
Ymateb i Ymgynghoriad / Consultation Response

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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 2000¹ 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.

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

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

Estyn welcomes the opportunity to comment on the proposed changes to the statutory guidance for local authorities on the Childcare Sufficiency Assessment (CSA) duty. The consultation document acknowledges the vital role that accessible, high-quality childcare plays in supporting children's well-being, development and learning, while enabling parents and carers to access education, training or employment. Estyn supports the broader ambition that local authorities should adopt a strategic, inclusive and evidence-informed approach childcare sufficiency planning.

The proposals align positively with Estyn's statutory remit in relation to:

- Ensuring provision meets learners' needs
- Raising and maintaining high standards
- Securing value for money through effective leadership and management

The revised guidance provides clearer expectations for how local authorities should engage partners, analyse demand and supply, and consider the distinct needs of children with additional learning needs, Welsh-medium provision, and rural communities.

Estyn notes the improved emphasis on inclusive access, the consideration of socio-economic factors, and the need to ensure sufficiency of provision that supports early childhood development, particularly where funded early education is delivered through non-maintained nursery or hybrid childcare settings.

While Estyn is broadly supportive, the effectiveness of the guidance will depend on robust implementation, sufficient local capacity and clear alignment between CSA responsibilities and wider planning for early years education. It will be important to use high-quality data, including feedback from children and families, to inform both strategic planning and commissioning decisions.

Consultation questions

Consultation response form primarily aimed at Practitioners and Policy Makers

Q 1: Will the proposed changes to the Regulations (Annex B) help reduce burden and provide meaningful and timely information to enable Local Authorities to assess and manage the sufficiency of childcare provision in their area?

Yes

What are the reasons for your answer?

Estyn welcomes the proposed amendments to the Childcare Sufficiency Assessment (CSA) Regulations outlined in Annex B of the consultation document. The proposals provide a clearer and more flexible framework to support local authorities in meeting their statutory duties to assess and manage childcare provision. We consider that the proposed changes strike an appropriate balance between reducing administrative burden and securing the quality and relevance of information used to inform strategic planning.

The proposals align with our own priorities in relation to education quality, learner well-being and effective resource management.

Q 2: Do you agree with the proposal to maintain a five year CSA cycle, with annual action plans and progress reports?

Yes

If answered yes, what are the reasons for your answer. If answered no what would be your preference?

We agree with the proposal to retain a statutory five-year CSA cycle, underpinned by annual action plans and progress reports. This timeframe will allow local authorities to undertake detailed, evidence-informed assessments while maintaining the flexibility to respond to emerging changes in demand or circumstances.

We note that the proposed structure will promote transparency, accountability, and alignment with wider local planning priorities, including early education, additional learning needs (ALN), Welsh-medium provision, and rural access.

Q 3: Do the Regulations allow sufficient alignment between the CSA and other planning processes such as Local Well-being Plans under the Well-being of Future Generations (Wales) Act 2015, Play Sufficiency Assessments and Welsh in Education Strategic Plans?

Yes

What are the reasons for your answer?

Estyn recognises that the proposed CSA Regulations provide a sound basis for alignment with other statutory planning duties, including Local Well-being Plans, Play Sufficiency Assessments (PSAs), and Welsh in Education Strategic Plans (WESPs). This integrated approach supports greater coherence across early years, education, language development, and well-being services.

Estyn welcomes the emphasis on collaboration, which will help reduce duplication and strengthen local authority capacity to plan holistically for children's needs. In particular, the alignment with WESPs will ensure that childcare sufficiency contributes to Welsh-medium education growth to meet Welsh Government targets, while coordination with PSAs and well-being plans enhances access, inclusion and developmental outcomes. We are starting to see some early evidence in our inspections of Welsh immersion arrangements of the positive impact that ensuring appropriate Welsh-medium childcare in strategic locations can help support the take up of Welsh-medium education.

Q 4: Do you believe that the introduction of annual Local Authority CSA action planning monitoring meetings with Welsh Government, which will be included as part of the Statutory Guidance (Annex A), will be useful to monitor progress on actions taken forward to achieve sufficiency, and the challenges affecting the childcare market?

Yes

What are the reasons for your answer?

Estyn agrees that the introduction of annual local authority CSA action planning monitoring meetings with Welsh Government will be a valuable method to monitor progress and address challenges in achieving childcare sufficiency. We note that the meetings will provide a structured opportunity for local authorities to review implementation of their CSA action plans, discuss barriers, and share good practice across regions. They will also offer Welsh Government improved understanding of the pressures affecting the childcare sector, such as workforce capacity, affordability, and provision for children with ALN.

Overall, Estyn considers this a positive step towards securing consistency and impact across Wales.

Q 5: How can local knowledge and intelligence be better incorporated into the CSA process to make it more meaningful and robust?

We note that high-quality Childcare Sufficiency Assessments (CSAs) depend on the meaningful inclusion of local knowledge and intelligence. We appreciate that local authorities are well placed to understand the specific needs, preferences and barriers faced by families in their communities, including those related to language, income, employment, transport and additional learning needs (ALN).

Estyn fully supports the use of qualitative intelligence, gathered through regular and purposeful engagement with parents, carers, schools and other providers, health services and community partners. Including the voice of the child, where developmentally appropriate, will add further value to the information gathered.

We agree with the use of existing local data from early years advisory services, ALN teams, Flying Start and inspection outcomes. When triangulated with quantitative data, this intelligence will provide a more complete picture of unmet demand and local gaps.

Q 6: Will basing the CSA on information from a broad range of sources and using proxy measures help provide a more robust assessment? (Proxy measures are indirect indicators that can be used to assess a feature that is difficult to measure directly)

Yes

What are the reasons for your answer? If answered no, what do you propose?

Estyn agrees that drawing on a broad range of evidence sources, including proxy measures, contributes to a more robust and meaningful Childcare Sufficiency Assessment (CSA).

We note that given the complexity of assessing sufficiency, proxy indicators offer valuable insights where direct data may be limited. We support the use of indicators such as birth rates, housing development data, school admissions, and socio-economic profiles to complement direct provider and user data.

This triangulated approach can strengthen the validity of the CSA, allowing local authorities to better identify emerging pressures, gaps in provision, and access barriers for different groups, including those with additional learning needs (ALN) or those in rural and Welsh-medium settings.

Q 7: What relevant definitions could be improved and/or templates included in the Statutory Guidance (Annex A) to aid consistency in data interpretation and analysis?

Estyn supports the inclusion of national templates for data collection, reporting and parental surveys to ensure that local authorities capture comparable information and reduce duplication. We suggest that improved guidance on the inclusion of unregistered childcare provision and how to account for informal care arrangements would provide a fuller picture of actual childcare usage.

Q 8: Do the childcare services captured against the childcare types in Schedule 3 of the current Statutory Guidance (Annex A) reflect the way in which services are interpreted in the current landscape?

Yes

If no, what are the reasons for your answer and what do you propose?

Estyn acknowledges that while the childcare types listed in Schedule 3 of the Statutory Guidance (Annex A) provide a helpful baseline for data collection, they do not fully reflect the diversity and complexity of childcare services operating within the current landscape. Increasingly, providers offer blended or hybrid models that combine early education with extended childcare, often across multiple

funding streams and registration categories. These flexible arrangements are particularly common in non-maintained settings and in rural areas.

We also note that some existing definitions do not account clearly for wraparound care, holiday provision, or services operating outside conventional hours, which are vital for many working families.

To support greater accuracy and consistency in CSA reporting, Estyn would welcome clearer, updated definitions of childcare types. This would strengthen data reliability and ensure sufficiency assessments more accurately capture the full range of provision accessed by families across Wales.

Q 9: Do you think the surveys included in schedules 4, 5 and 6 of the current Statutory Guidance (Annex A) are fit-for-purpose?

No

If answered No, what are the reasons for your answer and what do you propose?

Estyn recognises that the surveys included in Schedules 4 (parent/carer), 5 (childcare providers), and 6 (employers) provide a useful starting point for gathering stakeholder perspectives. However, Estyn considers that these would benefit from review and refinement to ensure they are fit-for-purpose in the current context. In particular, surveys could be strengthened by including more nuanced questions around barriers to access, including for families with children with additional learning needs (ALN), those requiring Welsh-medium or bilingual provision, and those needing atypical or flexible hours.

Estyn agree with the proposed inclusion of more open-ended prompts to gather richer qualitative information. We also agree with making adaptations that will ensure accessibility for a wider range of respondents, including those with low literacy or digital access. Together, this will support a more inclusive and responsive childcare sufficiency planning.

Q 10: What additional surveys or methods would you recommend to help Local Authorities gather data to assess childcare demand more effectively?

Local authorities could consider supplementing existing surveys with targeted engagement methods, such as focus groups with under-represented families, including those with children with ALN, Welsh-speaking families, and those living in rural areas.

Estyn agree with the use of exit interviews with families leaving childcare settings and short, accessible digital surveys shared through schools, health visitors and community hubs. Working in partnership with schools, Flying Start, and parent networks will improve the breadth of information gathered.

Q 11: Are there further improvements you think could be made to reduce the administrative burden and resources involved in collating data and information to assess childcare supply and demand?

Estyn highlights the following opportunities to reduce the administrative burden and resources involved in collating data for childcare sufficiency assessments:

- greater use of digital platforms and shared virtual working rooms where multiple participants, for example, LA staff, and relevant stakeholders, can access, share, and collaborate on related materials in real time as a single access point could avoid duplication.
- simplified and standardised self-evaluation templates for providers to further ease data collection.
- enhanced collaboration between local authorities, practitioners, and inspection bodies could potentially minimise repeated requests for the same information.

Q 12: Do you think that introducing a more standardised approach to the way in which information is collated and reported (for example, through templates) would be useful to Local Authorities in undertaking the CSA process?

Yes

What are the reasons for your answer?

Estyn supports the introduction of a more standardised approach to collating and reporting information for the CSA process. Current arrangements often require Local Authorities to gather and present data in varied formats, creating duplication and additional workload.

Q 13: Do you agree that the proposed amendments to the Regulations (Annex B) adequately address the issues which have been identified?

Yes

What are the reasons for your answer?

Estyn agrees that the proposed amendments to the Regulations (Annex B) adequately address the key issues identified in previous cycles of the Childcare Sufficiency Assessment (CSA).

Estyn note that the changes provide a more flexible and proportionate framework, clarify data requirements, and promote alignment with wider planning duties. They also support improved monitoring, prioritise inclusion, and encourage better use of existing data sources.

Q 14: Do you agree that the detail below provides sufficient clarity on the services to be captured in relation to the Schedule ‘Matters to be contained in the assessment’ 2(i) of the proposed revised Regulations (Annex B) (the intention is to include this in the Statutory Guidance)?:

-atypical hours;

-full- and part-time care;

- full day;
- AM/PM;
- wrap around (am/pm/lunch);
- holiday; and
- term time.

Yes

What are the reasons for your answer?

Estyn agrees that the proposed list under Schedule 2(i) offers a helpful framework for capturing the range of childcare services. It reflects the key delivery models in the current landscape, particularly for families requiring flexibility, such as those using wraparound or holiday care. However, it would be useful to provide clear definitions or examples for each category (e.g. what constitutes “atypical hours” or “wraparound care”) to ensure consistent interpretation across local authorities.

Q 15: Under the Schedule ‘Matters to be contained in the assessment’ 2(l) (Annex B), do the following factors provide sufficient clarity on the information which Local Authorities should consider in relation to demand (the intention is to include this in the Statutory Guidance):

- parents’ preferences for type and range of service;
- times childcare is required;
- Access to provision that provide support for children with Additional Learning Needs and specialist care due to a disability;
- access to state subsidised childcare;
- the number of childcare places required for children up to the age of 12, broken down by age range and type;
- Welsh language childcare services required;
- Other language childcare services required; and
- Access to provision that offer the childcare cost element of Working Tax Credit or the childcare costs element of Universal Credit.

Yes

What are the reasons for your answer?

Estyn agrees that the proposed list of demand factors provides a clear and useful framework for local authorities to assess childcare demand. It reflects key considerations such as parental preferences, flexible hours, language needs, and provision for children with additional learning needs (ALN). However, consideration could be given to ensuring the Statutory Guidance would include clear definitions and worked examples for each factor to ensure consistency in interpretation and data collection.

Additionally, authorities could be encouraged to gather qualitative feedback to understand parental decision-making, affordability concerns, and cultural or logistical barriers. These additions could potentially provide a more robust assessment of local demand.

Q 16: Are there any potential challenges or barriers you anticipate in implementing the revised Regulations (Annex B) for Local Authorities?

Yes

If answered yes, what are your suggestions for improving the content or structure of the revised draft Regulations (Annex B) to enhance their effectiveness?

Estyn anticipates that local authorities may face a number of challenges in implementing the revised Regulations (Annex B), despite welcoming the clarity and improved structure they provide. These include capacity constraints, particularly where early years teams are small or where CSA duties are distributed across departments within the local authority.

Estyn notes that the need to collect and interpret a broader range of data, including from multiple stakeholders and service types, may place additional pressure on resources, especially where digital systems are underdeveloped.

Ensuring consistent interpretation of definitions, particularly for hybrid or non-traditional childcare models, may also present difficulties without further guidance. Moreover, gathering meaningful input from under-represented groups, such as families with children with ALN or those living in rural areas, may require targeted engagement strategies that take time to develop.

Estyn notes the importance of ongoing training and support for local authority staff to embed the revised approach effectively will be key to ensuring consistency.

Q 17: Does the draft Regulatory Impact Assessment (Annex C) capture the potential consequences of the proposed amendments to the Regulations (Annex B)?

Yes

What are the reasons for your answer?

Estyn agrees that the draft Regulatory Impact Assessment (Annex C) broadly captures the potential consequences of the proposed amendments to the Regulations (Annex B). It appropriately identifies possible benefits, such as improved flexibility, clearer expectations, and reduced duplication.

Q 18: Do you think the draft Integrated Impact Assessment (Annex D) sufficiently covers the impact on children, families, those living in socio-economic disadvantage and people with protected characteristics (including evidence you feel should be considered)? (The protected characteristics are: Age; Disability; Gender reassignment; Marriage and civil partnership; Race; Religion or belief; Sex; and Sexual orientation)?

Yes

If answered no, are there additional changes that could be made to the regulations to improve the impact on children, families, those living in socio-economic disadvantage and people with protected characteristics?

Estyn agrees that the draft Integrated Impact Assessment (Annex D) makes a positive start in recognising the potential impact of the proposed Regulations on children, families, and those experiencing socio-economic disadvantage. Estyn acknowledges the need to improve access and inclusion, particularly for children with additional learning needs (ALN) and those living in rural or low-income areas. However, Estyn recommends that the assessment includes stronger consideration of all protected characteristics, particularly race, disability, and language.

Q 19: How can the proposed changes to the Regulations (Annex B) be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects on people with protected characteristics?

Estyn considers that the proposed Regulations can be strengthened to reduce the risk of adverse effects on people with protected characteristics by placing greater emphasis on inclusion, accessibility and equity

Q 20: Are there any aspects of the current Statutory Guidance (Annex A) that you feel are currently unclear?

Yes

If answered yes, what are the reasons for your answer? If answered no, what revisions could be made to better support Local Authorities in planning, securing and / or delivering effective and sufficient childcare services to meet the needs of parents / carers in their areas?

The following aspects of the current Statutory Guidance (Annex A) would benefit from improved clarity to support consistent implementation across local authorities.

- Definitions of childcare provision type, for example wraparound, hybrid, and sessional care remain open to interpretation and lead to inconsistent data returns across authorities.

Terms such as “sufficiency,” “access,” “affordability,” and “atypical hours” would benefit from standardised definitions and illustrative examples.

There is a lack of clear guidance on how to incorporate informal or unregistered care, and how to systematically include the views of under-represented groups, such as minority ethnic families or carers of children with ALN. The survey templates provided in the Schedules could be revised to ensure they are accessible, inclusive, and capture meaningful insights.

Q 21: Do you think clearer guidelines on unregistered providers would improve data collection?

Yes

What are the reasons for your answer?

Estyn notes that providing clearer guidelines on unregistered childcare providers would significantly improve the quality and consistency of data collected through the Childcare Sufficiency Assessment (CSA) process. Estyn supports the inclusion of standard definitions, data collection prompts, and reporting examples within the Statutory Guidance to help authorities better reflect the breadth of provision.

Q 22: What types of unregistered childcare provision do you think should be included in the CSA?

The following types of unregistered childcare provision could be included in the Childcare Sufficiency Assessment (CSA):

1. Informal care by family or friends (e.g. grandparents, neighbours)
2. Childminders operating for less than two hours per day (exempt from CIW registration)
3. Nannies or home-based carers employed directly by families
4. School-run wraparound care not separately registered (e.g. breakfast or after-school clubs managed internally)
5. Holiday play schemes or activity clubs not required to register due to short operating periods
6. Unregistered community groups offering short-term or ad hoc childcare
7. Provision pending CIW registration but actively delivering childcare
8. Faith-based or cultural childcare sessions not registered due to session length or structure
9. Employer-supported childcare operating informally on or near work premises
10. Shared childcare arrangements between families (e.g. cooperative care or nanny shares)

Q 23: Do you think the current Statutory Guidance (Annex A) allows for appropriate anonymised sharing of data (i.e sharing of SASS data from Care Inspectorate Wales)?

Yes

What are the reasons for your answer?

Estyn supports clearer references to data-sharing arrangements and responsibilities to ensure local authorities can confidently and lawfully use CIW-held intelligence to inform their CSA.

Q 24: Do you think the proposed changes to the Regulations (Annex B) will help Local Authorities in assessing sufficient childcare for children with an Additional Learning Need (ALN) and/or disability?

Yes

If answered no, what are your reasons and what do you propose?

Q 25: What support would be useful to assist Local Authorities with engaging with Black, Asian and Minority Ethnic (including Gypsy, Roma and Traveller) communities?

Local authorities would benefit from targeted support and guidance to engage effectively with Black, Asian and Minority Ethnic (BAME) communities, including Gypsy, Roma and Traveller (GRT) groups. This could possibly include access to cultural liaison officers and the development of translated and culturally appropriate engagement materials.

Training on inclusive communication and anti-racist practice would also help build trust and remove barriers to participation.

Q 26: What information or data do childcare representative organisations hold that could be useful in meeting the Regulatory requirements of the CSA?

Estyn are aware that childcare representative organisations hold valuable data and insights that can support local authorities in meeting the Regulatory requirements of the CSA. This includes information on workforce trends, vacancy rates, provider sustainability, and patterns of service delivery, including flexible and atypical hours. They can also offer information on barriers to registration, challenges in meeting ALN needs, and insights into demand for Welsh-medium or bilingual provision.

Q 27: We would like to know your views on the effects that the Review of the Childcare Sufficiency Assessment (CSA) Duty on Local Authorities 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.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Estyn considers that the review of the Childcare Sufficiency Assessment (CSA) duty has the potential to support positive effects on the Welsh language, particularly through improved identification of demand for Welsh-medium and bilingual childcare. The revised Regulations require local authorities to assess the sufficiency of Welsh-language provision, which supports the aims of Welsh Government's Cymraeg 2050 and the Welsh in Education Strategic Plans (WESPs).

To further support this, Estyn recommends clearer guidance on measuring unmet demand, especially in areas with emerging or latent interest in Welsh-medium provision.

Estyn notes the importance of consistent terminology, accurate mapping of Welsh-medium provision, and support for workforce development in the sector. Ensuring that Welsh language considerations are integrated across all aspects of CSA planning would provide equitable access to both Welsh and English ensuring that not one language is treated less favourably than the other.

Q 28: Please also explain how you believe the proposed review could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Estyn considers that the proposed review could be strengthened by requesting that local authorities assess both current and potential demand for Welsh-medium childcare, including in areas with limited existing provision. Embedding clear expectations around engagement with Welsh-speaking families and Welsh-medium schools would improve planning and access.

To ensure no adverse effects, Estyn note that the guidance could promote workforce development to expand Welsh-medium capacity and require that all CSA processes treat the Welsh and English language equally, in both policy and practice.

Q 29: 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:

Estyn highlights the following related issues as further consideration:

- Link to educational outcomes: The review could strengthen the connection between CSA planning and early learning outcomes within the Curriculum for Wales, particularly in non-maintained settings.
- Use of inspection evidence: Greater emphasis on systematically incorporating CIW and Estyn inspection findings would improve the assessment of provision quality.
- Transitions to education: More guidance is needed on how CSAs support smooth, equitable transitions from childcare into early education, especially for learners with ALN and those accessing Welsh-medium provision.
- Digital infrastructure: Support for consistent digital systems and templates would ease data collection and reduce workload across local authorities.

- Monitoring inclusion: Improved mechanisms for tracking the impact of CSA actions on under-represented groups would support accountability and equity.