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| Title: | COVID-19 and the National Minimum Standards for Regulated Childcare for children up to the age of 12 years: 1 October - 31 December 2020 |
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Issued by:

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| Addressed to: | Please forward to: |
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Care Inspectorate Wales
Social Care Wales
SkillsActive
Welsh Local Government Association
Local Authority Chief Executives
Local Authority Childcare Co-ordinators
Local Authority Play Co-ordinators
Local Authority Flying Start teams
AWARE
Local Authority Family Information Services
CWLWM Childcare Consortium
Play Wales

All registered child minding and day care
services and other interested parties

Summary

This Circular Letter is issued with the agreement of the Deputy Minister for Health and Social Services. Please ensure that its contents are communicated to all interested parties as soon as possible.

The purpose of this Circular Letter is to provide guidance to the childcare and playwork sector in Wales as providers look to reopen or increase their operations following the COVID-19 outbreak. It explains under what circumstances, and subject to what arrangements, Welsh Government will allow the **temporary** relaxation of some of the requirements in the National Minimum Standards for Regulated Childcare

[<https://gov.wales/sites/default/files/publications/2019-06/national-minimum-standards-for-regulated-childcare.pdf>] This Circular Letter supersedes Circular Letter 007/2020.

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COVID-19 and the National Minimum Standards for Regulated Childcare for children up to the age of 12 years: 1 October - 31 December 2020

On 8 April and 24 June 2020, the Welsh Government issued Circular Letters (WG 005 20 and WG 007 20 respectively) providing information and guidance about the **temporary** relaxation of some of the requirements in the National Minimum Standards for Regulated Childcare. It was considered that the arrangements would help provide an element of flexibility to deliver key services in challenging circumstances.

The Welsh Government has decided to further extend the **temporary** relaxation of some of the requirements in its National Minimum Standards for Regulated Childcare until 31 December 2020. It is hoped that this further extension will help by giving settings continued flexibility during what we see as a period of recovery for many settings and adjustment to new working practices.

The arrangements and guidelines set out in this letter supersede those set out in Circular Letter (WG 007 20).

Any relaxations agreed or reviewed in the period after the publication of this circular letter and until 31 December 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 31 December 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 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 still 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 consider it 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>

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 31 December 2020 subject to a monthly review by the local authority. **The relaxations are only permissible until 31 December 2020. From 1 January 2021, 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.**

Going forward

Some of the areas where relaxations have been allowed during Covid-19 have been flagged with the Welsh Government for consideration as part of the Review of the National Minimum Standards for Regulated Childcare published in July 2019 and which can be found here:

<https://gov.wales/sites/default/files/publications/2019-07/review-of-the-national-minimum-standards-for-regulated-childcare.pdf>

Officials are still planning to work with stakeholders to take forward some of these recommendations and would be pleased to hear about the experiences of any settings where these temporary relaxations have been applied, especially where this may help inform our longer term thinking on some of these issues. Settings are invited to email TalkChildcare@gov.wales with any feedback.