



COVID-19 and the National Minimum Standards for Regulated Childcare for children up to the age of 12 years: June – September 2020

Welsh Ministers recognise how every part of the childcare and playwork sector has risen to the challenge of continuing to provide essential childcare provision to critical worker families and vulnerable children against a background of challenging circumstances and uncertainty. Welsh Ministers are very grateful for all your efforts to ensure that there has been a fundamental level of provision available for those who need it.

On 8 April, the Welsh Government issued a Circular Letter (WG 005 20) setting out the arrangements for supporting childcare settings that remained open for essential childcare provision. The letter provided information and guidance about the **temporary** relaxation of some of the requirements in the National Minimum Standards for Regulated Childcare:

[\[https://gov.wales/national-minimum-standards-regulated-childcare-coronavirus-covid-19\]](https://gov.wales/national-minimum-standards-regulated-childcare-coronavirus-covid-19)

It was considered that the arrangements would help provide an element of flexibility to deliver key services in challenging circumstances.

As we ease out of the lockdown restrictions and more settings start to re-open, the Welsh Government has decided to extend the **temporary** relaxation of some of the requirements in its National Minimum Standards for Regulated Childcare until 30 September 2020. It is hoped that this extension will help by giving settings continued flexibility during what we see as a transition period for providers as they seek to increase their operations to care for more children, or re-open their services.

The arrangements and guidelines set out in this letter supersede those set out in Circular Letter (WG 005 20).

Any relaxations agreed or reviewed in the period after the publication of this circular letter and until 30 September will be restricted to the guidelines in this letter and subject to local authority approval on a case by case basis. The local authority approval should only be granted on the basis that the measures being proposed by the childcare provider are reasonable and proportionate in responding to local circumstances and ensuring the provision of childcare. The responsibility for ensuring the safety and the welfare of the children in their care will remain with the registered childcare provider. Until 30 September 2020, the Welsh Ministers have agreed that the following aspects of the National Minimum Standards can be considered for relaxation on a temporary basis at this time:

Staffing ratios: Adult: child ratios for children could be relaxed as follows:

1. Standard 15.12 - Day care:

- the NMS ratio of one adult to eight children for children aged 3-7 years to be relaxed to one adult to ten children.
- the NMS ratio of one adult to ten children aged 8-12 years to be relaxed to allow one adult to care for up to 12 children.

2. Standard 15.7 - Child minders:

- The NMS ratio for child minders to care for no more than six children under 8 years of age to be relaxed to enable child minders to care for more than six children aged 5-7 years subject to the overall limit of 10 children under the age of 12 years. Please note ratios for children under the age of 5 are unchanged.

Local authority approval is required prior to any relaxation in staffing ratios being implemented, in order to ensure that the changes are reasonable and proportionate and ensure that ongoing care can be provided taking account of local circumstances and without compromising the safety and welfare of the children being cared for.

The local authority and childcare provider should satisfy themselves that they are able to comply with the Welsh Government's protective measures guidance for childcare settings, including that the advice relating to caring for children in small, consistent groups can still be followed [<https://gov.wales/protective-measures-childcare-settings-keep-childcare-safe>] In addition, no childcare setting should exceed their agreed numbers of registered children.

Standard 15.13 Supernumerary staffing in day care settings: arrangements to be agreed with local authorities on a case by case basis, depending on the specific circumstances. The requirement that the manager should not be included in any calculation of adult: child ratios in a full day care setting registered for 20 or more children can be relaxed subject to the prior approval of the local authority.

Standard 15.3 Two staff on duty in day care settings: subject to all other staffing ratio requirements being met, the requirement that there are always at least two staff on duty can be relaxed on a case by case basis subject to the local authority taking into account the specific circumstances of the setting.

Staff qualifications: a flexible and proportionate approach to qualification requirements to be adopted in relation to staff working or volunteering in a childcare setting. For example, this could mean relaxation of the standards in respect of the proportion of childcare staff who must have a recognised childcare qualification or acceptance of on-line training in respect of first aid qualifications. In all instances, child minders and the person in charge of a setting or their appointed deputy would require qualifications in line with the NMS. The registered childcare provider and person in charge would also need to be confident about the quality and safety of the care provided at their setting, and would need to consider whether any staff employed were of suitable integrity and good character if any of the staff qualification requirements were relaxed.

DBS: the Welsh Government is *not* relaxing any of the rules around the requirement for childcare providers to have an enhanced DBS check. However, it is considered that a relaxation of current/common practice around the obtaining of enhanced criminal records checks, as set out below, is appropriate given the need to ensure there is sufficient childcare provision available for parents and carers who need it. It is a requirement under the Child Minding and Day Care (Wales) Regulations 2010 that all staff and volunteers working in child minding and day care settings have an enhanced criminal record certificate including a check against the children's barred list. In practice, individuals have either had a new DBS check when they move role or are signed up to the DBS update service which can be checked quickly by employers as staff move roles, which provides employers with assurance of the suitability of the staff they employ.

It may be necessary for individuals who are qualified and experienced to move at short notice between settings in order to ensure care is available. In order to address this, we have concluded that it would be appropriate for childcare and playwork staff and nannies approved under the Welsh Government Childcare at Home Voluntary Approval Scheme to be able to move between settings if they have had a valid DBS check i.e. an enhanced criminal records check, including a check against the children's barred list, within the last 3 years. This would need to be proved by staff seeking to work in childcare settings by showing their DBS certificate. Update checks should still be carried out for those on the update system.

These steps have been discussed with Care Inspectorate Wales, CWLWM and with local authority representatives. We have also sought to strike an acceptable balance between giving providers the flexibility to adapt whilst not compromising on the safety and well-being of children in childcare.

All providers should inform their local authority (through their Family Information Services or usual contact in the childcare team) of their intention to implement any of the measures described in this letter, before any relaxation is made.

Local authorities will need to be satisfied that the plans are necessary and proportionate in the circumstances and that they are in keeping with the Welsh Government's protective measures guidance.

CIW, as the regulator of childcare services will need to be informed of any changes made as follows:

1. Providers will need to use their on line accounts to notify CIW of any agreed changes.
2. Local authorities will need to notify CIW that they have agreed the changes.

The provider and local authority should review the arrangements on a monthly basis.

Further guidance about these arrangements can be found here:

<https://gov.wales/guidance-national-minimum-standards-regulated-childcare-coronavirus-covid-19>

Childcare providers should continue to be mindful of Public Health Wales advice relating to frequent hand washing and social distancing and must take all **reasonable measures** to maintain physical distancing in their settings in line with Welsh Government guidance:

<https://gov.wales/taking-all-reasonable-measures-maintain-physical-distancing-workplace>

Local authorities and childcare providers may also find it helpful to refer to more general guidance available on the Welsh Government website relating to childcare and Covid-19 which includes information on the Test, Trace, Protect arrangements.

<https://gov.wales/coronavirus>

<https://gov.wales/toolkit-critical-worker-employers>

Providers operating under the relaxed NMS conditions **are advised** to check the **validity of their insurance** with their insurance provider as there could be implications for their cover.

For how long can the relaxations be considered?

These relaxations can be considered, and agreed where appropriate, up until 30 September 2020 subject to a monthly review by the local authority.

From 1 October 2020, childcare providers will be expected to have due regard to the National Minimum Standards for Regulated Childcare for children up to the age of 12 years, in the usual way, unless a further circular letter is published. The Welsh Government will continue to monitor the situation on the ground, taking account of scientific/medical advice and consideration of feedback from key stakeholders to help inform future policy and should any changes be deemed necessary to this circular before 30 September, stakeholders will be advised appropriately.

Yours sincerely

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