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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Pwnc / Subject:</b>	<b>Professional registration of the childcare and playwork workforce</b>

**Background information about Estyn**

Estyn is the Office of His 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<sup>1</sup> 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 those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- 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, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher 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;

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<sup>1</sup> This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

- 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

Overall, Estyn considers that moving to a process of professional registration for the childcare and playwork workforce is a positive development. We feel that generally stakeholders are likely to benefit from developing a register, and there is likely to be a positive impact upon consistency across the sectors. This, in turn is likely to have a positive impact on provision for children in both sectors. The consultation notes that an appropriate period of time should be given when individuals are appointed to roles within the sectors. It is important not to increase pressure on the sectors where recruitment has been a problem over time, especially in Welsh medium settings. Establishing a register of professional working in the sectors, is based firmly on establishing the workforce as a recognised and respected profession which carries out a very important role with our youngest children.

We feel that establishing a register is likely to have a positive impact upon the following:

- The workforce is likely to feel valued, and young people are more likely to consider a career in childcare and playwork. They are likely to receive a more consistent range of professional learning opportunities.
- Families and carers are likely to feel reassured that there is increased consistency of provision across the sectors. The workforce is likely to be perceived as safe, suitably qualified and competent
- Employers are likely to feel reassured that individuals fulfil requirements and are likely to adhere to the role's code of conduct.
- A registry would provide a central point to log aspects such as qualifications, DBS records, and training. This would facilitate the process of maintaining records and aid with staff movement between settings.

However, we are concerned that there may be unintended consequences of aspects of this proposal such as dual registration. In a sector that finds it increasingly difficult to recruit staff, we are concerned that if practitioners need to pay a fee to register for more than one register, it will discourage them from wanting to work across sectors. It would also be useful to stipulate how often practitioners would need to renew their registration.

## Consultation questions

Development of a workforce register for the childcare and playwork workforce will take time. Legislative change is needed to introduce the requirement for a workforce register and the building of the register itself and development of a Code of Practice and Fitness to Practise processes would necessitate a timescale beyond this Senedd term. A register would need to be developed in collaboration with the

childcare and playwork sector, specifically in partnership with key sector stakeholders such as Cwlwm partners, Play Wales and Local Authorities. There would be further opportunities to engage with the sector directly to shape a workforce register and a further consultation to seek feedback on the proposed detail of any future register, but this consultation seeks your views on some fundamental questions in order for us to determine the potential for a childcare and playwork workforce register in Wales.

About you:

**Which of the following statements describes you?**

- A) I am a member of a stakeholder organisation or work for a local authority.
- B) I work in the childcare and playwork sector.
- C) I volunteer in the childcare and playwork sector.
- D) I am a parent or carer of a child under the age of 12.
- E) None of the above x
- F) Prefer not to say.

**Which of the following best describes your role?**

- A) Setting manager
- B) Childminder
- C) Childcare practitioner
- D) Playwork practitioner
- E) Nanny / Au pair
- F) Responsible individual / Registered person
- G) Other x
- H) Prefer not to say

1. A workforce register would offer benefits for:	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
Those working in the childcare and playwork sector		•				
Employers in the childcare and playwork sector		•				

Families accessing the childcare and playwork sector		•				
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How do you think a register benefits these groups? Please explain your rationale?

Overall, the establishment a professional register of the childcare and playwork workforce is likely to have a range of positive benefits for these stakeholders.

**Professionals** working within the childcare and playwork sector are likely to benefit from an increased sense of identity and additional status is likely to be given to those who work in this important sector. This is likely to lead to an increased consistency and expectation in relation to professional development opportunities within the sector and have a positive impact on provision for children across Wales in the medium and long term. Individuals working within the sector are likely to feel an increased sense pride for working within the sector and this may have a positive impact on individuals deciding upon their career path during their time at school, or in further or higher education. There is likely to be increased value and recognition placed upon the workforce within the sector. However, we feel that it is important to highlight the benefits for the individual on joining a register, for example by being more explicit about the opportunities for continuous professional development and career progression.

**Employers** working within the childcare and playwork sectors are likely to be reassured that all employees are expected to adhere to a professional code of conduct and meet specific requirements. A central registry would ensure that all information relating to professionals within the sectors would be centrally collated and accessible to employers. This is likely to ensure more effective flow of information when individuals begin employment at another setting or work across a number of settings.

**Families** with children accessing the sector are likely to be reassured that there is an additional element of professional scrutiny and expectation placed upon providers within the childcare and playwork sectors. Registration is likely to increase parents' confidence that the workforce within the sector are professional and well trained. Registration is likely to raise the status of the workforce within the sectors.

2. Workforce registration should be <b>mandatory</b> for those eligible?	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
		•				

Please explain your rationale?

Workforce registration should be mandatory for all eligible individuals as this would increase consistency of expectation across the workforce. Individuals would need to meet specific criteria to be registered and paid to work with children within the sectors. This is likely to ensure consistent expectations of all individuals working within the sectors in Wales. It is also likely to support leaders and managers within the sectors and raise the profile of professionals working in the childcare and play sectors.

3. The following <b>SHOULD</b> be included in a childcare and playwork workforce register	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
All Staff in registered childcare settings who are paid to work directly with children		•				
All Staff in registered playwork settings who are paid to work directly with children		•				
All Staff in registered childminder settings who are paid to work directly with children		•				

How do you think a register benefits these groups? Please explain your rationale?

Including all the groups outlined above is likely to increase consistency for professionals working within the sector and support agencies working alongside settings and services to develop the workforce in a more strategic and effective way. Individuals who are not listed on the childcare and playwork register would not be able to be paid to work directly with children within registered childcare and playwork settings in Wales. We consider this to be a positive development. We note that there is a suggested period of grace for newly recruited individuals to gain registration once their employment has commenced. We consider this to be an important aspect as there are significant numbers of staff who move to take up employment at different settings, or who move their employment from maintained to non-maintained settings and will therefore need to be registered.

We are concerned however that there are unintended consequences of dual registration. In a sector that finds it increasingly difficult to recruit staff, we are concerned that if practitioners need to pay a fee to register for more than one register, it will discourage them from wanting to work across sectors. For example, often staff who work in registered out of school hours provision are employed by the school during the day. If they are also required to pay a registration fee for working in an after school provision, this may discourage them from doing so. We are also concerned that the need to pay a fee in a sector where salaries are generally low and is already facing staffing and financial pressures may discourage people from wanting to work in the sector. This could also lead to inconsistencies of who pays the registration. For example, may some larger settings wish to pay the registration fee for staff in order to attract and retain practitioners in their settings. It would also be useful to stipulate how often practitioners would need to renew their registration.

Childminders and childminder assistants would benefit from inclusion on the register through the improved recording and collation of key documentation, and improved opportunities for continuous professional development. This is likely to provide greater clarity for parents and increase the status of individuals working within this specific sector.

4. The following <b>SHOULD NOT</b> be included in a childcare and playwork workforce register	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure

Staff working in unregistered childcare and playwork settings			•			
Volunteers		•				
Registered Persons/ Responsible Individuals who do not work directly with children		•				
Students working in a voluntary capacity at a registered childcare and playwork setting		•				
Staff, such as cleaners, who work in registered childcare and playwork settings but not in direct contact with children		•				
Nannies		•				

Please explain your rationale?

It may be challenging to ensure that staff working in unregistered childcare and playwork settings are included in the register. However, we feel that this aspect requires further consideration. For example, it may be possible to investigate opportunities for staff working with such providers to be included in the register on a voluntary basis. This would provide the wider benefits outlined above for individuals working within the sector. As under current regulations, settings that do not operate for more than 2 hours a day or for more than 6 days in the calendar year do not need to register with CIW, this may also go some way to offer more public assurance and confidence that staff working in these unregistered settings have the skills, knowledge, and character to care for children safely and effectively. We agree that volunteers assisting in registered childcare and playwork settings should not require registration. As noted in the consultation document, these individuals are often involved in placements as part of their qualification or work experience.

Students should not as a matter of course require registration, however we agree that apprentices paid to work with children in such settings should require to be registered. However, the same concerns about the registration fee outlined above apply. Staff working in setting, but not directly working with children should not require registration. It seems reasonable that Responsible individuals and Responsible persons working in within the sectors but not directly working with children do not necessarily require registration. Nannies are not subject to the national minimum standards and are monitored by Care Inspectorate Wales through their approval of home childcare providers (Wales) scheme and as such should not be included in the register.

5. Should a childcare and playwork register be established in Wales?	Yes	No	Not sure
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Please explain your rationale?

We feel that developing a professional register of the childcare and playwork workforce in Wales is a positive development. Establishing such a register is likely to increase consistency of provision with the childcare and playwork sectors and raise the profile of this important role. Such a move is likely to have

a positive impact on young people considering a career in childcare and playwork. In the short term, it is wise to ensure a period of grace for newly recruited individuals to gain registration once their employment has commenced.

Registration is likely to lead to increased consistency with opportunities for continued professional development. It is also likely to raise the profile and the public's perception of the importance of the role for future generations.

6. If a childcare and playwork workforce register was to be developed, when do you think this should happen?	In the short term (register developed within 2-3 years)	In the medium term (register developed in 4-6 years)	In the long term (register developed in 7-10 years)	Not at all	Not sure
	•				

Please explain your rationale?

As noted in the consultation document, there are a number of elements to consider throughout the process. We feel that developing the register following a process of careful consultation is appropriate and is likely to have a positive impact on the childcare and playwork sectors. However, we feel that more consideration is needed to the impact of aspects such as dual registration on the sector. We also feel that careful consideration is needed on the timing of implementation of the proposals, given the current financial and staffing pressures in the sector.

7. Do you have any other comments to make about developing a register for the childcare and playwork workforce?

It may be beneficial to outline to practitioners some more detail about the support that could be provided for their continued professional development.

Question 8: What, in your opinion, would be the likely effects of the proposal on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

We note that anecdotal evidence from a number of partners suggests that recruitment of Welsh speaking practitioners remains a significant concern in the childcare sector. As a number of practitioners tend to move between settings and maintained schools, it is important that the need to register does not have any unintended consequences of practitioners working in this sector.

Question 9: In your opinion, could the proposal be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Question 10: 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:

Please enter here:

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 tick here: