Questions

Consultation Response Form - Extension of Childcare Regulation Framework

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<thead>
<tr>
<th>Your name:</th>
<th>Claire Protheroe</th>
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<tbody>
<tr>
<td>Organisation (if applicable):</td>
<td>PACEY Cymru</td>
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<td>The Maltings East Tyndall Street Cardiff CF24 5EZ</td>
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<td>Telephone Number:</td>
<td>07766568546</td>
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Section A – General Questions
For completion by all respondents to the consultation.

Q1: Do you agree with the proposals to extend the upper age limit for the compulsory registration of childcare to sixteen years (or seventeen years in the case of disabled children). If not what do you consider should be the upper age limit?

| ☑ Yes | ☒ No |

PACEY Cymru believes that the needs and rights of children should be central to the requirement to register and that this should be irrespective of the age of the child. The regulation of care should be seen as applicable to over eights as well as under eights to support and ensure the provision of a quality service. Children in these settings deserve an equal quality of service and families using these provisions have the right to a proportionate measure of regulation, registration and inspection of the services provided.

Parents are often confused about childcare regulation and make choices about provision based on assumptions that all settings are registered and inspected and that all provision is required to meet the same standard of care. Parents using settings which are not registered (as exempt from regulation) or unable to register are also not able to claim the childcare element of any applicable benefits/credits.

It should also be recognised that in some areas the existence of unregistered and unregulated, low cost and potentially lower quality services can threaten the sustainability of higher quality, registered services.

Our engagement with childcare providers during the consultation process has shown that the large majority are in favour of extending...
the upper age limit as it is felt it is in the best interest of the child, however the age at which this should be extended to was a point of discussion (see last a paragraph of Q1 response below). It needs to be considered though that PACEY Cymru believes (and this is supported by evidence from consultations on the subject) that is likely, specifically, to be childminders who are most affected by this proposed change and it is likely to impact on the number of children they can care for and therefore their business sustainability.

There are currently inconsistencies in relation to agreement from planning departments across Wales. Including over eights in the number of children being cared for and presenting this number to planning could have a detrimental effect on the viability of childminding services across Wales. This includes, in some LA's, the inclusion of childminders own children in childminding ratios and the effect this could have if regulation is extended to over eights. PACEY Cymru feel that Welsh Government childcare and play colleagues need to work closely with CSSIW and planning officials to investigate what the affect of these proposed changes would have on planning restrictions for childminders specifically.

PACEY Cymru would like to provide further comments on the proposed age, following consultation with the sector it is clear that many feel the age of 16 (or 17 for children with additional needs) is excessive. A common consensus appears to be to regulate care for children prior to secondary school age, or under the age of 12, as there are not likely to be children over this age accessing 'childcare’. In changing to this age this would alleviate many issues in relation to policy, practice, qualifications etc that would arise from the upper age limit of 16/17.

**Q2:** Do you believe there are any aspects missing from the current child care regulations?

- Yes
- No

**Q3:** Although the proposed changes do not cover child care provision operating for less than two hours we would welcome your views on whether such child care provision should be registered.

PACEY Cymru feels strongly that this issue needed to be addressed and are disappointed that this hadn’t been proposed within the current consultation.

Similar to the response to question 1, PACEY Cymru believes that the needs and rights of children should be central to the requirement to register and that this should be irrespective of the time spent within a setting. The regulation of care should be seen as applicable for settings operating for under two hours as over to support and ensure the provision of a quality service. Children in these settings deserve an equal quality of service and families using these provisions have the right to a proportionate measure of regulation, registration and inspection of the services provided.
Parents are often confused about childcare regulation and make choices about provision based on assumptions that all settings are registered and inspected and that all provision is required to meet the same standard of care. Parents using settings which are not registered (as exempt from regulation) or unable to register are also not able to claim the childcare element of any applicable benefits/credits.

It should also be recognised that in some areas the existence of unregistered and unregulated, low cost and potentially lower quality services can threaten the sustainability of higher quality, registered services.

PACEY Cymru do feel there is a need for the two hour provision to be specific to childcare services and that there needed to be a clear definition of what this these services are comprised of. There needs to be a review and revision of the list of what services/provision are exempt from registration. There is a need to differentiate between what is childcare and what is play provision and the standards need to be appropriate for the type of provision.

One point that needs consideration that arose at a consultation event is around how some settings currently operating for under two hours would meet the requirements of registration i.e. environment if operating from a poorly equipped village hall. PACEY Cymru feel that this needs careful consideration as could result in many settings not continuing to operate and cause sustainability issues in the sector. PACEY Cymru however do feel that support could be needed for settings such as this rather than this being seen as a barrier to implementing change when the child is placed at the centre.

It is likely that many settings currently exempt from registration would need support to become registered and this needs to be a factor to consider in the current economic climate of funding cuts.

Our engagement with childcare providers during the consultation process has shown that the large majority are in favour of this change being made as it is felt it is in the best interest of the child.

Q4: Do you agree the standards against which child care provision is regulated should be appropriate to the age of the child?

- Yes
- No

PACEY Cymru believes that this is an important factor to consider however consistency and parity should not be lost in the process. Childcare providers who PACEY Cymru engaged with at consultation events also agreed that these should be appropriate to the age of the child and the changes to NMS would need to reflect this but in doing so not place unnecessary barriers and red tape for providers.

It is felt that the requirement could be met by having support and guidance on developing generic policies and procedures for the setting for all ages of children rather than separate policies and
procedures for under and over eights as the alternative would be burdensome and likely to add to confusion. Many settings currently have generic policies and procedures where they are currently working with under eights and over eights so there are good practice models out there for how this could be achieved.

Q5: In regards to our proposed changes and recommendations, please comment below on whether you agree with the recommendations.

<table>
<thead>
<tr>
<th>Standard 6</th>
<th>Do you agree with the proposed changes?</th>
<th>Yes</th>
<th>No</th>
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<td></td>
<td>There was much discussion over this point at consultation events. PACEY Cymru believes that this is an issue for the provider to discuss with the parent and will depend on the situation and individual child rather than for all over eights. Consultation has supported the view that a level of care needs to be established and that children should not be left unsupervised if in a regulated ‘childcare’ settings. Many felt there was a need to differentiate between what is childcare and what is play provision and that the standards need to be appropriate for the type of provision. It was felt that the pick up/drop off by parent/carer added an extra dimension to the parent/carer and provider relationship and a channel for communication. It was felt for a childcare service responsibility should be clearly transferred to the parent/carer on pick up. For those who felt that this was something that should be considered they felt it was important to be a two way agreement between the childcarer and the parent/carer rather than just being instigated by parents providing written agreement. It was strongly felt that a childcare setting should not have to agree to this and could ‘opt out’. If this is taken forward many believed the minimum age should be 11 rather than 8.</td>
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<th>Standard 9</th>
<th>Do you agree with the proposed changes?</th>
<th>Yes</th>
<th>No</th>
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<td>However it is felt that the requirement could be met by having support and guidance on developing generic policies and procedures for the setting for all ages of children rather than separate policies and procedures for under and over eights as the alternative would be burdensome and likely to add to confusion. Many settings currently have generic policies and procedures</td>
<td>Yes</td>
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where they are currently working with under eights and over eights so there are good practice models out there for how this could be achieved.

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<th>Standard 10</th>
<th>Do you agree with the proposed changes? ☒ Yes ☐ No</th>
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<td>PACEY Cymru agrees in principle with this change however further thought needs to be given to how this will be achieved or identified. Generally at present first aid courses are either delivered as a course for those caring for babies and young children or a course for those caring for older children/adults. This change would possibly throw up the need for a more generic course to be developed that covers all age ranges to ensure compliance and that the needs of the children are at the centre of the care provided.</td>
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<tr>
<th>Standard 13 (CM)</th>
<th>Do you agree with the proposed changes? ☒ Yes ☐ No</th>
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<td>As the response to Standard 10 above PACEY Cymru agrees in principle with this change however further thought needs to be given to how this will be achieved or identified. Generally at present first aid courses are either delivered as a course for those caring for babies and young children or a course for those caring for older children/adults. This change would possibly throw up the need for a more generic course to be developed that covers all age ranges to ensure compliance and that the needs of the children are at the centre of the care provided.</td>
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<th>Standard 13 (DC)</th>
<th>Do you agree with the proposed changes? ☒ Yes ☐ No</th>
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<td>PACEY Cymru agrees on the whole with the proposed changes to this standard hence the general ‘yes’ response however we do have comments to make against each of the sections of the standards below which need to be considered.</td>
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13.1 (CM)
13.2 (CM)
13.3 (CM)

PACEY Cymru feels that these changes are suitable however consideration needs to be given on how the inspectorate will ensure consistent interpretation of the definition of appropriate skills, experience and qualifications in line with the statement.

13.3 (DC)
PACEY Cymru feels strongly that there is a need to have a two year lead in time on this change in order for those who are currently managing unregulated care settings to gain the 2 years experience that will be required for registration in the future. If this was not implemented there would be issues in sustainability of services and a lack of an appropriate workforce to be the person in charge/manager.

13.6
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<th>Standard 15</th>
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<td>Do you agree with the proposed changes?  □ Yes  ☒ No</td>
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In general, in relation to this standard, PACEY Cymru believes that further discussion and consideration needs to be given to ratios across all childcare, play and education settings. The majority of those engaged with around this consultation felt strongly that this is an area that still needs much work and the inconsistencies between ratios in different settings cause confusion and a sense of unfairness between those working in the sector. It is also felt that the inconsistencies around ratios are not present in the best interest of the child but are the result of historical developments. PACEY Cymru believes that this consultation could be the time to review all ratios in further consultation and discussion with providers and key stakeholders.

In line with the more general response, and to add further detail on the subject of consistent ratios, PACEY Cymru supports the views of providers at the consultation events that a ratio of around 1:8 or 1:10 would appear to be an appropriate ratio up to the age of 11 (with maximum numbers for children under the younger age groups incorporated). It was felt that for children of secondary school age the ratio could be higher and proportionate to the type of ‘childcare’.
If this was a standalone group specifically for children over the age of 11 the ratios could be at the higher end maybe more of a 1:12.

One point to highlight is that the need for full day care settings to have two adults present as a minimum is not reflected clearly here and this needs to be considered alongside any proposed changes.

PACEY Cymru feels that the proposed changes are not made clear enough by Welsh Government was not clear and that they should have provided a specific number for consultation rather than a range.

Further detailed feedback on 15.7
Following consultation with members and providers PACEY Cymru feels that a total of 10 children under 12 years of age was the appropriate overall ratio for childminders. Of those 10 no more than six may be under eight years of age. Of those six, no more than three may be under five years of age. Of those three children normally no more than two may be under 18 months of age, although exceptions can be made for siblings. This would need to be dependent on the space available in the childminding setting in line with the current requirements per child in the NMS.

The maximum number of children a childminder can care for (even currently where there is not a requirement to register for over eights) is capped at 12 by the majority of insurance companies that provide PLI for childminders.

PACEY Cymru also asks for consideration to be given to the ongoing issues with planning and how these are likely to escalate in the light of changes being made to the NMS.

There are currently inconsistencies in relation to agreement from planning departments across Wales. Including over eights in the number of children being cared for and presenting this number to planning could have a detrimental effect on the viability of childminding services across Wales. This includes the inclusion of childminders own children in childminding ratios and the effect this could have if regulation is extended to over eights. PACEY Cymru feel that Welsh Government childcare and play colleagues need to work closely with CSSIW and planning officials to investigate what the affect of these proposed changes would have on planning restrictions for childminders specifically.

15.8
PACEY Cymru feel that the wording of the existing standard and of the new proposed standard are not clear and that it needs to be clarified what the role of a childminder assistant is and how they are supervised before this can be looked at (see the section on childminder assistants below).
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<th>Standard 19</th>
<th>Do you agree with the proposed changes?</th>
<th>Yes</th>
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<td>PACEY Cymru does not understand why the wording of this proposed change is just in relation to over eights, this needs to be a generic statement in relation to all parents/carers using the service and all children.</td>
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<th>Standard 22</th>
<th>Do you agree with the proposed changes?</th>
<th>Yes</th>
<th>No</th>
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<td>PACEY Cymru agrees in general with the proposed changes around 22.8 and 22.10 and they seem to be proportional and relevant. We would like to draw notice to our comments around planning and sustainability in the response to standard 15 above as feel these link to the proposed changes to this standard in parts. At consultation events attended by PACEY Cymru there was strong feeling around the statement within 22.17 'the toilets must afford children privacy and be appropriate for the age of the child. In day care for children over the age of eight separate toilets must be provided for different genders.' It was universally felt that this could cause issues around compliance due to the nature of the provision and that settings where the environment could not be adapted may be forced to cease providing a service. This needs to be given careful consideration as it could lead to sustainability issues in the sector.</td>
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<th>Standard 24</th>
<th>Do you agree with the proposed changes?</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>In line with our response to Question 5 there was much discussion over this point at consultation events. PACEY Cymru believes that this is an issue for the provider to discuss with the parent and will depend on the situation and individual child rather than for all over eights. Consultation has supported the view that a level of care needs to be established and that children should not be left unsupervised if in a regulated ‘childcare’ settings. Many felt there was a need to differentiate between what is childcare and what is play provision and that the standards need to be appropriate for the type of provision. It was felt that the pick up/drop off by parent/carer added an extra dimension to the parent/carer and provider relationship and a channel for communication. It was felt for a childcare service responsibility should be clearly transferred to the parent/carer on pick up. For those who felt that this was something that should be considered they felt it was important to be a two way agreement between the childcarer and the parent/carer rather than just being instigated by parents providing written agreement. It was strongly</td>
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felt that a childcare setting should not have to agree to this and could 'opt out'.

If this is taken forward many believed the minimum age should be 11 rather than 8.

Q6: Do you believe any other standards should be adjusted to reflect the proposals to extend regulation of provision to children aged eight years and over?

Not at present but this would need to be kept open for discussion if proposed changes come into effect and impact on other standards.

Q7: Do you believe child minding assistants/volunteers should be limited to providing unsupervised care for less than one hour a day?

PACEY Cymru feel that the wording around this proposed change is not clear and needs further clarification. PACEY Cymru would like to see a clear policy position on the interpretation of ‘supervision’; of childminding assistants by childminders from Welsh Government. There is much confusion and inconsistency nationally around this currently that needs to be clarified.

PACEY Cymru believe, going forward, that a childminding assistant should be allowed to be left alone with children if they meet set criteria. PACEY Cymru feels that this would be suitable if the following criteria were met:

- That this was only for specific named circumstances i.e. childminder on a school run and that these situations are clearly named in the Statement of Purpose and appropriate policies/procedures in the setting.
- Was for a specified minimum of time. This would depend on whether changes are coming through in relation to the two hour rule and the exact time needs further consideration as would depend on the outcome of the situation regarding caring for children for under two hours.
- If the parent/carer had agreed to this in writing
- If the assistant met some minimum requirements i.e first aid, DBS and CPD including Safeguarding (possibly also the CYPOP5 unit)
- If an appropriate staff file (including appropriate recruitment, induction, supervision and appraisal documents) was in place
- They have completed a fit person check is one possibility
- They are named as an assistant by the childminder with CSSIW
### Section B – Provider Questions
For completion by childcare providers.

**Q8:** What type of business do you run? (Please tick all which apply)

- [ ] Full Day Care Setting
- [ ] Child Minder
- [ ] Open Access Play
- [ ] Sessional Day Care Setting
- [ ] Crèche
- [ ] Registered Setting
- [ ] Unregistered Setting
- [ ] Setting providing care for children aged eight and over
- [ ] Setting employing under ten members of staff
- [ ] Out of School Care

**Q9:** Do you believe the changes proposed in this consultation would have a negative or positive affect on your business? Please give reasons for your answer.

- [ ] Positive
- [ ] Negative
- [ ] Neutral

**Q10:** We are currently considering allowing childcare providers to make one registration application for multiple premises, as a way of reducing bureaucracy on childcare providers. Is this an initiative you would wish to see taken forward?

- [ ] Yes
- [ ] No

Even though PACEY Cymru is not a childcare provider we do have comments to make against this question following consultation with providers. It is felt that there is a need to inspect, to some degree, individual provision as it should not be assumed that provision is the same across multiple providers.

Those present at consultation events could see the benefit to registering the provider of multiple settings in supporting quicker establishment of childcare based on specific immediate need i.e. holiday care but this does need to be a balanced and consistent approach.

### Section C – Welsh Language Question (Optional)
For completion by any person who wishes to express their views on how these changes may affect the provision of the Welsh language.

**Q11:** Increasing use of the Welsh language is a key consideration for the Welsh Government across our policy areas. Where an increased number of settings will be required to register, they will be subject to inspection reports being published. We consider through the publishing of reports, parents will find it easier to find out a language in which a setting operates, and can make a more informed choice over their child’s care.

**Do you believe the changes proposed in this consultation will have an impact on the use of the Welsh language?**

- [ ] Positive
- [ ] Negative
- [ ] Neutral
**Section D – Equality Question (Optional)**
For completion by any person who wishes to express their views on how these changes may affect equality.

Q12: Ensuring equality is upheld across policy areas is a key consideration for Welsh Government. Where an increased number of settings will be required to register, and increased number will be required to comply with the National Minimum Standards. These contain standards on anti-discriminatory practice and measures to uphold the rights of disabled children.

Do you believe the changes proposed in this consultation will have an impact on the equality?

- [ ] Positive
- [ ] Negative
- [ ] Neutral

**Section E – Rural Impact Question (Optional)**
For completion by any person who wishes to express their views on how these changes may affect rural communities.

Q13: Considering the impact of proposed policy changes on rural communities is a key consideration for Welsh Government. We believe the new standards proposed, and the transitional period, should ease the burden on settings if the changes highlighted in this consultation are implemented. This should therefore allow settings in rural areas to remain sustainable.

Do you believe the changes proposed in this consultation will have an impact on the rural community?

- [ ] Positive
- [ ] Negative
- [ ] Neutral

**Section F – Other**
We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

PACEY Cymru would also like to raise the issue around how it will be ensured that CSSIW inspectors have the necessary skills to regulate, register and inspect care of over eights.
Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please check here:

Once complete, please submit to childcareandplay@wales.gsi.gov.uk