

**The Draft Child Minding and Day Care Exceptions (Wales) Order 2026
and the Proposal for a Voluntary Approval Scheme for Childcare, Playwork and
Activity Providers**

Consultation response form

This consultation seeks your views on some fundamental questions in order for us to determine the potential changes required to the child minding and day care exceptions and the proposed development of a Voluntary Approval Scheme.

Your name:

Organisation (if applicable):

Email:

Responses should be returned by 3 November 2025 to:

The Exceptions Order and Voluntary Approval Scheme
Early Years, Childcare and Play Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and send to:

Childcareandplayworkconsultation@gov.wales

About you:

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	x
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	
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	
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*Play Wales was part of the Exceptions Order Advisory Group

After we have reviewed the responses, we aim to publish a summary report on our website within 12 weeks of the consultation's closing date. We may also publish responses in full. If you would prefer your response to remain anonymous, please tick here:

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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							
Play Wales acknowledges the complexity of this question and agrees with Coram Pacey Cymru that it is not worded clearly and overlaps with question 2. We endorse their response and underline the following point: That relatives or persons living in the same home as the child should be able to act as registered child minders for related children or children they live with, provided that the proposed 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. We believe there are already sufficient safeguards in place to ensure the Welsh Government would not be 'paying parents to parent' if the proposals are taken forward. The registration and inspection process requires the same standards of all childminders, whether they care for a related or an unrelated child.							

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		Don't know	
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Supporting comments

Play Wales acknowledges the complexity of this question and agrees with Coram Pacey Cymru that it is not worded clearly and overlaps with question 1. We endorse their response and underline the following point:

That relatives or persons living in the same home as the child should be able to act as registered child minders for related children or children they live with, provided that the proposed 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.

We believe there are already sufficient safeguards in place to ensure the Welsh Government would not be 'paying parents to parent' if the proposals are taken forward. The registration and inspection process requires the same standards of all childminders, whether they care for a related or an unrelated child.

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			
Supporting comments				

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	
Supporting comments This is a complex issue and one that is not necessarily solved by the proposed change. Whilst this may make it easier for dedicated youth work services, that may not be the case for those that are offering both playwork and youth work. We know from our engagement activity through the Ministerial Review of Play, and our recent research, <i>Shared ground: Examining the alignment of playwork and youth work practice in Wales</i> – that some organisations offer junior youth clubs or transitional services. These organisations support children in the transition from playwork services to youth work services as well as transition from primary to secondary school. Often the age range of these transitional services is from 10 to 13, so the proposed change could be beneficial. Our engagement activity with local authority and third sector providers suggest that this proposed change will be welcomed by the youth work sector. However, this proposal does raise the question that we will return to through our response. Open access playwork provision, particularly that which operates during the school holidays and often works with children in this age range, is required to register if it isn't covered by the other exceptions. The burden of regulation and inspections for open access playwork settings was highlighted as part of the Ministerial Review of Play. This contributes to many open access playwork operating within the two-hour exception so that they can still offer a service to the most disadvantaged children. There doesn't appear to be a logical rationale as to why youth services (or coaching and tuition) are not required to register under the Exceptions Order but a two-week holiday playscheme is. Based on feedback from our networks and engagement activity, we believe that year-round open access playwork provision that runs for more than two hours should continue to be regulated. For provision running for less than two hours or only operating seasonally, that some form of compulsory approval scheme would better serve the needs of children and families. Furthermore, such a scheme could support this type of provision to continue, with additional benefits of some level of oversight by a regulatory body and scrutiny of safeguarding procedures and suitability of staff. Open access playwork provision is usually offered for free at the point of access so the availability of tax-free childcare is not relevant for this type of setting.							

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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 We agree that children aged four and under should not be attending coaching or tuition activities for more than two hours without that setting being registered as childcare. However, it also raises a question about the nature of some of the coaching and tuition types and whether, or not, it is appropriate for children aged four and under (and indeed older) attending for more than two hours. Whilst it may be appropriate for young children to attend an arts or sports provision for a full day, we do not consider it appropriate that young children would attend educational support, or religious or cultural study for longer than two hours.							

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 We agree that children aged four and under should not be attending coaching and tuition provision without the setting being registered as childcare. For children aged five and over, a playwork setting is a different place to a coaching or tuition setting. Within playwork provision children are free to follow their own instincts and interest. Therefore, they are able to rest should they choose, or be active and engage their brains in an activity structured by themselves, if they wish. This is a different context to a coaching or tuition setting, where adults are setting the agenda and identifying the outcomes. One would argue that children will also have ample opportunities to play within a coaching or tuition setting, but this is not a given in the definitions proposed, and without scrutiny there is no one to check. Also, if children were to play in this type of							

provider could be working under an umbrella or membership body where there is some oversight from a national body, this is by no means a guarantee. This exception still allows for an individual to establish a six-week summer holiday scheme based around one of the exceptions with no guidance or support from an umbrella body and no oversight from Welsh Government or the local authority. We believe that this is problematic and not in line with feedback from children and professionals during the Ministerial Review of Play.

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	
Supporting comments We agree that, if this exception is to stay, that one type of activity is sufficient. However, our concerns outlined in Q6 stand. There is still the potential for significant issues and confusion around the coaching and tuition exceptions.							

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	x	Disagree		Neither agree nor disagree		Don't know	
Supporting comments We agree that this strengthens the current arrangement.							

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

We agree that this strengthens the current arrangement. However, it raises the issue that, regardless of the severity of the suspension, that the provider could go on to offer unregulated provision once the suspension is completed. This would need to be monitored.

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	
Please explain your answer providing any reasoning and evidence							
We agree that this change strengthens the current arrangements. However, it doesn't respond to the calls from children and parents as part of the Ministerial Review of Play that all provision should be registered, or at least checked, in some way.							

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	
Please explain your answer providing any reasoning and evidence							
This seems to make sense for providers offering crèche type activities where the parent remains on the premises to attend education or fitness sessions, for example. However, the wording is confusing. We understand the meaning of the proposal to be: that anything running for longer than two hours (or five days), for children aged two and under, would be required to register even if parents were on the premises.							

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

This is an extremely complex piece of legislation to get right, and the current proposals raise several concerns for us as outlined here. In addition, our engagement activity with colleagues in the playwork sector suggests that they are struggling to understand the full implications of the proposals, and the consultation questions.

We return to previous consultations on this subject, where the play sector has consistently called for the Exceptions Order 'loopholes' to be closed, or some form of lighter touch registration to be offered for unregulated provision.

The proposals go some way towards clarifying the definitions and strengthening some areas of the exceptions. However, the coaching and tuition exceptions remain problematic and open to wide interpretation of provision that could be seen as very similar to regulated activity offered by open access playwork and out of school childcare. The playwork sector was expecting these ongoing issues to be addressed.

The two-hour exception reflects the way some open access provision operates, especially during the school holidays. Due to funding arrangements and community need, peripatetic services may run for two hours in the morning and then move to a different location in the afternoon.

However, open access providers still state that they would like to be regulated if the inspection regime could be made more proportionate. This is why there is strong synergy with the outcomes of the National Minimum Standards (NMS) consultation, registration of multiple sites and the development of bespoke NMS for open access playwork. If these changes result in a positive outcome, we may see more open access providers wishing to be regulated by Care Inspectorate Wales (CIW) and potentially increasing their hours to be regulated again, under the new NMS.

Theme 4 of the Ministerial Review of Play explores some of the historic issues with the Exceptions Order and concerns raised as part of the review. Children, as part of the Young Wales consultation – *Children and young people's consultation on the Ministerial Review of Play* (Children in Wales, 2021) – told us that all playwork provision should be registered with CIW. Whilst the voluntary approval scheme will go some way to providing another option for oversight, it does not provide the assurances children requested of compulsory oversight of play and recreational provision.

Feedback from our stakeholders has emphasised the interrelatedness of the NMS and Exceptions Order consultations. Our supporters have asked that the results of the two consultations are considered alongside each other. Similarly, the outcome of the requirements of the voluntary approval scheme could have implications on how people feel about the proposed changes to the Exceptions Order.

Play Wales believes that a compulsory approval scheme for unregulated settings, could provide the assurances that parents, children and our supporters have called for, without the requirement for full regulation and inspection of all provision for children.

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 We agree that it would be beneficial to parents to be able to use tax-free childcare and universal credit to access a greater range of services. However, most open access play provision is free for children to attend, meaning this is less of a concern. An approval scheme would help support parents, communities, and local and national Government to know where provision is operating. This would also support approved providers with complying with safeguarding and providing a clear line of accountability for concerns or complaints to be raised. As stated previously, our engagement activity has raised concerns that a voluntary approval scheme would not be taken up by those where quality or procedures were not sufficient.				

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: • 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
Supporting comments The level of required, and completed, training by the applicant needs to be proportionate to the type of setting. It is not clear from the proposals whether these requirements will be for all staff or just the applicant, and if any other checks/ assurances would be made of the staff team.	

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).	X
This would be an administrative scheme meaning there will be no quality judgements from CIW and CIW would not be required to inspect.	X
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.	x
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.	x
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.	x
CIW would immediately suspend approval when considered necessary and appropriate.	x

Supporting comments

For providers of open access playwork that fall into the Exceptions Order, we have received feedback that the voluntary approval scheme could provide some level of assurances to parents. However, a question remains whether the 'applicant' could be a provider that runs across multiple sites and whether this would be a single application or not. If the applicant had to apply for every location, and there was a fee, this could make the scheme too expensive. Again, there is a link to the outcomes of the NMS consultation and how proportionate the multiple sites registration and bespoke NMS end up being.

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.	
All child minders or day care providers who operate either side of the school day for 2 hours or less.	
All child minders or day care providers that run for a period of 2 hours or less at any point during the day.	
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.	
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	

Supporting comments We believe such a scheme could be suitable to open access playwork provision. As previously stated, a compulsory scheme would respond better to the findings of the Ministerial Review of Play. Such a scheme could potentially be managed by local authorities and would support Play Sufficiency Assessments and Childcare Sufficiency Assessments.	

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	x	Neither agree nor disagree		Don't know	
Supporting comments Many of our supporters work in the third sector or have tight budgets to offer play and recreational provision for free to children and families. For this reason, if the purpose of the voluntary approval scheme is to encourage people to use it, for the benefit of children and families, then the scheme should be free or low cost.							

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	
Supporting comments As previously outlined, we believe an approval scheme could offer some assurances to parents, provide better avenues for support and improve quality of unregulated provision in Wales. However, we would like to see further consideration of a compulsory scheme to respond to the concerns raised by children and members of the Ministerial Review of Play Steering Group.							

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?

The key risk, as already stated, is not adequately responding to the recommendations of the Ministerial Review of Play Steering Group and the consultation with children.

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

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

Any costs associated with regulation and the voluntary approval scheme and the impact on open access playwork settings who usually offer their services for free.

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)?

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?

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

Given the challenges highlighted with understanding language, getting translations accurate and reflective of the intended wording will be crucial to support understanding of a complex area.

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?

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.