
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.

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:

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

- 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 broadly welcomes the proposed changes to the National Minimum Standards (NMS) and supports the revisions as a step towards clearer, more consistent and proportionate regulation.

Our response reflects a strong commitment to ensuring that children’s wellbeing, safety and developmental needs remain central, while also recognising the practical realities faced by providers across a wide range of settings.

We agree that the new structure (integrating the child’s voice, well-being outcomes, requirements and related regulations) makes the standards more accessible, especially for those with less regulatory experience. Embedding related regulations within the standards is particularly valuable, as this reduces administrative burden, supports consistency across large and small providers and strengthens compliance.

Throughout our response, we emphasise the importance of proportionate approaches that balance safeguarding with sustainability. We highlight the need for practical examples, case studies and supporting resources to help providers implement the standards in a way that is both meaningful and achievable.

We also stress the role of the standards in promoting high-quality provision that is rights-based, child-centred and aligned with the ECPLC vision. This includes ensuring that Welsh language and cultural identity are embedded as integral parts of quality, rather than optional extras.

Our responses recognise the value of flexibility in areas such as staffing qualifications, ratios and childminder arrangements, which can help sustain provision while still safeguarding quality. At the same time, we underline the need for clear guidance, accessible training routes and consistent oversight to ensure equity and coherence across the sector.

In conclusion we:

- support clearer, more accessible standards with embedded regulations
- call for practical examples, case studies and tools to aid implementation
- endorse proportionate approaches to staffing, ratios and first aid
- stress embedding Welsh language and culture as integral to quality provision

The Welsh Government has organised focus groups to assist with engagement for this consultation. Please tick whether you have participated in one of these sessions in addition to completing this form.

Yes, I have also attended a focus group on this consultation

No, I have not attended a focus group on this consultation

Consultation questions

Proposed Changes Questions

We seek your views on whether you agree with the proposed new layout of the Standards.

Question 1: Do you agree or disagree that the layout in the example of [Standard 12: Food and Drink](#) provided is clear?

Agree

Estyn agrees that the layout is clear.

The structure setting out the child's voice, intended well-being outcomes, the requirements, related standards and regulations make it logical to read and easy to understand. It may be especially helpful for practitioners with limited experience of dealing with regulatory documents.

The design suits mobile devices, which is useful for providers who may not always have access to a traditional computer.

The ability to download the document and to print it if necessary is a useful inclusion.

The consultation could be strengthened by including short, practical examples to show how the standards can be applied in different types of provision.

Question 2: Do you agree or disagree that including the related regulations within the standards is helpful?

Agree

Estyn agrees that including the related regulations within the standards is helpful.

This approach makes statutory requirements clearer and easier to access, particularly for settings where time and administrative capacity is limited.

For new or less experienced staff in the sector, this format could double as a training and reference tool, strengthening confidence in compliance and practice.

Having regulations alongside the standards supports consistency across the sector, including between large and small providers and reduces the burden of cross-referencing multiple documents.

It also assists inspectors in communicating expectations clearly during inspections.

It would be useful if future updates to regulations were clearly highlighted so providers could quickly identify changes without needing to compare documents.

Alongside the formal regulations, short explanatory notes or examples would further aid understanding and application, for example “what this means in practice in a small non-maintained nursery setting”.

Question 3: Do you agree or disagree that it’s helpful to have links to documentation to support with raising quality within each standard?

Agree

Estyn agrees that having links to documentation that supports raising quality within each standard is helpful.

Direct links to supporting documentation makes it easier to identify best practice in a timely manner without needing to search widely.

Links to documentation within each standard supports a common understanding of what “quality” looks like across a wide range of settings, which should lead to greater consistency in how standards are applied.

We seek your views on updates to the “What do we mean by High Quality Provision” chapter within the NMS.

Question 4: Do you agree or disagree that we should update the ‘[What do we mean by High Quality Provision](#)’ chapter of the NMS so that it further aligns with ECPLC principles?

Agree

Estyn agrees with updating this chapter so that it further aligns with ECPLC principles.

This should strengthen consistency across the 0–12 age range, promote child-centred and rights-based practice and provide clearer guidance on what high-quality provision looks like beyond minimum compliance.

Engagement Questions

To help inform future policy development and our continued commitment to the vision for ECPLC, we would value your responses to the following engagement questions:

Engagement Questions

Engagement A: What further changes would you like to see within the National Minimum Standards statutory guidance to support the [Early Childhood Play, Learning and Care \(ECPLC\) vision](#)

The current draft makes strong links to the ECPLC vision, for example by embedding principles such as enabling adults, effective environments and engaging experiences.

However, further refinement could ensure the statutory guidance provides more practical support for the wide range of settings.

The guidance could consider including clearer examples showing what high-quality provision looks in smaller contexts, such as childminders, sessional playgroups, or community-led play schemes. This would help practitioners see how the ECPLC principles can be embedded proportionately where resources are more limited.

This could be supported by case studies or ‘examples of good practice’.

Engagement B: Do you have any other comments with regards to the chapter ‘What do we mean by High Quality Provision’

The chapter captures the essence of high-quality provision well.

It might be helpful if it exemplified how the principles could be proportionately applied. Practitioners could benefit from short, practical examples of what “high quality” looks like in different contexts, e.g. how enabling adults or engaging experiences might be achieved in a one-person childminding environment compared to a large day care setting.

Stronger signposting to professional learning, self-evaluation tools and quality assurance frameworks could support providers in turning the principles into continuous improvement actions.

There is scope to make more explicit how high-quality provision supports Welsh language development and children's cultural identity.

Your views are sought on whether you agree with the proposed change to the open access play definition.

Question 5: Do you agree or disagree with the update to the definition on Open Access Play?

Agree

Estyn agrees with the updated definition. It provides greater clarity by linking directly to Wales – a Play Friendly Country statutory guidance. The revision reduces ambiguity and supports consistency across providers, inspectors and parents.

Whilst updating the definitions and as part of our commitment to ensure the NMS is fit for purpose, we have also considered developing some examples of sector types that may be added to the NMS to support with the definitions.

Engagement Questions

Your views are sought on whether developing examples to support the definitions of day care provision are helpful

Engagement Question C: Do you think adding examples of types of provision within the definitions of each of the subcategories of day care would be helpful?

Yes

Yes, adding examples would be helpful. They would make the definitions clearer and more accessible. Examples would support consistency across the sector, reduce misinterpretation and help settings align with the correct standards. It will be important that examples remain up to date, reflect the range of provision and are used flexibly as illustrations rather than rigid categories.

Question 6: We propose that a more proportionate approach to First Aid Training- Open Access Play (Standard 10) would be to require at least one person to be on the premises at all times with a full first aid qualification, with contingencies in place for additional staff to hold first aid qualifications, subject to a risk assessment of the types of activities undertaken. Do you agree or disagree with this proposal?

Agree

Estyn agrees with the proposal.

Requiring at least one qualified first aider to be present at all times, with additional staff identified through risk assessment, is a proportionate approach. It balances the need to safeguard children with the practical challenges faced by temporary open access play schemes, supporting their sustainability.

To strengthen implementation, it would be useful to provide clear guidance or templates to help providers carry out consistent and proportionate risk assessments.

Question 7: Do you agree or disagree with the changes proposed for a proportionate approach to Standard 13: Suitable person Other Staff (Qualifications) for Open Access Play?

Agree

Estyn agrees with the proposed changes.

They provide a proportionate approach that shows an understanding and of the realities of open access play provision, while still safeguarding quality through requirements such as 50% of staff holding a Level 2 playwork qualification.

Allowing supervised staff to work while working towards qualifications supports recruitment and sustainability in the sector.

To strengthen the approach, it would be helpful to signpost accessible training routes.

Your views are sought on whether you agree with the proposed changes to Standard 11.

Question 8: Do you agree or disagree with the changes made to Standard 11 Medication to show the distinction between prescribed and non-prescribed medication?

Agree

Estyn agrees with the changes.

Clearer distinction between prescribed and non-prescribed medication strengthens safeguarding, reduces ambiguity and supports consistent practice across settings.

This should reassure parents through the requirement for prior consent and enable providers to meet children's immediate health needs appropriately.

It may be useful to provide supporting materials such as consent templates and record-keeping tools in order to help ensure proportionate and consistent implementation.

Engagement Question

Your views are sought on whether the development of an additional NMS Annex to provide further guidance and support when children become unwell whilst being cared for at the setting is helpful

Engagement Question D – Do you think the [NMS Annex- Guidance for administering liquid paracetamol when children become unwell at the setting](#), helps to explain what the setting can and cannot do in relation to administering liquid paracetamol in the situations described?

Yes

Yes, the annex is helpful in clarifying what settings can and cannot do when administering liquid paracetamol.

It sets out clear conditions around parental consent, contacting parents or NHS 111, safe storage and record keeping, which supports both safeguarding and transparency.

It may be useful to provide simple templates for consent and record keeping which would further strengthen consistency and ease of use, especially for smaller settings.

Your views are sought on whether you agree with the proposed changes to Standard 13.

Question 9: Do you agree or disagree with adding the following to Standard 13 (DC): Suitable person (Day Care)?

New standard: Percentages for qualified and unqualified staff must be met across the setting, rather than on a room-by-room basis. Careful consideration must be given to the deployment of staff throughout the setting and within each room to ensure the safety, welfare and development needs of children are met at all times, including those with additional needs and disabilities

Agree

Estyn agrees with the proposal.

Clarifying that staffing percentages apply across the setting rather than on a room-by-room basis reduces confusion and gives providers flexibility to deploy staff according to children's needs. This supports more efficient staffing while ensuring that the welfare and development of children, including those with additional needs, remains central.

Question 10: Do you agree or disagree with adding the following to Standard 13 (DC): Suitable person (Day Care):

New Standard: Dependent upon each setting's individual staffing levels, it may be necessary to deploy more staff where specific support is identified to meet children's individual needs. Minimum adult: child ratios must still be met. Any member of staff who is employed to work with specific children to provide extra support may not be counted within the standard staffing ratios.

Agree

Estyn agrees with the proposal.

It gives clear guidance that additional staff employed to support specific children cannot be counted within standard ratios, ensuring that children's individual needs are met without reducing overall staffing levels. This strengthens safeguarding and consistency while reflecting good practice already seen in many settings.

Your views are sought on whether you agree with the proposed changes to Standard 13: Suitable person (CM).

Question 11: Do you agree or disagree that child minding assistants could be employed if working towards the assistant qualification but not be left unsupervised with children during this time and must complete the qualification within 6 months?

Agree

Estyn agrees with the proposal.

It balances safeguarding with flexibility by ensuring assistants cannot be left unsupervised until qualified, while allowing them to gain experience as they work towards their qualification.

The six-month timeframe provides clarity and helps maintain a consistent and competent workforce.

Question 12: Do you agree or disagree that child minding assistants could be left in sole charge of children, in line with the adult to child staffing ratios, for up to two hours a day in total if all the requirements of the guidance within Annex A and Standard 13 are complied with?

Agree

Estyn agrees with the proposal.

Allowing qualified assistants to be left in sole charge of children for up to two hours a day provides helpful flexibility for childminders, for example during school runs, while maintaining safeguarding through clear requirements in Annex A and Standard 13.

The two-hour limit gives consistency and reassurance for parents.

It will be important that this arrangement is monitored to ensure it is used proportionately and not as routine extended cover.

Your views are sought on whether you agree with the proposed changes to Standard 15.

Question 13: Do you agree or disagree with the following:

The maximum number of children for whom a child minder can care for is as follows:

- **Ten children up to 12 years of age;**
- **Of those ten children, no more than six may be under 8 years of age.**
- **Of those six, no more than four may be under 5 years of age.**
- **Of those four no more than three may be under 2 years of age.**
- **Of those three children, normally no more than two may be under 18 months of age, although exceptions can be made for siblings.'**

Agree

Estyn agrees with the proposal.

The revised ratios provide greater flexibility for childminders and families, particularly in allowing siblings to remain together, which supports continuity of care.

The limits on very young children maintain important safeguards to ensure children's wellbeing is not compromised.

Question 14: Do you agree or disagree that children who are due to start full-time statutory schooling (reception year) in the September could be classed as over 5 years old in the summer holidays immediately before this for the purposes of the ratios relevant to child minders?

Agree

Allowing children who are about to start full-time school to be classed as over 5 during the summer holidays is a sensible and proportionate adjustment. It provides continuity for families, reduces disruption at a key transition stage and supports childminders in

managing their ratios more flexibly. This approach is appropriate to children's developmental stage and will help sustain provision.

Question 15: Do you agree or disagree that children aged 3-5 years old who attend an educational provision or a combination of an educational provision and wrap-around childcare within school hours at another setting for five or more hours per day could be classed as over 5 years old for the purposes of the ratios relevant to child minders?

Agree

Estyn agrees with the proposal.

This flexibility will support families, allow siblings to stay with the same childminder and help sustain provision in the sector.

Safeguards and inspection oversight will be important to ensure childminders are not overstretched and that children's individual needs continue to be met.

Guidance should emphasise that ratios must never override children's individual needs.

Engagement Questions

• **Your views are sought on any likely impact on the Welsh Language.**

Engagement Question E: What, in your opinion, would be the likely effects of the proposed changes to the NMS 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.

The proposed changes to the NMS could have positive effects on the Welsh language, but only if implementation is supported with clear guidance and expectations for providers.

Embedding references to the Welsh language within standards helps raise its profile and ensures providers see Welsh as integral to high-quality provision rather than an optional extra.

Aligning NMS standards with the ECPLC vision and Welsh Government's bilingual commitment supports continuity of experience for children as they move between early years, childcare and statutory education.

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

Yes

We believe there are clear opportunities to promote positive effects by embedding Welsh naturally into daily routines through greetings, songs and phrases as part of daily practice, making the language accessible even where staff are not Welsh speakers.

This could be facilitated by signposting and developing bilingual play-based resources and guidance packs e.g. posters, storybooks, digital resources to make Welsh more visible and usable.

Examples of good practice could be celebrated and shared through case studies from a range of settings to highlight how Welsh can be used naturally in play and learning.

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

Yes

It may be useful to signpost practical resources such as songs, rhymes, simple bilingual signage, play-based phrases etc for non-Welsh-speaking staff to use.

Also to ensure training opportunities that are accessible, affordable and proportionate for smaller providers, including online modules.

Engagement Question F: In your opinion, could the proposed changes to the NMS 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?

Yes

Yes, Estyn believes there are opportunities both to enhance positive effects and to mitigate potential negative effects in relation to the Welsh language.

Opportunities for More Positive Effects may include:

Strengthen alignment with Cymraeg 2050: A Million Welsh Speakers to highlight the contribution childcare and play settings can make to the national vision.

Encourage practical use of Welsh in daily practice (greetings, songs, play activities, signage), especially where staff are not fluent, to normalise the language for children.

Provide bilingual toolkits, phrases and play-based materials that make it easy for non-Welsh-speaking practitioners to introduce Welsh naturally into routines.

Include case studies or 'practice worth sharing' from a wide range of different settings (childminders, playgroups, open access play) to show proportionate ways Welsh can be used across provision types.

Opportunities to Mitigate Negative Effects may include:

Make short, practical and affordable Welsh language training available for staff in voluntary-run or rural settings where access to courses may be limited.

Encourage providers to explain how they are introducing Welsh in their setting, building parental support and awareness and providing support material for parents.

Engagement Question G: We have asked a number of specific questions on Welsh Language. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

While the consultation makes helpful reference to supporting the Welsh language, it does not explicitly link the NMS changes to Cymraeg 2050: A Million Welsh Speakers (although this is referenced in the draft impact assessment). Making this connection would strengthen alignment with Welsh Government strategy and underline the role that early years, childcare and play settings have in supporting the national vision. Explicit reference would also help providers understand that their contribution to promoting Welsh is part of a wider national priority, not just a regulatory requirement.

Your views are sought on whether there are any other amendments the Welsh Government should make to the standards.

In the Review, recruitment and retention issues were noted as a problem across the sector. Therefore, in the last refresh of the NMS in 2023, we updated childcare qualifications requirements for day care providers under Standard 13: Suitable person (DC) – to allow 20% of staff in full day care settings and 10% of staff in sessional or open access play settings who are working towards a qualification to be included in the staff qualification ratios (with conditions applied).

Engagement Question H: Do you have any comments on the current working towards requirements?

Estyn supports retaining the “working towards” allowance, as it is important for recruitment and sustainability, but the 3-year completion period should be supported by clear milestone so that both providers and inspectors can be confident that qualifications are being completed in a timely and consistent manner.

Chapters of an Integrated Impact Assessment have been published as part of this consultation; Section 1 and 8, Welsh Language and Children’s Rights Impact Assessment.

Engagement Question I: What comments, if any, do you have on the draft impact assessments, particularly impacts on children, families and those living in socio-economic disadvantage (including evidence you feel should be considered)?

Flexibility in childminder ratios and assistant qualifications could improve the availability and affordability of childcare, particularly benefiting families with limited options.

The focus on sibling care and wraparound services addresses barriers for working parents, especially those with atypical work hours or multiple children.

Engagement Question J: A draft Equalities Impact Assessment has also been developed as part of this exercise; to assist us further please add any comments on any impacts you feel the changes could have on people with protected characteristics (including evidence you feel should be considered)?

The proposed changes to the NMS could have broadly positive effects on people with protected characteristics, but this depends on how proportionately they are implemented and supported across different types of provision.

Positive Impacts:

Children with Disabilities and Additional Learning Needs (ALN): The proposed changes to staff deployment (Standard 13) aim to provide flexibility for settings to include additional staff or volunteers to support children with ALN or disabilities. This ensures their individual needs are met without diluting adult-to-child ratios, enhancing inclusivity and care quality.

The Childcare Offer Additional Support Grant can help settings provide specialist resources or staffing for children with ALN, ensuring equitable access to childcare.

Ethnic Minority Families: The NMS already includes standards promoting equality and anti-discriminatory practices. Proposed updates will continue to support children from diverse cultural and religious backgrounds, including considerations for language, dietary needs (e.g. halal food) and parenting practices.

Links to anti-racism tools and best practices will be included in the NMS, further supporting inclusivity. DARPL (Diversity and Anti-Racist Professional Learning) resources could provide valuable support for implementing the revised NMS. Signposting such resources within the guidance would help providers embed inclusive practice consistently and align with wider Welsh Government priorities on anti-racism and social justice.

Potential Negative Impacts:

Children with Disabilities and ALN: If staffing flexibility is not carefully planned, there is a risk that children with ALN may not receive adequate support, especially in settings with limited resources or expertise.

Engagement Question K: Do you have any other comments or suggestions with regards to the NMS that you wish to provide at this time?

No