
Ymateb i Ymgynghoriad / Consultation Response

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Dyddiad / Date:	03.11.25
Pwnc / Subject:	Exceptions to childcare registration and the proposal for a Voluntary Approval Scheme

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 respond to this consultation. As the independent inspectorate for education and training in Wales, our role is to raise standards and improve the quality across the sector.

We support efforts to clarify childcare registration exceptions, ensuring they remain proportionate and focused on safeguarding while reflecting the realities of modern family life.

While we broadly agree with the proposed changes, we highlight concerns about potential unintended consequences, burdens on providers and reliance on self-declaration in the Voluntary Approval Scheme. We emphasise the need for clear guidance, proportionate regulation, safeguarding for the most vulnerable children, equity for smaller providers, and opportunities to strengthen Welsh-medium provision.

Which of the following statements describes you? Please select all that apply.

I am a member of an umbrella body or work for a local authority	
I work in the childcare, playwork or activities sector	
I volunteer in the childcare, play or activities sector	
I am a parent or carer of a child aged 0-12	
I am a parent or carer of a child over the age of 12	

I am a child	
None of the above	x
Prefer not to say	

Before completing this form, please can you let us know if you have also taken part in, or are due to take part in, one of the focus groups held as part of this consultation?

Yes		No	x
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Consultation questions

Part A – Exceptions Order Review

Question 1: Do you agree or disagree that a person should not act as a child minder if they are: a parent, or have parental responsibility for the child; a foster parent for the child; a relative; or person living at the same home as the child?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
Supporting comments							
<p>Estyn agrees that the proposed clarification provides helpful distinction between informal family care and formal childminding arrangements. In Estyn's view, this avoids the unnecessary regulation of everyday family life while maintaining consistency with safeguarding expectations already established within the childcare sector.</p> <p>In Estyn's view, this avoids unnecessary regulation of ordinary family life. It also ensures consistency with existing safeguarding expectations in the childcare sector.</p>							

Question 2: Do you agree or disagree that relatives or a person living at the same home as the child should be permitted to act as registered child minders for related children or children they live with, provided that all of the following conditions are met:

- They are not the child's parents and do not have parental responsibility,
- They are not the child's foster carer,
- The care does not take place at the child's home, and

- **The care is available and on offer to non-related children.**

Agree		Disagree		Neither agree nor disagree	x	Don't know	
Supporting comments							
<p>Estyn recognises the importance of ensuring clarity around this proposal.</p> <p>In Estyn's view, it will be important to consider whether childminders would be willing to continue to take on this role if they were unable to care for their own children at the same time.</p> <p>Estyn considers it important that the conditions are clearly set out so that parents who are also childminders, and who provide care for other families within their own homes, are not placed at a disadvantage or unintentionally excluded from offering this valuable provision.</p> <p>In Estyn's view, clear guidance is essential to avoid unintended consequences and to promote fairness for both parents and providers.</p>							

Question 3: Do you agree or disagree with the proposed changes to the exceptions relating to babysitters, nannies and au pairs:

	Agree	Disagree	Neither agree nor disagree	Don't know
Aligning exceptions in relation to nannies, au pairs and babysitters			X	
Removing the time limit of 6pm-2am for babysitters			x	
Limiting the number of families a babysitter can care for at once to 2 families			x	
Stipulating that the care arrangements should be made between the provider and the parents of either family			x	

For care on domestic premises, specify that the care is to be wholly or mainly provided in the home of either of the families			x	
For non-domestic premises, stipulating that the care takes place on a non-domestic premises (which could include for example: a hotel or guest house) of the parents' choice			x	
<p>Supporting comments</p> <p>Estyn supports the principle of aligning definitions, as this increases clarity and better reflects the needs of modern families. Estyn agrees that removing the time limit acknowledges the flexible working patterns of many families. Limiting provision to two families could provide a proportionate safeguard against large unregulated care arrangements.</p> <p>In Estyn's view, clearly communicating the stipulations on premises is appropriate and helpful. Estyn considers that further guidance will be essential for parents and providers to understand the boundaries of responsibility. Clear and accessible guidance may help to prevent confusion, minimise unintended consequences, and support accountability across all settings.</p>				

Question 4: Do you agree or disagree that a provider should not be required to register as a day care provider if they provide youth services to young people aged 10 and over and where provision for 10 year olds is aimed at supporting them with transitions from primary to secondary education along with personal, social, and educational needs?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
<p>Supporting comments</p> <p>Estyn agrees that the proposal reflects the developmental needs of older children and may offers valuable opportunities for transition-based activities, particularly for those who may be more vulnerable.</p>							

Estyn note that careful consideration is needed where such provision overlaps with registered services, such as after-school care, to avoid confusion or duplication of responsibilities.

Safeguarding must remain a priority, particularly as these activities may involve children who require additional support. Clear guidance will be important ensure consistent protection across all types of provision.

Question 5: Do you agree or disagree that:

2 hours is the appropriate duration of time that children aged 4 and under should be able to attend coaching and tuition activities without their parents and without the provider being required to register as a day care provider?

Agree	x	Disagree		Neither agree nor disagree		Don't know	
Supporting comments							
<p>Estyn notes that a two -hours threshold may be reasonable, depending on the nature of the activities on offer. For example, coaching or tuition for children under the age of four is unlikely to extend beyond this duration.</p> <p>Estyn considers that it is important that Welsh Government consider how this proposal may impact providers who offer play-based provision. It would be helpful to clarify whether such providers fall within the scope of the proposed regulations and how the two-hour threshold would apply in these contexts.</p>							

Age 4 and under is the appropriate age range that children should be treated separately in relation to the coaching and tuition exemption

Agree	x	Disagree		Neither agree nor disagree		Don't know	
Supporting comments							
<p>Estyn considers that the proposed threshold of age four and under is an appropriate distinction for the coaching and tuition exemption. This reflects the developmental stage of younger children and the limited duration and scope of coaching or tuition activities that are typically suitable for this age group. Coaching and tuition for children under the age of four is unlikely to extend beyond two hours, making the proposed timeframe reasonable.</p>							

Estyn recommends that Welsh Government also considers the position of providers offering other types of provision for this age group, such as play-based activities. Clear, accessible guidance will be essential to help these providers understand whether their services fall within the scope of the exemption. This will help avoid confusion, prevent unintended consequences, and ensure continued access to valuable early learning opportunities for younger children.

Question 6: Do you agree or disagree with our proposal to amend the categories of coaching and tuition within the exceptions order to the following:

- (a) sport;
- (b) expressive and creative arts;
- (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being;
- (d) religious or cultural study?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
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Supporting comments

Estyn recognises that the proposed categories for coaching and tuition are clearly defined and are likely to support consistency for providers working with older children.

Estyn considers that the current terminology does not fully reflect the developmental needs of younger children, particularly those aged 2-4 years, who may access these services. Activities such as tuition or formal educational support are more commonly associated with older children. Estyn recommends that Welsh Government consider adopting more age-appropriate terminology or clarifying age applicability within the exemption. This would support providers in determining whether their services fall within the scope of the childcare category and help avoid confusion.

Question 7: Do you agree or disagree that a provider should register as a day care provider if they offer coaching and tuition in more than one of the types of activity?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
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Supporting comments

Estyn neither agrees nor disagrees with the proposal to require registration as a day care provider when coaching and tuition span more than one activity type. While this approach may support consistency and clarify regulatory expectations, the implications for providers offering blended or sequential activities within a single session are not yet fully clear.

Estyn notes that further guidance may be required so that providers who offer more than one type of activity within a single session are clear on their requirements.

Estyn considers that providing clear definitions and examples would help ensure that providers understand when registration is required and can make informed decisions about their provision.

Estyn recommends that Welsh Government considers the impact on different types of provision, including those offering flexible, age-appropriate activities for younger children, to ensure the approach remains proportionate and fair.

Question 8: Do you agree or disagree that if children aged 2 and under attend a school as pupils, the part of the school with children aged 2 and under in attendance should be required to register as a day care provider?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
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Supporting comments

Estyn notes that, under current arrangements, children under the age of two are not classed as pupils in schools in Wales, as early education is not offered before the age of three. Schools in Wales do not offer early education before the age of three. This provision is delivered through 10 hours of early education within a maintained or non-maintained funded nursery setting. To support parents with childcare requirements, a minority of schools offer a wraparound provision where they have capacity to do so. These are often run for less than two hours a day. In many cases, these arrangements offer valuable support to families and make use of existing school facilities where capacity allows.

Estyn recommends that Welsh Government carefully consider the impact of requiring these settings to register as a day care provider. This includes the potential implications for headteachers' workload financial and administrative pressures on schools, and additional demands on inspectorates (Estyn and CIW).

Estyn notes that there may be wider implications for the sufficiency of local childcare provision if schools are unable to continue offering this type of wraparound childcare under a revised regulatory framework. Where schools offer Flying Start childcare, these settings are already registered with CIW. Extending similar registration requirements

more broadly could support greater consistency across the sector and provide assurance for families that the same safeguarding and care standards apply regardless of setting

Estyn highlight that that is important that all provision maintains high standards of care and safeguarding. Ensuring parity of expectations across different types of settings will help support children’s well-being and provide reassurance for parents.

Question 9: Do you agree or disagree that if a registered child minder or day care provider is suspended by enforcement, they should not be able to use the exceptions to operate their provision for 2 hours or less a day for the period of suspension?

Agree	x	Disagree		Neither agree nor disagree		Don’t know	
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Supporting comments

Estyn agrees with the proposal to prevent suspended providers from operating under the two-hour exemption. This is a necessary safeguard to ensure that enforcement actions are upheld and that children are not placed at risk during periods of suspension. Preventing access to the exception route helps close potential loopholes and reinforces public confidence in the regulatory system. It also maintains the integrity of enforcement decisions and ensures that safety and welfare standards are consistently applied across all settings.

Question 10: Do you agree or disagree that all providers offering child minding, day care or coaching and tuition activities for children aged 2 and under, where the parent is not present, should be required to register with CIW, even if the care is for 2 hours or less a day or 5 days or fewer a year?

Agree		Disagree		Neither agree nor disagree	x		Don’t know	
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Please explain your answer providing any reasoning and evidence

Estyn recognises the importance of ensuring consistent safeguarding standards for all children, particularly those aged two and under. Requiring providers to register with CIW regardless of the length or frequency of provision could help to maintain high standards across all types of care where a parent is not present.

Estyn acknowledges that such a requirement may have implications for provider capacity, particularly in areas where availability is already limited. Welsh Government may wish to consider the potential impact of this proposal on

<p>provider sufficiency and access to early care. Clear guidance will be important to support understanding of which services fall within the scope of registration and to minimise any unintended consequences.</p>
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Question 11: Do you agree or disagree that providers offering child minding, day care or coaching and tuition for children aged 2 and under, when parents remain on the premises (but not present during the session) should not be required to register, even if the care is for 2 hours or less or 5 days or fewer a year?

Agree	x	Disagree	Neither agree nor disagree	Don't know
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Please explain your answer providing any reasoning and evidence

Estyn acknowledges the reasoning behind the proposal not to require registration when parents remain on the premises. In such cases, the primary responsibility for the child remains with the parents. Estyn acknowledges that where the parent is not actively present, the provider assumes practical responsibility for care during the session. Estyn note that Welsh Government may wish to consider whether registration is still appropriate in these cases to maintain consistent safeguarding standards. Estyn recommend that Welsh Government assess the potential impact on the availability of provision for this age group. Additional registration requirements may affect provider capacity and willingness to operate.

Estyn recommend clear guidance is produced to help providers and parents understand their clear responsibilities and the scope of the exemption.

Question 12: Would you like to make any further comment on the content of the Draft Child Minding and Day Care Exceptions (Wales) Order 2026?

Any other comments

Estyn recommends that Welsh Government ensures clear and accessible communication for parents about the distinction between registered and unregistered care. This will help parents make informed choices and understand the level of oversight associated with different types of provision.

In addition, Estyn believes it is important that Welsh Government sets out how it intends to monitor and evaluate the impact of the Order once implemented. This should include consideration of any unintended consequences, particularly those affecting access to childcare and the sustainability of provision.

Estyn recommends that Welsh Government fully consider the potential cost implications for both providers and regulators. These should be carefully assessed and addressed to ensure the revised system is proportionate and does not place undue burden on the sector.

Part B – Development of proposed Voluntary Approval Scheme

Question 13: Do you agree or disagree with the aims of the proposed Voluntary Approval Scheme?

	Agree	Disagree	Neither agree nor disagree	Don't know
To allow families to access Tax-Free Childcare and Universal Credit Childcare to pay for a greater range of services where both the family and provider are eligible			X	
To verify the provider has met set approval criteria, including basic safety checks, which may offer some reassurance to parents about their choice of provider			X	
To help develop a better understanding of, and provide support and information to the unregistered sector who sign up to the Voluntary Approval Scheme			X	

Supporting comments

Estyn supports the aims of the proposed Voluntary Approval Scheme. Extending access to financial support schemes, improving reassurance for parents, and engaging with the unregistered sector are positive. Estyn considers it important that the scheme must be more than administrative. It should actively promote the quality of provision, uphold children's rights, and ensure that robust safeguarding and safety standards are in place. Without this, there is a risk that voluntary approval could lead to inconsistent expectations across the sector. Clear criteria, transparent processes, and regular monitoring will be important in helping to ensure that the scheme offers genuine value for families and providers.

Question 14:

Which of the approval criteria outlined below do you feel should be required for the proposed Voluntary Approval Scheme?

	Select
Being 18 or over	x
Having completed emergency paediatric first aid training	x
Having completed a safeguarding intermediate course of at least Group B/ level 2 specification	x
Having completed the Childcare Essentials for Providers of Childcare, Playwork and Activities	
Having a current enhanced DBS (Disclosure and Barring Service) check	x
Not being barred from regulated activity with children or be unsuitable to work with or have unsupervised contact with children	x
Having public liability insurance which covers death, injury, damage or other loss	x
The applicant will be required to make a self-declaration , (which will not be followed up or checked by Care Inspectorate Wales), that they understand and will employ best practice on behalf of the provision in relation to: <ul style="list-style-type: none"> • The ‘Working together to safeguard people: code of safeguarding practice’ including safe recruitment practice, complaints procedures and risk assessment. • If serving or handling food, food hygiene. • Have regard to sector best practice guidance in relation to staffing, premises, record keeping, child safety, health and well-being. 	x
<p>Supporting comments</p> <p>Estyn have concerns about reliance on self-declaration. To maintain credibility, CIW or another independent body should conduct proportionate verification if there is an expectation for providers to sign up to the scheme.</p> <p>Enhanced DBS checks and safeguarding training should be given priority, as these form the foundation of safe practice.</p> <p>Estyn also recognise that meeting these requirements may place additional burdens on smaller providers and therefore recommend that Welsh Government consider proportionate implementation alongside bespoke support to help these providers engage with the scheme effectively.</p>	

Question 15: Are there any other criteria that you think should be included?

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Question 16: Which of the following features do you think would be proportionate to include as part of the management and oversight of the proposed Voluntary Approval Scheme?

	Select
The proposed Voluntary Approval Scheme would be managed by Care Inspectorate Wales (CIW).	
This would be an administrative scheme meaning there will be no quality judgements from CIW and CIW would not be required to inspect.	
The approved provider would be required to renew annually and there would be an annual fee.	
Details of the approved provider would be passed onto the Local Authorities. Approved providers could then receive support, information, advertisement and guidance from the Local Authority should they wish.	x
The approved provider would be required to notify CIW in the event of a conviction, caution, change of name, address or contact details.	x
CIW would not become involved in any day-to-day complaints regarding the approved provider.	
In the event of a safeguarding concern, CIW would not undertake any investigation / inspection and would liaise with the Local Authority carrying out the safeguarding process to establish the outcome. CIW will then decide on an appropriate response in relation to ongoing approval.	

CIW would suspend approval or withdraw an approved provider from the scheme if the outcome of any Local Authority safeguarding investigations concluded that the provider exposes or may expose one or more of the children in their care to the risk of harm.	x
CIW would refuse an application to the Scheme and withdraw an approval if the approval criteria are not/no longer met.	x
An approved provider or applicant will be provided with notices of any decisions in relation to suspension, withdrawal or refusal of an application and will have 28 days to make an appeal by submitting representations.	
CIW would immediately suspend approval when considered necessary and appropriate.	
<p>Supporting comments</p> <p>Estyn considers it important that sufficient resources are made available to CIW and local authorities to oversee and implement the Voluntary Approval Scheme effectively. Without adequate capacity, there is a risk that the quality and consistency of oversight could be compromised.</p> <p>In addition, Estyn highlights the need for clarity around the implications for providers who choose not to participate. The voluntary nature of the scheme may lead to variability in standards or levels of parental confidence unless expectations are clearly defined and communicated.</p> <p>The financial impact on providers also warrants careful consideration. Without appropriate support, smaller organisations or those operating with limited budgets may face barriers to participation, which could affect the overall inclusivity and reach of the scheme.</p>	

Question 17: Which of these providers do you believe should be eligible to seek approval on the proposed Voluntary Approval Scheme?

	Select
Child minders or day care providers that are run by a Local Authority or school for 2 hours or less and at any point of the day.	x
All child minders or day care providers who operate either side of the school day for 2 hours or less.	x
All child minders or day care providers that run for a period of 2 hours or less at any point during the day.	x

Home based childcare i.e. babysitters, nannies and au pairs.	
In-person coaching and tuition that run under the coaching and tuition exemption for more than 2 hours in the proposed list of activities: (a) sport; (b) expressive and creative arts; (c) educational support – including languages, literacy & communication, humanities, science & technology, mathematics & numeracy; health and well-being (d) religious or cultural study. This may include residential childcare (e.g. activity camps) that run for fewer than 28 days in a 365 day period and are not facilitated/arranged by schools during school time and where parent or carers are not present.	x
Child minders or day care providers (including coaching and tuition activities) who operate for 5 days or fewer per year.	
Providers offering child minding or day care for children aged 12-16	x
Supporting comments This contributes to the safeguarding of children by ensuring that appropriate protections are in place across all types of provision.	

Question 18: Do you agree or disagree with the principle that the scheme should have a joining fee for providers who seek approval on the proposed Voluntary Approval Scheme?

Agree		Disagree		Neither agree nor disagree		Don't know	x
Supporting comments Estyn acknowledges that charging a joining fee may help ensure the sustainability of the proposed Voluntary Approval Scheme. If fees are to be considered, they should be modest and not prohibitive. Welsh Government may consider tiered or subsidised approach, taking into account the size of the provider the nature of the activities offered. This would help promote equity and encourage a wide range of providers to engage with the scheme. It will also be important to clarify whether charitable organisations would be subject to the same fees. and if so, whether additional support or exemptions could be offered to avoid discouraging their involvement in the scheme.							

Question 19: The Welsh Government is proposing to create a Voluntary Approval Scheme for Childcare, Playwork and Activity Providers. This scheme would be available to providers who are exempt from registering as child minders or day care providers. Having considered the details and development of the work to date, do you agree or disagree that a Voluntary Approval Scheme should be developed for Wales?

Agree		Disagree		Neither agree nor disagree	x	Don't know	
<p>Supporting comments</p> <p>Estyn recognises the intention behind developing a Voluntary Approval Scheme for childcare, playwork and activity providers who are exempt from formal registration. The proposed scheme has the potential to increase reassurance for parents and carers by offering a degree of quality assurance for unregistered provision.</p> <p>However, Estyn considers that further consideration is needed to ensure the scheme delivers consistency and fairness across providers. While participation in the scheme may offer a signal of commitment to quality, without independent oversight or accountability measures, there is a risk of variable standards and safeguarding practices across settings. To be credible and effective, the scheme must actively promote quality, safety and children's rights, rather than rely solely on voluntary sign-up. Mechanisms to monitor and evaluate the impact of the scheme should be embedded from the outset.</p> <p>Welsh Government should also consider how the scheme will support equitable access, particularly for smaller providers, and ensure that the scheme does not unintentionally create confusion about the difference between registered and voluntarily approved provision.</p>							

Part C – Impact assessment and mandatory questions

Question 20: What risks, if any, do you feel should be further recognised within the draft regulatory impact assessment?

Estyn considers that the draft regulatory impact assessment should place greater emphasis on the role of training in mitigating risk and raising standards across the sector. High-quality, accessible training is critical to ensuring that providers are equipped to meet the diverse needs of children in their care.

In particular, training should comprehensively cover key areas such as safeguarding, child development, inclusion, and the Welsh language. Strengthening expectations in these areas would help ensure that all providers, including those joining through new or voluntary schemes, are prepared to deliver safe, inclusive and culturally responsive provision.

Without a clear strategy to support professional learning, there is a risk of inconsistency in practice and a weakening of safeguards across unregistered or newly approved settings. Estyn recommends that Welsh Government consider how training will be funded, delivered, and monitored to ensure equitable access and sustained impact.

Question 21: What benefits, if any, do you feel should be further recognised within the draft regulatory impact assessment?

Estyn considers that the draft regulatory impact assessment could more fully reflect the potential strategic benefits of the proposed Voluntary Approval Scheme. In particular, the scheme presents an opportunity to contribute to the professionalisation of the unregistered sector, helping to raise standards, support workforce development, and build capacity in a way that complements existing regulated provision. Importantly, the scheme should be designed to embed a clear children's rights approach, ensuring that the best interests of the child are central to all provision, regardless of registration status. In addition, alignment with national priorities including the Curriculum for Wales, the Play Sufficiency Duty, and Cymraeg 2050 would further strengthen the relevance, coherence, and impact of the scheme across early years and childcare policy.

It is also important that the benefits of continuous improvement are recognised through a planned independent evaluation. This would provide valuable insight into the effectiveness of the scheme, help identify any unintended consequences, and inform ongoing policy and practice development.

Question 22: What costs, if any, do you feel should be further recognised within the draft regulatory impact assessment?

Estyn considers that the potential costs for providers both in terms of time and resources should be more fully recognised in the draft regulatory impact assessment. These costs could be particularly challenging for smaller settings or those operating with limited capacity, and there is a risk that the scheme could create unintended barriers to participation.

In addition, greater clarity is needed on the costs associated with implementing and administering the scheme itself. This includes whether responsibility will fall to local authorities, CIW, or both, and how these organisations will be supported to manage any additional workload effectively.

Without a clear understanding of these financial implications, there is a risk that the scheme could place strain on providers and oversight bodies, potentially undermining its intended benefits.

Question 23: What comments, if any, do you have on the draft impact assessments, particularly the impact of the draft order on children, families, those living in socio-economic disadvantage and people with protected characteristics (including evidence you feel should be considered)?

Estyn considers that the proposed changes have the potential to deliver positive impacts.

Extending access to financial support may help reduce barriers for families, especially those experiencing socio-economic disadvantage. However, it will be important to ensure that the cost of participation including fees or administrative requirements do not disproportionately affect smaller providers, including those working in disadvantaged or rural communities. To ensure equitable outcomes, careful design, targeted support, and accessible guidance will be essential. This includes addressing the needs of children with protected characteristics and ensuring that providers are well supported to deliver inclusive, high-quality care.

Estyn recommends that Welsh Government monitor the impact of the Order once implemented, with particular attention to vulnerable groups, including children with additional learning needs, those adversely impacted by poverty and families in areas with limited childcare provision.

Question 24: 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?

Estyn considers that the proposal has the potential to support the Welsh language, particularly if Welsh-medium criteria and targeted support are built into the voluntary scheme. This could help expand access to Welsh-medium childcare opportunities, thereby promoting greater linguistic equity for children and families across Wales. To strengthen this further, it is important that the public register clearly identify Welsh-medium providers. This would allow parents to make informed choices and could contribute to raising the profile of Welsh-medium provision in local areas. However, to realise these benefits, it will be important to ensure that any additional requirements linked to Welsh-medium provision do not place disproportionate demands on smaller or rural providers.

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

Estyn notes that embedding Welsh language expectations and providing specific support for Welsh-speaking staff and training in Welsh would help ensure the scheme does not treat the language less favourably.

Question 25: 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?

Estyn considers that the current proposal has not yet been sufficiently formulated to maximise positive effects on the Welsh language. At present, there is limited detail on how the scheme will actively promote the use of Welsh or ensure that Welsh-medium provision is treated equitably alongside English.

To strengthen its potential impact, Welsh Government will need to embed Welsh language expectations more explicitly within the design of the scheme. For example, this could include clear criteria for identifying and supporting Welsh-medium and bilingual providers. Providing publicly available information that enables families to choose Welsh-medium provision. Enabling access to training and resources in Welsh for participating providers. This could help mitigate the risk of the Welsh language being treated less favourably and would support the wider aims of the Welsh language strategy by promoting access and visibility.

Question 26: 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 are concerned that several important issues remain unaddressed. In particular, there is a lack of clarity around how equity and quality will be assured in a voluntary scheme, how unintended consequences will be monitored and acted upon and how financial pressures on providers, especially smaller or charitable organisations will be managed.

Without addressing these gaps, the scheme risks inconsistency in safeguarding, uneven provision across Wales and the exclusion of some providers due to additional costs or administrative burden.