

A. CHILDREN'S RIGHTS IMPACT ASSESSMENT

Title of proposal:	Amendment to the Regulation and Inspection of Social Care (Wales) Act 2016 to enable all childcare and play workers, working in the childcare sector, to be treated as social care workers.
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1. Policy objectives

- What decision are you impact assessing?

Proposed amendment to the Regulation and Inspection of Social Care Act (Wales) 2016 to ensure all childcare and play workers are recognised as social care workers and thus benefit from expert support from Social Care Wales.

2. Gathering evidence and engaging with children and young People

- What existing research and data on children and young people is available to inform your specific policy? Your policy objective may impact on other policy areas – discussions with other policy teams will be an important part of the impact assessment process ensuring you have gathered a range of information and evidence.
- Using this research, how do you anticipate your policy will affect different groups¹ of children and young people, both positively and negatively? Please remember policies focused on adults can impact children and young people too.
- What participatory work with children and young people have you used to inform your policy? If you have not engaged with children and young people, please explain why.²

¹ You may, for instance, consider how your policy would affect the following groups of children and young people differently: early years, primary, secondary, young adults; children with additional learning needs; disabled children; children living in poverty; Black, Asian and minority ethnic children; Gypsies, Roma and Travellers; migrants; asylum seekers; refugees; Welsh-language speakers; care experienced children; LGBTQ+ children. Please note that this is a non-exhaustive list and within these cohorts there will not be one homogenous experience.

² Article 12 of the UNCRC stipulates that children have a right to express their views, particularly when adults are making decisions that affect them, and to have their opinions taken into account.

The early years and childcare sector provides a vital function in our society³, offering key social, economic and educational benefits to children and families and meeting multiple policy agendas. These include providing the foundation to a child's development and learning, including early intervention for language needs or special needs; supporting parental employment; contributing to family wellbeing; and addressing wider social issues such as equality, inclusion, social mobility and social cohesion.

We want children from all backgrounds across Wales to have the best start in life. Those who care for our children play a vital role in helping us achieve this vision set out in our 10-year childcare play and early year's workforce plan⁴ - to support and develop a highly skilled workforce regarded as a profession and career of choice.

High quality early education and childcare⁵ can have a positive long-term impact on children's later learning and achievements. Quality is the key to that positive impact, and staff with the necessary skills, knowledge and understanding are a crucial element of that quality. We know that learning begins from birth, and high-quality early education and care has the potential to make an important and positive impact on the learning, development and wellbeing of children, in their daily lives and the longer term. Nurturing provided by a high-quality workforce is vital to raising aspirations and opportunity

Skilled, supported and well-qualified practitioners are a key element of high-quality early education and care and make a proven difference to child learning and development, particularly for children from low income and at risk families⁶.

Both researchers and practitioners tend to agree that a highly qualified workforce is crucial for high-quality provision - children who attended high quality childcare with skilled and caring staff started school, on average, three months ahead in literacy and language, were 20 per cent more likely to do better on their GCSEs and earned more as adults than those from low-quality settings⁷.

Research⁸ also links high-quality early care to positive child outcomes, including school readiness, reduced spending on remedial education, positive social behaviours and increased earnings over a lifetime. This is especially true for children from low-income households and for dual-language learners. It shows that positive relationships between young children and their caregivers are critical for supporting healthy social, emotional and cognitive development. While parents play the most essential role in supporting their

³ [Early-Years-Impact-Brief.pdf \(suttontrust.com\)](#)

⁴ [Childcare, play and early years workforce plan | GOV.WALES](#)

⁵ [FINAL REPORT draft v2.8 \(publishing.service.gov.uk\)](#)

⁶ [Early Years Workforce Review - Sutton Trust](#)

⁷ [Analysis - Developing the early years workforce \(epi.org.uk\)](#)

⁸ [Building a Qualified and Supported Early Care and Education Workforce \(ncsl.org\)](#)

child's development, most families must also entrust the care of their children to early care providers and educators while they work.

The evidence therefore shows that access to high quality childcare and play is beneficial for all children in their early years⁹. It can play a significant role in addressing the attainment gap, in developing their social skills and supporting children in preparing for school. Any move backwards in relation to supporting the development of the workforce will, therefore, have impacts on child development and school readiness.

We also know that supporting children in their early years is a key intervention to mitigate the risk of any long-term effects of Covid 19¹⁰, which evidence confirms can be hugely damaging and wide reaching. This was an extremely difficult time for children and the impact on their social and emotional development and mental health at this vital time in their lives has been profound. Supporting the development of the workforce and their health and wellbeing¹¹ will also promote the wellbeing of children.

The importance of play¹² in relation to [children's health and well being](#) is also well documented where:

“playwork provision contributes to stronger more play friendly communities which have a wide reaching impact on children, teenagers and adults. Playing is how children build social networks and create positive attachments to people and places in their community”

The evidence above shows why high-quality childcare and play are so vital for children's developments. Amendments to the RISCA legislation will not directly impact children's current experiences of childcare and play, however the amendments will strengthen the support SCW will offer to the totality of the sector.

Children and young people were not directly involved in the proposal due to the age of children and young people who receive childcare and playwork services and also because their experiences of childcare and play will be largely unaffected although they will be direct beneficiaries - the proposal aims to lead to a better skilled workforce to support and nurture children. The main impact will fall to the existing and future childcare and playwork workforce.

It has long been accepted that for all in the early years and childcare workforce, expert support is provided by SCW. This is due to their role in the development of qualifications fostering a child centred approach; their understanding of what is pertinent to the workforce in supporting children's care, play, learning and development e.g. a clear focus on what an individual child may require be that speech and language communication development; additional learning needs This support also includes a qualifications

⁹ <https://www.eif.org.uk/blog/early-years-education-what-does-high-quality-provision-look-like>

¹⁰ [cwpe2023.pdf \(cam.ac.uk\)](#)

¹¹ [Wellbeing Tools for Care Workers in Coronavirus | Social Care Wales](#)

¹² [Focus on play - playwork by Play Wales - Issuu](#)

framework for the sector; development of the [WeCare Wales](#)¹³ attraction and recruitment framework and a suite of guidance and resources for managers and workers in areas as diverse as safeguarding; supervising and appraising well and recruitment - all with the aim of ensuring a suitably qualified, valued and supported workforce.

The intended outcome of this amendment is to continue to support the workforce development ambitions for the sector - critical to ensuring we have a suitably qualified workforce to support the development of our children.

This proposal seeks to formally recognise this support and expand, over time and within available funding, to include the playwork workforce. Engagement has taken place with those bodies who oversee both the childcare and playwork workforce and their feedback has confirmed the positive impact this support will have for the workforce. In addition, all childcare and playwork providers across Wales were encouraged to respond to the consultation seeking to make this amendment.

3. Analysing the evidence and assessing the impact

The proposed amendment is seeking to ensure that support for all those working in childcare and playwork settings can be assured over time. SCW have historically provided workforce support for the entire childcare sector, not just providers and childminders (as outlined in the RISCA definition) There is a need therefore to ensure that the legislation reflects this and provides a clear basis for the work they will do.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
Article 3 The best interests of the child must be a top priority in all decisions and actions that affect children.			The proposal will help ensure that SCW can provide support for all those working across the childcare and play workforce with their clear focus on a child centred approach from entry through to qualifications and cpd. Their safeguarding eLearning and standards will ensure all across the sector are working to the same goals.

¹³ [Home | How to work in social care and child care | WeCare Wales](#)

<p>Article 6 Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p> <p>Article 19 Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them</p> <p>Article 28 Children have a right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights, as well as respect for their parents, their own</p>			<p>High quality childcare and play provision can have a positive influence on a child's development and help them develop to their full potential. This amendment will ensure support for all those working across childcare and play, for example, in following clear coherent safeguarding standards undertaking safeguarding training help to ensure that children are cared for in a safe, secure and appropriate environment.</p> <p>The work of SCW will assist all practitioners across Wales to undertake training and know how to care and protect children from violence, abuse and neglect</p> <p>This proposal seeks to enhance professional learning for the workforce</p>
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<p>and other culture and environments..</p> <p>Article 31</p> <p>Every child has the right to relax, play, and take part in a wide range of cultural and artistic activities.</p>			<p>Childcare and play settings provide children with opportunities to play.</p>
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4. Ministerial advice and decision

The analysis of the impacts will be included in future advice to the Minister-namely that the implementation of this amendment should have a positive impact on children and young people’s childcare and playwork provision

5. Communicating with Children and Young People

We have not sought the view of children and young people at this stage as this amendment seeks to ensure that all childcare and playworkers are recognised as social care workers so that support can continue for the childcare workforce and be extended to the play workforce

6. Monitoring and Review

We will continue to hold regular monitoring meetings with SCW to consider how they support all childcare and play work workers across all settings. Over time, their work could increase in scope, depending on available and we will work closely with SCW and with other national bodies such as Play Wales to support and achieve any change.