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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Enw / Name:</b>	Owen Evans
<b>Rôl / Role:</b>	Her Majesty's Chief Inspector of Education and Training in Wales
<b>E-bost / Email:</b>	<a href="mailto:ChiefInspector@estyn.gov.uk">ChiefInspector@estyn.gov.uk</a>
<b>Rhif Ffôn / Tel No:</b>	029 2044 6446
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<b>Pwnc / Subject:</b>	<b>Changes to the National Minimum Standards for Regulated Childcare</b>

**Background information about Estyn**

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

The consultation document provides a valuable opportunity for stakeholders to comment on the key proposed changes to the National minimum standards for regulated childcare. Overall, the proposals are balanced and sensible. They attempt to evolve the standards based on a range of recent experience across the relevant sectors.

- In general, we welcome the draft amendments and consider them to be appropriate.
- We welcome the increased focus on supporting the Welsh Government's Anti-Racist Wales Action plan, and the ambition to develop this approach within the childcare and play sector.
- We also welcome that the consultation seeks stakeholders' views on the way the standards could be developed further to support and develop the Welsh language more effectively across the sectors.

### Consultation questions

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

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

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

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

#### **Child Minders - Standard 10.21-10.22:**

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

Yes	•	No		Don't Know	
This appears to be a balanced approach to ensure that child minder assistants have appropriate first aid training if they are left in sole charge of the children.					

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

Yes	•	No		Don't Know	
This also ensures a balanced approach ensuring appropriate first aid coverage.					

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

We welcome the continued focus on the importance of first aid at child minder settings.

*Day Care - Standard 10.23-10.26:*

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

Yes	•	No		Don't Know	
This appears a balanced approach.					

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

Yes	•	No		Don't Know	
This will ensure a broad and balanced approach to highlighting the importance of first aid knowledge and training for all staff, including trainees and volunteers at settings.					

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

We welcome the continued focus on the importance of first aid at day care settings.

*Open Access Play - Standard 10.27-10.29:*

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

Yes	•	No		Don't Know	
Maintaining a ratio of 1:13 trained adult ratio seems proportionate and aligns with the minimum staffing ration in open access play provision for children aged under 8.					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
This approach seems proportionate and ensures that appropriately trained persons are available on all occasions .					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
This approach seems proportionate based upon the information in the updated draft minimum standards document.					

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

The overall approach to first aid in the updated national minimum standards appears balanced and proportionate, taking the ages of children into account. The consultation document emphasises the importance of regular risk assessments.					
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*First Aid – General*

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

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

Yes	<input type="radio"/>	No	<input type="radio"/>	Don't Know	<input checked="" type="radio"/>
If the setting already has the required number of practitioners to meet the ratio of 1:10, would it be essential for a new starter to have the qualification before taking up the post? This could possible delay the person taking up the post if training is not readily available. It seems proportionate to leave a period of time following employment for the new starter to complete the					

training as long as they were not left in sole charge of children and the setting had appropriate provision. This would also align with the standard for child minder assistants in 10.23.

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

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

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

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

Yes	<input type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The guidance as set out in Annex A of the guidance is useful in setting out the child minder's responsibilities when employing child minder assistants.					

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

Yes	<input type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The information set out in Annex A appears comprehensive and provides child minders with detailed guidance to follow and refer to.					

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

**3. Questions:** Childcare qualifications for day care providers

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

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

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
We believe that it is proportionate to include staff working towards level 2 and level 3 qualifications within staffing ratios at full day care settings.					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The proposal appears sensible and proportionate.					

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

Setting	Agree					Suggested % working towards
Sessional Care	Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	20%
Open Access Play	Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	20%
Other (please state)	Yes	<input type="radio"/>	No	<input type="radio"/>	Don't Know	20%
It appears appropriate to maintain consistent expectations across the range of settings and providers when addressing regulations relating to national minimum standards.						

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

The suggested changes to childcare qualifications appear balanced and take a broad range of factors into account.
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**4. Questions: Supernumerary**

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

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

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The evidence from the temporary relaxation of this standard during the pandemic shows that the removal of the standard did not appear to lead to reported concerns about the Quality of Care in settings.					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The amendments provide sufficient detail and clarity regarding the safety and security of children.					

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

The amendments appear pragmatic and sensible given the changes which occur in provisions during a session. They also ensure that child safety remains paramount.					
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**5. Questions: Quality**

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

*Quality - Standard 18.1 – 18.5 refer:*

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

Yes	<input type="radio"/>	No	<input type="radio"/>	Don't Know	<input checked="" type="radio"/>
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We welcome the expansion of Quality Standard 18 that places more emphasis on the importance of ensuring continuous reflection, evaluation and improvement. However, standard 18.3 does seem to contradict this by implying that the Quality of Care Review is a one-off event that culminates in a written report. It would be beneficial to ensure that the whole of standard 18 is based around the importance of continuous reflection, evaluation and improvement. It is also important to ensure that the Quality of Care Review does not become an overly burdensome approach for settings. It would be useful to have a common understanding of what is required as part of this report, if that is the outcome still required. The focus on using tools such as the Early Education and Care (ECEC) Quality Framework, when available, is likely to support consistency across the sector.

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

Within the joint inspection framework by CIW and Estyn we evaluate self-evaluation, monitoring and planning for improvement by concentrating on the effectiveness of the procedures in place. In this we consider how well the setting's monitoring and self-evaluation processes:

- draw on first-hand evidence to accurately identify the setting's strengths and areas for improvement
- take account of the views of staff, parents/carers, children, and other stakeholders
- draw upon reviews, advice and feedback by external agencies, where appropriate
- prioritise the matters they wish to improve
- implement sound strategies likely to bring about the desired improvements
- allocate appropriate funding results in improvement in the quality of care, play, and learning
- lead to making improvements and have a positive impact on children's learning and wellbeing

The additional focus on ensuring quality through reflection, review and planning for improvement aligns closely with the joint inspection framework and is likely to encourage and support settings and providers with this work.

**6. Questions: Safeguarding**

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



*Safeguarding - Standard 20.7 refer:*

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
Staff working in childcare and play work settings should all undertake the appropriate level of mandatory safeguarding training to fulfil their duty to safeguard all children in their care.					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
The requirement for staff with different responsibilities within settings to undertake different degrees of safeguarding training appears appropriate.					
The different roles as set out in Annex C and the different levels of training required for each category appear proportionate.					

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

Yes	<input checked="" type="radio"/>	No	<input type="radio"/>	Don't Know	<input type="radio"/>
It seems sensible and proportionate that the different levels of training are cumulative and build upon an individual's previous experience.					

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

Safeguarding has obviously been given thorough consideration and is at the core of the national minimum standards.
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**7. Questions:** Amends to other standards

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

Other amends:

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

Standard:		Proposed Amend	

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

**8. Questions: Equal Opportunities**

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

*Equal Opportunities - Standard 16.1-16.3 refer:*

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

Yes		No	•	Don't Know	
<p>The guidance within current standard 16 refers clearly to equality of opportunity within policy and practice. It refers clearly to the importance of ensuring that practitioners across the sectors adhere to policy and guidance, to ensure equality of opportunity for all. However, we welcome the increased pro-active focus on supporting the Welsh Government's Anti-Racist Wales Action plan, and the ambition to develop this approach within the childcare and play sector.</p>					

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

Yes	•	No		Don't Know	
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We welcome the opportunity within this consultation to consider the views of all stakeholders in developing the approach to an Anti-Racist Wales.

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

Standard:		Proposed Amend	

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

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**9. Questions:** Impact on the Welsh Language

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

*Welsh Language:*

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

Currently, there is reference to the Welsh language in the 'other relevant Welsh Government policies.' However, we feel that the NMS could be strengthened to ensure the development of the Welsh language. It would be beneficial to consider the way in which providers support and promote the language throughout their range of activity, across the range of standards. For example, there could be reference to the development of the Welsh language in Standard 7: Opportunities for play and learning. This would promote the Welsh Government's wider objectives regarding the development of Welsh speakers.