors where they have first-hand experience of solving real-life problems and learn about conservation and sustainability.

2.48 The NMS also places a responsibility on registered providers to ensure that the principles of the Foundation Phase (FP) and its seven areas of learning are understood and applied appropriately within settings regardless of whether they are funded to deliver FPN.

2.49 Curriculum for Wales 2022 will replace the current national curriculum FP(although aligned with FP pedagogy) and will be published for use next January becoming a legal requirement from 2022. The new curriculum will be a continuum with no phases or stages, so the branding of 'Foundation Phase' will no longer exist. Significant work has been undertaken to safeguard the principles and ethos of the Foundation Phase in the new curriculum.

Wider policy context

2.50 During the course of the review there have been a number of policy developments which must be considered in terms of their impact on the NMS.

- **Early Childhood, Education and Care (ECEC)** – this policy aims over the next 10 years to put in place arrangements for a consistent pathway through early education and care from ages 0-7. A common set of expectations and experiences relating to high quality early education and care is envisaged. ECEC aims to remove artificial distinctions and divisions between education and care and provide a crucial link to the new Curriculum for Wales. In line with the principles of the Well Being of Future Generations Act we have looked to see how the findings of the review can help inform the ECEC agenda and are mindful that any recommendations or actions arising from this review need to align with long term aspirations.
- **Childcare Funding (Wales) Act 2019 – Response to Children, Young People and Education Committee-** in response to issues raised by the Responsible Committee during the passage of the Bill, the Minister for Children, Older People and Social Care gave a commitment to review the Child Minding and Day Care Exceptions (Wales) Order 2010. This Order

sets out the circumstances where a person providing care for children up to the age of 12 years would not be required to register and be subject to the NMS.

A 12 week Call for Evidence seeking views on the Order closed in March 2019. The findings will be discussed with key stakeholders and reported to the Deputy Minister for Health and Social Services during Spring/Summer 2019. It is important that any actions arising from this review dovetail with any work taken forward as a result of the Call for Evidence.

- **Play Review-** Early soundings have taken place between Welsh Government and representatives of the play sector for a potential independent review of the play landscape. Although timings have yet to be agreed the review is planned to include qualifications, workforce issues and the relationship between play and the NMS.
- **Cymraeg 2050-A million Welsh speakers_**– The importance of the early years sector in the Welsh language strategy is 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.

3. Stakeholder Engagement

Initial engagement with the childcare organisations and AWARE

3.1 In late 2016 prior to the start of the review we engaged with the former Childcare Working Group (CWG-see footnote 2) to inform our understanding of:

- the impact on the childcare sector of the extension of the upper age limit for the compulsory registration of childcare in Wales from 8 to 12 years.
- and the need, if any, for changes to the NMS.

3.2 The CWG welcomed the proposed review of the NMS. As part of our initial engagement the CWG were asked specific questions see Annex 1 which reflected some of the key issues brought up in the 2015 public consultation into the extension of the upper age limit for the compulsory registration of childcare in Wales from 8 to 12 years. In particular, questions were asked about proportionality for holiday play schemes, the format of the NMS, childminder assistants and issues around qualifications needed to meet the standards.

3.3 At that point in time, there were mixed views on some issues, for example about the regulatory requirements on seasonal provision, with some childcare and play organisations being in favour of a more proportionate approach to reflect the limited time such services were in operation. Other childcare organisations, however, were not in favour of less regulation for childcare activities over holiday periods. They were of the view that it was essential that clear guidelines and standards should be followed regardless of provision to ensure the safeguarding of all children. Whilst some echoed this view, there was also an acknowledgement of the challenge for practitioners to achieve the qualifications if they could only be assessed in the workplace at certain times of the year.

3.4 A general concern was expressed about those settings seeking to avoid registration through the use of the sporting activities exemption with the view being that this should only apply if the club was able to show affiliation to the relevant sporting governing body. Clearer guidance about the use of childminder assistants was also raised, in particular, the numbers a childminder could employ, the qualifications they should have, how they should be supervised, the time they could spend alone with children and the supporting information they should provide before being employed.

3.5 The childcare organisations also sought greater clarity about qualifications and the list each type of setting should follow and echoed the view of local authorities about clarification around the first aid qualifications needed to meet the standards, the numbers of staff who should hold the qualification and the delivery model.

Individual Local Authority engagement

3.6 Engagement took place with childcare policy staff in 12 LAs between May – October 2018 representing a broad range of perspectives and spread geographically throughout Wales. Overall, LAs reported that the childcare and play sector are very familiar with the NMS and refer to them on a frequent basis. Our discussions with LA staff indicate key challenges faced by childcare and play providers arising from the NMS include ensuring staff have the correct qualifications to meet the standards, the perceived inconsistency in the approach adopted by individual CIW inspectors when inspecting settings, lack of feedback provided to LAs by CIW following inspections and the ambiguity of some standards set against the rigidity of others. The standard relating to the need for settings to have a supernumerary member of staff if a day care setting is registered for 20 children or more was raised frequently, with particular concerns expressed about its impact on the roll out of the childcare offer.

3.7 Local authorities were invited to suggest improvements to the NMS. These included:

- the need to re-examine the issue of safeguarding, including advice around the Prevent duty (the need to prevent children from being drawn into terrorism), and clarification about who to raise concerns with when potential safeguarding issues arose;
- the need to have regular meetings with CIW and local authorities so that concerns could be shared. It was suggested that it might be helpful if a local authority representative could accompany CIW on inspection so that they could better understand the rationale for decisions and feedback which would help take forward the quality agenda;
- clearer links and guidelines between CIW's inspection framework and the NMS;
- greater emphasis on the annual provider quality assurance reviews;
- need for ongoing training and CPD to be highlighted within the NMS rather than the focus being solely on ensuring staff have required qualifications;

- greater clarity in respect of first aid qualifications, both in terms of the precise qualifications staff should hold and the numbers of staff within settings holding them;
- Strengthening of statement of purpose to provide clarity about service being provided.

3.8 Whilst there were suggestions from some local authorities for a more prescriptive approach in terms of some standards there was also a widespread view that wherever possible a more 'common sense' proportionate approach to other standards should apply. Comparisons with the regulation and inspection of the social care sector under Regulatory Inspection of Social Care Act (Wales) RISCA were made, particularly the RISCA focus on raising quality and improving outcomes.

3.9 Other discussions centred on whether there should be sector specific guidance, a simplified format, a more flexible approach to ratios, clarity around the role of childminder assistants and awareness raising of the importance of the NMS amongst parents.

Care Inspectorate Wales (CIW)

3.10 CIW have a key role to play in any review of the NMS. The Inspectorate are responsible for registering, inspecting and reviewing the childcare and play sector on behalf of Welsh Ministers in line with regulations and the NMS.

3.11 Engagement with CIW has taken place on a regular basis to inform the direction of the review. From the outset, CIW have encouraged the consideration of a more outcome focused approach to the standards, looking at how the conditions placed on providers benefit both the child and parents.

3.12 The Inspectorate suggested the approach to guidance adopted to support the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA), should be considered as part of the review. This legislation is supported by Statutory Guidance for service providers and responsible individuals on meeting service standard regulations and focuses on wellbeing outcomes for people rather than minimum standards.

3.13 Registered service providers of regulated social care services and designated responsible individuals must meet the requirements of the Act and the regulations and **have regard** to the supporting guidance. The guidance is intended to help them understand how they can meet the requirements of the regulations. CIW use this guidance to inform decisions about the extent to which registered providers are meeting the requirements of the regulations made under the Act. Service providers are responsible for deciding how the requirements of the regulations will be met taking into account the needs of individuals using the service and the statement of purpose for the regulated service. When registered service providers and responsible individuals do not follow this guidance, they must provide evidence that their approach enables them to meet the requirements of the regulations.

3.14 As part of these considerations, a workshop was held with CIW colleagues in Builth Wells on 27th February 2018. CIW provided feedback on where the NMS worked well and where the standards presented challenges for Inspectors.

3.15 Whilst CIW considered that the NMS help to explain to providers how they can meet regulations for their particular setting, there were many ways in which the Inspectorate considered they could be strengthened to make them more helpful.

- Links to good practice;
- Strengthening the statement of purpose and looking to see if other corresponding documentary requirements such as the operational plan could be streamlined
- Providing more detailed guidance to inform the Quality of Care Review –with perhaps a template for providers to complete;
- Exploring the potential for strengthening safeguarding requirements in the NMS. More work to be done around local authority training with the aim of ensuring training is pitched at the right level to ingrain an understanding of what “safeguarding” actually entails;
- Clarifying the role of Responsible individual/Registered individual as confusion exists around the “role” and what it covers;

- Providing greater clarity about the Regulations as some are self-explanatory whilst others such as “suitability of workers” are a challenge;
- Clarifying the position of childminders working alongside other childminders on the same premises –requirement for a clearer expectation of regulatory requirements;
- Clarification concerning the role of childminder assistants and regulatory requirements.

3.16 The specific challenges faced by CIW in implementing the NMS were also discussed. These included:

- Behaviour management issues;
- First Aid training. What level and format of training is acceptable, for example on line, face to face etc?
- Issues around correct adult:child ratios;
- Standards relating to financial procedures and financial checks;
- Qualification requirements for different settings i.e. when it should be childcare and/or play qualifications. Confusion, in particular, around out of school and forest school settings.

3.17 The workshop also included two sessions examining the benefits and challenges of looking at:

- a less prescriptive based approach to NMS in line with the approach adopted under RISCA for social care settings, using Standard 12 Food and Drink and Standard 24 Fire Precautions to inform discussions;
- sector specific standards.

In the case of a less prescriptive-based approach, the findings were:

- standards needed to have links to up-to-date guidance to help providers meet regulatory requirements rather than attempting to cover everything within the standard itself;
- Links could also be provided to examples of good practice;

- Some concern existed about whether all providers would access relevant guidance if requirements were not set out in standards;
- One size doesn't fit all – there should be scope on how a service can meet regulations;
- Safeguarding is a fundamental part of a less prescriptive approach;
- General agreement to a less prescriptive approach to certain standards with providers being tested on, for example, in the case of fire safety how they would carry out a risk assessment to show compliance with appropriate regulation.

In terms of sector specific standards, the following points were made in discussion:

- there could be main guidance with “service specific” guidance sitting underneath if necessary;
- However such an approach could lead to a danger of childcare providers seeing themselves as a “category”;
- Possibly more complicated inspections if sector specific standards;
- Regulations with statutory guidance and service specific guidance set out underneath may be a useful model (RISCA) to consider.

Estyn

3.18 Engagement also took place with Estyn at a meeting at their offices in April 2018. Estyn inspect childcare settings delivering funded Early Years education. The key message which came from our discussions was the need for greater clarity across a range of areas including safeguarding, DBS requirements, staff management and supervision. Estyn also thought the NMS would benefit from the use of clearer, simpler language and that they should contain supporting information to encourage greater quality assurance.

Play Wales

3.19 The feedback received from Play Wales as part of the review of the NMS relates not just to the standards themselves but the overall regulatory regime which they consider is not fit for purpose. This has led in their view to a wide scale reduction in the numbers of open access playwork settings which are registered. They point out that this is evidenced by successive CIW reports since the introduction of the current regulatory system. Play Wales consider that the reasons for this include:

- a perception that the inspection process is 'unsympathetic' to the principle of open access playwork;
- a difficulty in settings(particularly holiday playschemes) being able to satisfy the qualification and staffing requirements of the NMS;
- an expectation that a proportion of play workers will have level 3 qualifications and the required First Aid ratios, standards which Play Wales advise were introduced without consultation with the play sector
- the 'one size fits all' NMS further exacerbates the problem as the standards within the NMS do not generally reflect the nature of open access play, for example requirements for toilets, visitor sign in sheets;
- that at its roots childcare is a service provided to meet the needs of parents whilst open access playwork provision is a service for children about delivering their right to play.
- an overly bureaucratic process for both registration and inspection, in particular the disproportionate inspection process for seasonal provision;
- current regulations prohibiting providers from registering multiple sites under a single registration – impose a considerable and arguably unnecessary burden on some local authorities for example a local authority running 15 or more play schemes being required to submit 15 individual registrations with associated inspections by CIW;
- current NMS and associated regulatory process do not allow a realistic framework for the widest range of open access provision, for example a peripatetic or 'play ranger' model, to be inspected. Such a model is intended

to be mobile and responsive to the places where children play in their community.

3.20 Play Wales consider that to address these challenges:

- both the regulations and standards should be reviewed and amended;
- the NMS should focus on supporting providers to address issues around safeguarding children with a starting point of an assumption that providers are meeting legal obligations in respect of staff checks, premises and health and safety;
- the current exceptions, including the two-hour opening and sport/art club and faith groups, etc loopholes should be closed/removed;
- CIW and the playwork sector need to establish a shared understanding of what a proportionate inspection might look like for holiday play schemes which are only open for a few weeks of the year;
- Such is the difference between open access and playwork provision and generic day care and childminding, a separate set of open access NMS is required. They should reflect the diverse range of locations where play work can take place and be based on assessing and balancing any risks associated with those locations with the benefits which accrue from a child using the provision rather than a prescribed set of features that the setting should have;
- There should be a thorough consultation with the sector on registration of the playwork workforce. The sector has long recognised the most effective contribution to quality provision is of appropriately trained and qualified staff who have sufficient experience to undertake their respective role and access to regular CPD. Regardless of the outcome of any review, the sector has indicated a wish that there should be a process for the registration of play workers as there is for the rest of the childcare and education workforces.

3.21 Play Wales consider that if the issues they have raised to inform the review are not resolved there will be a further decline in the number of playwork settings delivering regulated provision. They refer to the decreases in local authority funding for play schemes and the need to foster an environment where voluntary and

community groups feel supported in establishing their own provision. A proportionate process of regulation and inspection could support such settings. Currently many settings are finding the registration and inspection process overly onerous and instead are seeking to exploit the exceptions to regulation. Play Wales' view is 'the more providers that are able to exploit the exceptions, the greater the possibility of children experiencing harm within these settings'.

3.22 Play Wales suggest it is in the best interests of children that Welsh Government takes considered steps to implement a system that embraces all out of school children's provision, that all settings caring for children up to the age of 12 years, in the absence of their parents should be subject to safeguarding regulation. A system that is proportionate, focusing appropriately simply on safeguarding, rather than wider issues of quality (which can be addressed by the respective sectors and if appropriate their national governing bodies). In essence Play Wales support the principle of regulation of all staffed children's provision but if a decision is made not to take this forward then, Play Wales would support a consultation of the sector to explore the support for de-regulation of open access provision.

Provider feedback

3.23 Cwlwm produced on behalf of Welsh Government a bilingual questionnaire on the NMS. This was communicated to the childcare and play sector on their website and via other key stakeholders between December 2018 and February 2019. The findings of the questionnaire, to which there were 555 responses, were provided to Welsh Government in April 2019 and are attached at **Annex 2**.

3.24 The findings show that 86% of all respondents, and 85% from registered services, were broadly supportive of the NMS and considered that it helped support them in providing quality childcare. Reasons cited included that the NMS provided:

- a baseline showing clear expectations;
- a clear framework to enable delivery of a quality service;
- a reference book for legislative, policy and regulatory requirements.

3.25 Some of the reasons given by respondents who did not find the NMS entirely helpful were:

- burdensome processes;
- inconsistency in CIW's approach to interpreting the standards;
- lack of proportionality for childminders and smaller settings;
- ratio requirements;
- lack of clarity around qualifications;
- parental expectations.

3.26 Respondents were asked to identify those standards which they found challenging to implement. In their analysis of the findings, Cwlwm identified a number of recurring themes, including:

- Key worker requirements can be difficult to implement in some settings due to staff working patterns and variations in child drop off/pick up times.
- Planning for children's learning and the Foundation Phase requirements – some respondents considered themselves to be providing childcare as opposed to early education, whilst others felt there should be more support and guidance to help meet expectations;
- Working in partnership with parents could sometimes be challenging as not all parents were supportive of certain approaches, for example messy play;
- Issues related to the environment were often noted as areas of concern for respondents given the variety of regulated settings the NMS apply to and the variation in environments between registered childcare and play services in Wales.
- Inconsistencies with registration, regulation and inspection and interpretation by CIW of the NMS –respondents were particularly concerned about this in the context of the publication of ratings and proportionality of approach;
- Extensive paperwork- to be completed means practitioners have less time to work with children;

- Inflexible approach to application of ratios, particularly in relation to supernumerary in daycare settings or numbers of children under 5 for childminders and how this approach impacts on the needs of families;
- Staffing, recruitment and retention issues - problem across the sector but particular issues around qualifications requirements;

3.27 In terms of how the standards could be improved, the findings included:

- Consistency and clarity - improvements in NMS to provide greater consistency and approach to registration, regulation and inspection by CIW;
- Ratio flexibility –consideration of greater flexibility around staffing ratios to support provision of flexible service to families;
- Understanding the nature of the provision – need to improve understanding of the different nature of specific provision eg open access play and for this to be reflected in the NMS;
- Promotion of the work of the childcare sector and involvement of parents in any potential changes which would help support engagement and increase understanding of regulated child care and play and the differences between registered and unregistered childcare;
- Role of NMS in supporting quality childcare and play — whether these were to inform providers as to the minimum requirements or to support them to provide quality childcare and play provision.

3.28 From their analysis of the findings of the questionnaire, Cwlwm concluded that whilst there was a broad consensus from respondents in favour of the NMS, a number of issues have been highlighted. They also stress that the respondents are not totally representative of the make up of the sector so that the findings should be used with caution. Within this context, Cwlwm make the following recommendations for Welsh Government to consider in the context of the NMS:

1. The need for a wider sector questionnaire to key partners and stakeholders to gather the views of those supporting the sector;
2. Further focus groups with providers, key stakeholders and parents/carers to explore the themes identified in their report;

3. A specialised analysis of any further research undertaken;
4. Engagement with the sector on any proposed changes through a formal consultation process.

Internal stakeholder engagement

3.29 Meetings have taken place with policy colleagues across Welsh Government during the course of the review to understand how the NMS related to their respective work areas and to seek their views on any potential changes that may be beneficial:

- **Workforce** -referred to the requirements within the NMS placed on providers to ensure a high percentage of their workforce are qualified. It is suggested consideration should be given to including a percentage of staff “working towards” qualifications within a set time in respect of ratios for qualified staff. This would align with work currently being taken forward as part of the implementation of the 10 Year Workforce Plan, which aims to support the capacity and capability building across the sector
- **Childcare Offer** raised a number of issues including the role of childminding assistants, ratios and space requirements both in and outdoors. The question of supernumerary staffing requirements was also raised as an issue and there is a concern amongst some that the NMS could be restricting the development of innovative provision.
- **Fire Safety** - NMS should not be overly prescriptive about requirements for fire safety but should reflect regulations, with providers being signposted to relevant information and guidance.
- **Safeguarding** – discussions focused on child protection. However regulations around safeguarding cover wider issues. Safeguarding colleagues thought that the current wording in the NMS is pitched at the right level but that any supporting guidance should provide advice about different forms of abuse (e.g. child on child abuse/domestic abuse). It is also important to keep training relevant and up to date. There should also be a clear distinction between

procedures to follow if abuse takes place within the setting by a member of staff or child to child and when a member of staff suspects that a child is at risk away from the setting. Staff should have access to and understand how to follow a safeguarding policy and procedure for the setting. A child protection policy should be in place which clearly sets out the process for reporting concerns regarding a child at risk of abuse to a senior member of staff within the setting and to relevant agencies such as the police and social services. The policy should include information about the process to be followed in the event that a member of staff is concerned that children are at risk from another member of staff or professional at the setting or in another setting. Staff should be made aware of the Wales Safeguarding Procedures and aligned All Wales Practice Guides on children in specific safeguarding circumstances.

- **Public Health/Tobacco Policy** – discussions focused on forthcoming legislation on smoke-free premises and vehicles as a result of new powers in the Public Health (Wales) Act 2017. A consultation on the new regulations has been completed and it is the intention to have them in place by the end of 2019/early 2020. These regulations will implement smoking restrictions in certain open spaces which include the outdoor areas of registered childcare settings. The NMS should reflect these changes and should also be supported by guidance to include advice on the use of electronic cigarettes.
- **Food and Nutrition** - standards and guidance had been developed for childcare settings and published recently. Internal Welsh Government links were made to ensure that both the standards and guidance aligned with the NMS.
- **Entrepreneurship and Delivery/Business Wales** were concerned about the cost and burden of regulations on the sector. They referred to the Alma Economics report⁶ which suggested a need for a further review of the impact

⁶ Welsh Government (2019) Review of the Childcare Sector in Wales. Accessed 13/4/2019. <https://gov.wales/review-childcare-sector-wales-0>

of regulations on the sector, in particular when viewed against a backdrop of a high proportion of child care settings either just breaking even or making a loss. At Business Support Networking Events hosted by Welsh Government and Business Wales, the childcare sector's business support organisations whilst recognising the issues of cost, considered that regulation was an important factor in child care provision. Their feeling was that the sector was not necessarily over-regulated, although there were issues around for example staffing ratios, supernumerary staffing and meeting the requirements around qualifications.

4 Key findings and recommendations

Current position

4.1 From our engagement and analysis to date, a number of key issues have emerged. These range from potential changes to specific standards to consideration of the wider regulatory and quality agenda and how they relate to different parts of the childcare and play sector.

4.2 Given the work currently taking place around ECEC and the Call for Evidence in respect of the Exceptions Order referred to above this is an opportune time to pause, reflect and take stock of what has been learnt to date and to consider the best way forward. The main issues and findings of the work are summarised below with suggested recommendations. The Welsh Government would like to discuss with key stakeholders how these recommendations can be taken forward in a timely and proportionate manner.

Safeguarding

There is an appetite amongst some stakeholders for a clearer protocol for raising safeguarding concerns. This stems from concerns that there may be a lack of understanding in some parts of the sector around responsibilities and also the wider safeguarding agenda, for example Prevent. Every setting should have a

safeguarding policy in place that is inline with national arrangements through the Wales Safeguarding Procedures.

Recommendation 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.

CIW

There is a perception across parts of the sector that CIW inspectors are inconsistent in their approach to the application of the NMS. The childcare sector would welcome greater collaborative working with CIW to help address inconsistencies, share concerns, promote understanding and to take forward the quality agenda. The current process of inspection is also seen by the Play Sector as being unsympathetic to the principle of open access play.

Recommendation 2

Improved information sharing arrangements between CIW and Local authorities around safeguarding issues

Recommendation 3

CIW and local authorities to explore opportunities for regular and enhanced engagement for information sharing around areas of shared interests.

Recommendation 4

Continued ongoing engagement between representatives of the childcare and play sector and CIW to address areas of inconsistency

Recommendation 5

Inspection and regulation of play settings to be considered for inclusion in the Play Review

Supernumerary-staffing ratio

Standard 15:13 means that full day care settings registered for 20 or more children must have a supernumerary member of staff. This requirement has been cited by a number of stakeholders as being too restrictive as it applies even when there are less than 20 children present. Moreover the standard does not apply to sessional settings, so it can appear illogical.

Recommendation 6

Consideration to be given by Welsh Government 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.

Qualifications

The Child Minding and Day Care (Wales) (Amendment) Regulations 2016 does not specifically define the required qualification level in relation to staff employed in childcare and play settings. However, the NMS refer to qualifications set out on Social Care Wales' list of Accepted qualifications for the Early Years and Childcare Workforce in Wales or Skills Active's Integrated Qualification Framework for Play Work. With the introduction of the new childcare qualifications, Social Care Wales will be reviewing the list of accepted qualifications to ensure that the list reflects the qualifications requirements accepted for practice within childcare. It is generally acknowledged that the childcare sector face recruitment problems with qualifications playing a significant role in the issue. This was borne out in our engagement with the sector, with stakeholders referring to the problems providers were having recruiting suitably qualified staff, especially at level 3. This was a particular issue for Welsh language settings and for the play sector who both have difficulties satisfying the qualification and staffing requirements of the NMS.

We also found that there is:

- Confusion in the sector about the qualifications required;

- Perception that there is a greater onus on staff in day care settings in terms of required qualifications, compared to childminders;
- Need to reflect CPD within the standards.

Recommendation 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.

Recommendation 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;

Recommendation 9

Greater emphasis to be placed on CPD within NMS

Recommendation 10

Play qualifications to be considered as part of the broader Play Review

First Aid

Concerns were expressed about the need for greater clarity around the first aid qualification required to meet the NMS. Many stakeholders across the sector also asked for the ratios of staff holding first aid qualifications to be revisited.

Recommendation 11

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

Child-minder Assistants & Child-minders working together

In both circumstances there is a wish for greater clarity around what are the regulatory requirements. In the case of more than one child-minder working together this related particularly to where responsibility lay on both a contractual and day to day basis for the children in their care. In particular, how would safeguarding concerns be addressed?

In terms of child-minder assistants, clarity was required around the numbers of assistants a child-minder could employ, the qualifications they should have, how they should be supervised, the time they could spend alone with children and the supporting information they should provide before being employed.

Of the 1,847 child-minding⁷ services in Wales, 201 employ assistants with over half only employing one. However, there are 65 settings employing more than one assistant with 2 employing 6 or more assistants.

In terms of child-minders working together, 102 settings have more than one registered childminder working at the same address with 92% of these having 2 registered childminders.

Currently childminders can work alone but can also work with another registered childminder/s from the same setting or employ an assistant/s. We are aware from discussions with PACEY Cymru that many of these childminders choose to work with, or employ, those who are family members (i.e. husband and wife or mother and daughter). This can be a model to support capacity at busy times and is an understandable working arrangement as too are the instances where a childminder employs an assistant or works with another childminder in the same setting to support a more formal business expansion.

⁷ March 2019 figures from CIW

Recommendation 12

Consideration to be given to the provision of guidance in instances where more than two registered childminders or more than one childminder and an assistant work from the same premises.

Recommendation 13

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

Open Access Play

Feedback from the sector to date suggests that a more proportionate approach to registration needs to be adopted. Play Wales is of the view that there should be sector specific guidance as the current NMS do not reflect the nature of open access provision. A single registration process for multi-setting providers would also better support the sector, according to Play Wales.

Play Wales is also of the view that either regulation is applied to all out of school children's provision, including sports/activity clubs, with a proportionate registration and inspection regime to reflect the nature of open access playwork provision or that open access provision should be removed from the regulatory regime. Concerns about activity clubs operating outside regulation have been raised by external stakeholders across the sector. Settings who provide coaching or tuition in for example sporting activities, performing arts, arts and crafts are depending on the number of activities they provide exempt from registration under the provisions of the The Child Minding and Day Care Exceptions (Wales) Order. As set out above The Child Minding and Day Care Exceptions (Wales) Order 2010 has been subject to a call for Evidence, the findings of this will be collated to inform decisions.

Recommendation 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.

Recommendation 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

Recommendation 16

Consideration to be given to the registration requirements of playwork settings as part of the broader Play Review

Quality agenda

Whilst the various quality frameworks help to drive forward the quality agenda, the initial work carried out to explore their relationship with the NMS indicates they are also providing mixed messages and duplication. This has the potential to confuse both providers and parents alike and to reduce opportunities for a joined up approach to quality across the sector. Further work needs to be done in this area to also explore the relationship with Flying Start and the requirements on settings delivering Flying Start Childcare. Suggestions have been made across the sector that the standards relating to Quality Assurance could also be strengthened. The registration of the Workforce has also been mooted as a potential vehicle for raising quality, rather than the NMS.

Consideration also needs to be given to how the findings of the NMS align with the broader ECEC agenda referred to above and the long term aim of a Single Quality Framework. This framework would identify the key elements of quality and offer the sector consistency and clarity about what quality is and how it can be achieved. This would be developed with an understanding of what we currently have, what the evidence says works and where we can learn from other areas (such as RISCA).

Our plans for ECEC also include determining how the childcare workforce can be supported by a professional body and become a registered workforce. This would help not only to fill our evidence/data gaps on the workforce, but also lay out the requirements for roles in the sector – including expectations as regards CPD.

The Single Quality Framework and registration of the workforce would work together to strengthen the sector and underpin quality.

Recommendation 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.

Foundation Phase

The NMS places a responsibility on registered providers to ensure the principles of the Foundation Phase (FP) and its seven areas of learning are understood and applied appropriately within settings regardless of whether they are funded to deliver FP. Feedback from the review indicates there is a lack of clear guidance to non funded sector around what is required to deliver FP

With the introduction of the new curriculum – Curriculum for Wales 2022 - consideration will be given to how best support providers through the transition from FP to the new curriculum to continue to safeguard the principles and ethos of the Foundation Phase.

Recommendation 18

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

Overall format/structure of Standards

The review has indicated that there is general agreement around the usefulness of standards to help providers understand how to meet the regulations, all be it with significant reservations expressed by the play sector in particular in respect of certain standards. However the following points were raised;

- The title of 'minimum standards' was not perceived as being helpful or appropriate for settings caring for children;
- In some cases, standards were very rigid but elsewhere ambiguous and open to interpretation.

In terms of alternative models the following suggestions were made:

- Sector specific guidance. Whilst welcomed by the play sector, there were concerns from others that this could lead to more complicated inspections;
- A blended approach to standards in terms of the core main guidance, with supporting sector specific guidance;
- Statutory guidance setting out the regulations could be helpful, supported by links to good practice showing how the regulations could be met. Some called for a more proportionate approach to standards in line with the approach adopted by CIW to support RISCA.

Recommendation 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.

Recommendation 20

Explore ways of simplifying current NMS

5 Next Steps /

5.1 Whilst some of the key findings and recommendations in this report can be taken forward relatively speedily, all be it with the support of partners and stakeholders, others have more wide ranging cross cutting policy implications and need to be seen

as part of a bigger picture. Alignment with the ECEC agenda has a key role to play and any decisions made need to reflect the work being carried out in this area. Many of the findings and suggestions for improvement are in line with current ECEC considerations.

5.2 More broadly, the review has exposed wide ranging issues across the childcare and play sector and has raised expectations that these will be considered and responded to by Welsh Government. .

5.3 A fundamental question which has yet to be answered and which policy officials and CIW may wish to consider as part of our deliberations around responding to the issues raised above is what we require of the NMS? Do we want it, as the name suggests to be a set of minimum standards or do we have wider quality aspirations for these standards?

As one local authority stakeholder said ‘should we ever be having standards which are deemed minimum when designed for the care of children?’

Annex 1

Childcare Working Group Questions

1. What positive benefits have been realised since the extension of regulations?
2. Has there been any negative impact?
3. Holiday Provision: Do you wish to see a more proportionate approach to holiday provision? if so, how would this look?
4. Childminders: Do we need to clarify standards relating to childminders working together at one site?
5. Should we relax rules about childminders working only on domestic premises (eg working up to 50% on school premises)?
6. Childminding Assistants: What are your views/concerns regarding childminding assistants?
7. What elements of their role do you think require clarification?
8. Qualifications: Do we need to review the expectations for qualification levels?
9. In what ways could we support people to become qualified in order to work in the sector?
10. Should we change the requirements for First Aid qualifications (in England, all newly childcare practitioners qualified at level 2 or 3 will be required to have a Paediatric first aid certificate)
11. Ratios: What ratios do you think should apply for more highly qualified staff?
12. General: Do you have any suggestions about the format/ presentation of the NMS guidance?
13. Do you have any further comments to add to your response?

Annex 2

National Minimum Standards for Regulated Childcare for children up to 12 years old (NMS)

Findings of responses to provider questionnaire produced March 2019

Introduction

In December 2018 the Welsh Government asked Cwlwm to produce and disseminate a bilingual questionnaire on the NMS to childcare and early years providers in Wales. Cwlwm partners worked with the Welsh Government to agree the questions to be used within this. The questionnaire was hosted online through Survey Monkey from the 18th December 2018 and closed on the 22nd February 2019. The questionnaire link and information was shared via digital platforms (social media, websites, e-newsletters) and any other relevant media (magazines, newsletters etc.) by Cwlwm partners and other key stakeholders to improve the response rate. The introductory text stated:

The Welsh Government and Cwlwm wish to gather the views of childcare and play providers on the National Minimum Standards. By completing a short online questionnaire you can help to improve the support we provide to the sector and inform future policy decisions.

554 responses were received via 'Survey Monkey' and one through e-mail.

Analysis of the responses received

Question 1: Are you (or your setting) registered with the Care Inspectorate Wales (CIW) as a child-minder, full or sessional day care provider, out of school provider or provider of open access play provision?

Yes: 89.53%

No: 10.47%

This shows that the majority of respondents are registered with CIW and are therefore subject to the NMS.

Question 2: Please specify [your provider type]

85% of all respondents provided this information. 15% did not respond to this question. We are aware that some Local Authorities or other key stakeholders used this questionnaire as an opportunity to share their views on the NMS even though this questionnaire was focused on providers therefore it can be assumed that some of the respondents were not providers themselves and so skipped this question.

Question 3: What childcare service(s) do you offer? Please select all those that apply.

Those responding were able to select all the types of care provided and these results reflect this. The highest response rate was for after school care (54%) followed by full day care (53%). These responses are not collated by provider type but further analysis can be provided as required if this would be helpful.

Question 4: How many full time equivalent staff (including yourself) are based in your setting?

Fewer than 1 collates to those staff working part-time where they are the sole person in the provision. On average 68% of respondents had 2 or more members of staff and 57% had 3 or more. A significant minority (22%) had 7 or more staff members. Please note this does not take into account how responses vary by provision type. As an example, in childminding settings staff numbers would be low given the nature of the service type however employment of staff in larger settings would be the norm. These responses are not collated by provider type but further analysis can be provided as required if this would be helpful.

Question 5: Do the NMS support you to provide quality childcare? If so, what works well and why?

239 responses were provided to this question (43% of the total questionnaire respondents). A wide range of responses was given. Roughly, (following a raw interpretation of all the comments) 86% of respondents on the whole were supportive of the NMS and 14% opposed them. Therefore, the clear majority are in favour of the NMS.

Positive responses included having a baseline of clear expectations and the fact that a clear framework was provided to enable the delivery of a quality service, as well as

a reference book for legislative, policy and regulatory requirements. Negative responses noted burdensome processes, inconsistency in CIW's approach in interpreting the NMS, lack of proportionality for childminders and smaller provisions, ratio requirements, lack of clarity regarding qualifications and parental expectations.

***Question 6: Consider which, if any, of the standards you find challenging to implement, and describe the challenges?**

213 responses were provided to this question (38% of the total questionnaire respondents).

Common responses included:

- A too-rigid ratio
- Lack of consistency on the part of CIW inspectors
- The need for differing standards for childminders
- Nothing challenging
- Paperwork
- Tracking children's development
- The quality of care report
- Never-ending changes to policies and procedures
- Nature of the setting
- Qualification requirements
- Standard 7- opportunities for play and learning
- Recruiting staff
- Strict DBS requirements
- Standard 14.5 (key workers) is impossible
- Standard 21 – what is a 'significant event'?
- The challenge of re-registering a setting
- Grouping children on the basis of age
- Staffing a holiday scheme
- No financial support to overcome challenges based on the nature of the location
- The requirement to have a supernumerary
- Staff qualifications, especially in a holiday provision
- Number of toilets

- The slowness of CIW
- Administration
- “Continuity of care”
- Understanding of children’s development
- More practical and consistent guidelines
- Basic skills too challenging for the workforce
- Lack of parental understanding
- The role of the Welsh language and understanding its influence

***Question 7: In what ways could the NMS be improved to address the challenges you have outlined in question 6, without compromising the safeguarding of children?**

- 205 responses were provided to this question (37% of the total questionnaire respondents).
- Common responses included:
 - Appreciating the care provided by childminders in a homely setting
 - Greater flexibility by inspectors
 - Inspectors need to be more consistent
 - Further guidelines
 - Nothing
 - Insufficient detail, especially in regards to transition
 - Inspectors need to be more consistent and have a greater understanding of challenges
 - Inspector training
 - Ratios
 - Acknowledging experience over qualifications
 - Inspectors are ‘picky’ over odd things
 - Better understanding of play
 - Accepting staff who are qualified teachers and are at level 3
 - More administrative support to implement the NMS
 - Simplify the requirements of the ratios, dependent on the nature of the setting
 - Simplify the requirements for play schemes and childminders
 - Parental role, that is, ensure that they understand the regulatory requirements

- CIW to publish standard national policies
- Different requirements when the children are assessed in a Welsh speaking setting (remembering that
- they speak English at home)
- More training
- Grants

*The responses to questions 6 and 7 are linked and have been collated together below.

The following key themes were identified from the questionnaire and have been grouped against the four core themes of CIW inspection. Alongside positive feedback on the NMS, respondents called for greater clarity and flexibility in relation to these issues with the nature of provision being more clearly recognised in any changes to the NMS.

Theme 1: Well-being

Issues were raised in relation to:

Key worker requirements

'[Key worker requirements are] not possible when staff work shifts. If a staff is working 7-4 and the parents arrives at 5pm they cannot be there to speak to the parents.'

Theme 2: Care and Development

Issues were raised in relation to:

Planning for children's learning and the Foundation Phase requirements

- 'I'm not a teacher and parents choose me because I'm a home based setting and they want their child to have the sort of day to day life they would have with themselves at home. If I'm spending my working time filling in paperwork [related to Foundation Phase and planning for learning] that's taking time away from *the* children and is not what my parents want.'
- 'We are not education providers we are childcare providers'
- 'Observations - there has been no guidance or structure on this. Nobody knows exactly what is expected of them and I don't think any of us are doing it similar. It would help if we were shown prior to starting how and when we needed to complete this successfully.'

Working in partnership with parents

'The majority of parents are keen to work with us but some are not keen to move with current practices. For example playing in the mud, playing outside, being adventurous with paints and glue. we have had to work hard to educate parents about the benefits of messy play.'

Theme 3: Environment

Issues were raised in relation to:

Nature of the environment not being considered

- 'The layout of building cannot easily be changed if there is a problem. Inspectors make opinions based on layout that cannot always be rectified but offer no support in how to make cost effective changes that will also support high standard care.'
- 'We rent a very old church hall, we are not in control of maintenance issues. This will mean we will rate low when the ratings become available.'
- 'Number of toilets [requirements] and building measurements as outside space not taken into consideration for an open access playscheme setting.'
- 'We are an outdoor setting- we don't have 'rooms' with radiators etc so it's hard to maintain temperature. With regard to resources - we use many natural 'found' objects or 'real' items from charity shops - it's not *always possible to know if they meet appropriate CE /BS standards.*'

Theme 4: Leadership and management

Issues were raised in relation to:

Inconsistencies with registration, regulation and inspection and CIW interpretation of the NMS.

- 'Interpretation of the NMS by inspectors is a constant challenge, no two inspectors inspect in the same way with the same recommendations'
- '[the] in depth risk assessments I was required to do seemed over the top and unnecessary - one I had completed by a fire officer wasn't enough for my inspector'

- '[in relation to the definition of] ...significant events. This is so open to interpretation and is unclear on what it covers. It is then unfair to be criticised when something has not been reported.'
- 'It is not so much the content of the standards as the application of the inspection process which for holiday provision is disproportionate.'
- 'It's more about inspectors opinions that is challenging than NMS. Different inspectors coming into *settings and giving their opinion (that isn't regulations) which can affect ratings or inspection overall.*'

Extensive paperwork requirements

- 'The amount of paper work is a challenge particularly staff reviews ,appraisals and supervisions.' 'Completion of forms and documentation as these take a lot of time.'
- 'Providing written evidence of every single detail down to cleaning of toys records. A lot of paperwork is doubled up and the paper workload is extreme to the point where we as practioners have less and less time to actually work with the children.'

No flexibility of approach in relation to ratios

- 'I constantly struggle to keep my business running as a Childminder as there is no flexibility with numbers of children for under 5. For example parents wanting half days, one may want to pick up at 12:30 and another start at 12 on the same day if I have 2 other children under 5 I have to turn away business for the sake of 30 mins. This happens quite often and has a huge impact on my business.'
- 'Now the the childcare offer is in place we find it challenging to try and keep in ratio's especially during lunch times when schools cross over from morning to afternoon sessions and then again if a school closes from unenforceable circumstances e.g snow and you have children in your care at that point you may have a situation until parents are able to pick up those children you could again exceed your ratio's. There is no flexibility.'

- ‘The biggest challenge is staffing especially ensuring that the manager is supernumerary at all times as with issues such as staff sickness and school runs it can be a challenge to find sufficient staff to cover this.’
‘I think continuity of care is needed in Wales to allow childminders to extend their ratios for one off occasions or sibling care providing they can manage and risk assess.’
- ‘Not being able accommodate should any existing families require emergency care for any reason, even if just for an hour.’

Staffing recruitment and retention issues

- ‘As a provider who only operates for 13 weeks of the year. staffing is the most challenging. To train and retrain staff on an annual basis to meet current legislation is very difficult and expensive, this has meant a reduction in provision.’
- ‘Registered Individual-very difficult to recruit as there was no local CIW office for them to go to so too expensive and time consuming for them to travel.’
- ‘Recruiting staff with the correct qualification, especially when training companies don't always offer that qualification e.g. playwork.’
- ‘Qualifications are too complicated....there needs to be clearer guidance on qualifications.’

Question 8: Considering the NMS as a whole, what other improvements/amendments could be made to better meet the needs of families and children, to support the availability of quality registered childcare?

177 responses were provided to this question (32% of the total questionnaire respondents).

Common responses included:

- The need for different standards for childminders
- The need to involve parents when planning the standards
- Accepting that parents want their children to be safe and secure
- The need for consistency, transparency and standardisation in inspectors
- Need the standards to be better written, or made easier to simplify
- Ratios in childminder settings

- The need to simplify standards for the benefit of childminders and inspectors
- The standards place too much emphasis on paperwork rather than the quality of provision
- No need for change
- The ability to make a personal call to CIW
- Providing examples of good practice
- Allowing provisions greater discretion
- Too many quality schemes, e.g. ITERS, ETERS, nutrition guidelines, health programmes etc. Need one consistent quality scheme.
- More consultation with provisions
- More support for children with additional needs
- Better understanding of the play agenda
- Unsure
- One inspectorate between CIW and Estyn
- Consideration of why the registration process takes so long
- Staff qualifications too stringent
- The need for childcare for children in years 7 and 8
- Financial support to complete paperwork
- Getting parents to understand the importance of registration
- More support from the Welsh Government

These linked in part to comments made to questions 6 and 7 and included the following:

Consistency and clarity

Comments were made around the need to support improvements to NMS to provide greater consistency and approach in relation to registration, regulation and inspection by CIW.

- 'They need simplifying so that childminders and inspectors know exactly what is required.'
- 'A less rigid application [of NMS to] allow some discretion by registered providers to make decisions to manage their settings more effectively. Inspections can be

quite subjective depending on the views of individual Inspectors which we can't challenge. CIW don't ever support challenges to their rulings (in our experience).'

- 'Consistency in inspections, frequency. It (the format) seems to be reviewed and completely changed every couple of years. In terms of what is required, what inspectors look for, how they inspect, when. It would be good to have consistency with improvements and alignments rather than completely rewritten.'

Ratio flexibility

Comments were received around the call for more flexibility and a move back to the use of 'variations' in order to provide flexible service to families that supported childcare availability and sustainability.

- 'Allow childminders to make sensible choices on ratios. It is a ridiculous situation when I have 3 children in half day education that I cannot take a fourth to help one of my families out for an afternoon a week. I am fully aware of my capabilities and limitations and should be able to assess this for myself. Allowing the occasional variation in numbers would in no way compromise children's safety.'

Understanding the nature of provision

Comments were received around the need to improve understanding of the different nature of provision and for this to be reflected in the NMS.

'A greater understanding of open access play - providing free quality safe and stimulating play provision in the hearts of communities in venues that are low on venue hire on working with a constantly moving seasonal workforce'

Promotion of the work of the sector and involvement of parents in any changes

Comments were received around the need to involve parents in any proposed changes to the NMS and about a wider need to promote the work of registered childcare settings. This would support engagement and grow understanding of regulated childcare and play in Wales.

- 'Families of childminders are not interested in NMS. They just want a safe, clean and happy place for their children to be cared for.'

- ‘Parents need to understand what to look for when choosing childcare and perhaps more coverage of the NMS would benefit.’
- ‘We strive to provide the best possible care. parents and society as a whole moan about the cost of childcare, but good staff deserve to be paid well. We need the roles of childcare workers to be better valued. People need to see what the job entails and the qualifications needed to raise the profile.’
- ‘Parents should be made aware of the difference [between registered and unregistered childcare].’
- ‘Publish a parents guide to NMS so they know what to expect from a setting.’

Role of NMS in supporting quality childcare and play

Comments were received around the remit of the NMS and whether these were to inform providers as to the minimum requirements or to support them to provide quality childcare and play provision.

- ‘It is the setting who provide quality and the NMS are just a guide of the minimum that need to be done to maintain registration. Maybe a different name would be good and more emphasis on aiming for quality rather than minimum.’
- ‘Just don't add any more regulations that involve practitioners filling in paperwork either side of a 9 hr day. This is what will lead me to close my setting.’

Question 9: Any other comments?

111 provided additional comments (20% of the total questionnaire respondents). The majority repeated points highlighting issues raised within the questionnaire showing the strength of feeling on these and frustrations of the sector.

Common responses included:

- The need for different standards for childminders
- Consistency of inspectors
- More exemplar guidelines
- More funding
- Nothing
- The need to consult with parents and children
- More emphasis on care over education

- Too much unnecessary paperwork
- More support from CIW for Welsh settings
- Too much support for Welsh settings
- Greater acknowledgement of the workforce's skill
- The importance of registration
- The ratio
- Staff recruitment
- Child development requirements are intensifying
- CIW doing good work
- Why the need to re-register upon constitutional / charity status changes?
- Need to consult with the sector if making changes to the NMS
- The NMS are brilliant
- Listen to the opinions of voluntary management committees
- Revision every two years
- Thank you for the opportunity to respond
- Greater consistency between CIW and Flying Start

Comments included:

- 'I really hope that NMS will be overhauled to take into account the very different settings offered by daycare nurseries and home based childminders. Childminders are being driven out of the profession in droves because no account is taken of the fact that unlike daycare settings we do not have managers and office staff to complete the reams of paperwork currently expected of us. Everything falls on one persons shoulders and the majority of us have young families ourselves. I've been a childminder for 12 years and I've never felt so disillusioned and close to throwing in the towel as I do currently because of the paperwork overload.'
- 'As care providers we have noticed the increased focus on education within care settings. Our ESTYN inspections compare us against schools with trained teachers educated to degree level. Our staff are generally NVQ level. The private sector cannot afford to employ highly qualified staff, which puts us at an unfair disadvantage. More value and focus... on care [is needed].'

- ‘More consultation with experienced open access play providers. The changes lowered the amount of Playschemes delivered across Wales. There are now children and families missing out.
- A separate set of NMS quality standards should be on place for unregistered provision to ensure quality play provision is provided - monitored by the play sufficiency action groups across each authority.’
- ‘I appreciate Inspectors are working hard in an already squeezed system but we need to work smarter to enable small voluntary organisations to be able to manage the paperwork and processes to ensure children's play care settings are developed with quality systems in place not bureaucratic processes that prevent play in the community and limited quality childcare due to restrictions on place.’
- ‘I love my role as a Childminder, the children’s development and happiness is my priority. Too much paperwork takes time away from the most important part of our role....which is the children and making games/resources/organising fun learning inside the home and outside to help them learn and grow in a home environment.’
- ‘As a relatively new nursery (4 years) I found the NMS so helpful to build the business. It is a brilliant benchmark and we refer to it a lot in staff meetings. It had helped us develop a professional attitude amongst the staff and they constantly strive to go above and beyond.’

Conclusion and recommendations.

The questionnaire has identified themes which are sector relevant from the perspective of the NMS (and specifically the role of CIW). It’s fair to say that there is a broad consensus in favour of the NMS (based on rough percentages), but that issues have also been highlighted. The percentage of respondents (in terms of type of provision) is not totally representational to the makeup of the sector so the findings of this report need to be used with caution.

We are aware that the questions which gave drop down options had higher responses and for future questionnaires can consider the use of these for more questions still with an option for comments to capture further detail.

Alongside the need to take the findings of this report into account, Cwlwm also recommend the need for Welsh Government to consider undertaking further work in this area including:

- The need for a wider sector questionnaire to key partners and stakeholders to gather the views of those supporting the sector.
- Further focus groups with providers, key stakeholders and parents/carers to explore the themes identified in this report.
- Consider a specialised analysis of any further research undertaken.
- Engagement with the sector on any proposed changes through a formal consultation process