

# **OFFICIAL RESPONSE**

## **to the Welsh Government Consultation**

# **Professional Registration of the childcare and play workforce**

March 2024

## About Community Union

Formerly PAT/PANN and latterly Voice, the **Education and Early Years** section of **Community Union** is an independent trade union representing thousands of serving teachers and support staff, headteachers, lecturers, nursery and early years workers, nannies and other education professionals in schools and academies, nurseries and early years settings, colleges, and universities across the whole of the UK.

We provide legal and casework support to our members and regularly engage with them in determining our response to policy proposals.

**Community Union** is affiliated to the Trades Union Congress (TUC), to the Irish TUC, Scottish TUC and Welsh TUC as well as the General Federation of Trades Union (GFTU).

This Official Response has been prepared on behalf of members of the Education and Early Years section of Community Union by:

**Letitia McCalla**  
Early Years Lead  
[LMcCalla@Community-TU.org](mailto:LMcCalla@Community-TU.org)

**Martin Hodge**  
Head of Education Policy  
[MHodge@Community-TU.org](mailto:MHodge@Community-TU.org)

As such this is a public document which will be published on our website following the consultation close.

The information shared within this response may be used and quoted as appropriate for the purposes it was gathered, and **Community Union** should be acknowledged as a contributor. We would be happy to discuss the comments in this response with the department or a research body acting on its behalf using the contact details supplied.

**Community Union**  
465c Caledonian Road  
London  
N7 9GX  
01332 372337

[www.Community-TU.org](http://www.Community-TU.org)

# Consultation Response Form

Development of a workforce register for the childcare and playwork workforce will take time. Legislative change is needed to introduce the requirement for a workforce register and the building of the register itself and development of a Code of Practice and Fitness to Practise processes would necessitate a timescale beyond this Senedd term. A register would need to be developed in collaboration with the childcare and playwork sector, specifically in partnership with key sector stakeholders such as Cwlwm partners, Play Wales, and Local Authorities. There would be further opportunities to engage with the sector directly to shape a workforce register and a further consultation to seek feedback on the proposed detail of any future register, but this consultation seeks your views on some fundamental questions in order for us to determine the potential for a childcare and playwork workforce register in Wales.

About you:

**Which of the following statements describes you?**

- A) I am a member of a stakeholder organisation or work for a local authority.**
- B) I work in the childcare and playwork sector.
- C) I volunteer in the childcare and playwork sector.
- D) I am a parent or carer of a child under the age of 12.
- E) None of the above
- F) Prefer not to say.

**Which of the following best describes your role?**

- A) Setting manager
- B) Childminder
- C) Childcare practitioner
- D) Playwork practitioner
- E) Nanny / Au pair
- F) Responsible individual / Registered person
- G) Other – Trade Union Officer**
- H) Prefer not to say

# Opening Statement

The first few years of life play an important part in the development and education of our children and young people. The importance of early years education to the children and their families during this time cannot be understated. The involvement of highly-trained early years educators is vital to ensuring that parents are supported to give our children get the very best start in life.

It is important to recognise, in words and deeds, that the early years workforce are educators, not just carers, and that they bring specialist skills and knowledge to the work that they do.

This is why Community have launched an Early Years Charter<sup>1</sup> to begin to address some of the weakness and failings that currently exist in the early years, childcare and playwork system across the UK. This charter has now been presented in both Westminster and at the Senedd, and over 150 early years educators have signed up as well as Norland College, Pregnant then Screwed, and the Co-operative Party.

We are calling for:

- Recognition that early years staff and nannies are educators not babysitters;
- Recognition of the specialised work that early years staff and nannies undertake;
- Increased funding for early years settings that adequately covers the cost of provision;
- Improved wages for staff in recognition of the specialised work they do and to support recruitment and retention into the sector;
- Raising the profile of nannies and other early years professionals to address the recruitment and retention crisis;
- Streamlined professional development opportunities for staff.

This consultation and our Early Years Charter recognise the same things, that if we want the best for our children, then we have to provide the best possible training, careers, support and pay for our early years professionals.

There are multiple benefits if we get this right. The public want assurances that their money is being well spent – this will be evidenced in the increased uptake of early years provision, in the access to early interventions for those displaying additional learning needs (ALN), and in the high-quality workforce that they see in the settings.

Employers will see highly trained staff who are able to deal with the myriad of different children they encounter, accessing high-quality training and CPD to support them to develop new skills and abilities they can share with the workforce – though this will come at an increased cost to salary.

And our early years professionals will benefit from an increase in profile and professional standing. One where they are recognised and rewarded as the professionals which they are.

It's a win win situation.

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<sup>1</sup> Community's Early Years Charter  
<https://community-tu.org/sign-up-to-our-early-years-charter/>

1: A workforce register would offer benefits for:	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
Those working in the childcare and playwork sector		✓				
Employers in the childcare and playwork sector		✓				
Families accessing the childcare and playwork sector		✓				

How do you think a register benefits these groups? Please explain your rationale?

Community have been campaigning for greater recognition of the childcare and playwork workforce through our Early Years Charter, because we believe that recognition is the best way of raising the profile of the sector, so that the quality of provision can be improved through better training and qualifications and through strengthening the workforce which could lead to higher-wages meaning there is incentive to remain in the sector to develop and pass on skills to trainees.

A workforce register would complement this campaign and would encourage parents to have trust in the system and to feel greater security around the workers they are leaving their children in the care of.

Finally, employers want a high-quality, professional workforce, and one which is registered, which has minimum expected training and standards, is a sector that they too can have faith and confidence in recruiting from and to.

2: Workforce registration should be <b>mandatory</b> for those eligible?	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
		✓				

Please explain your rationale?

It is important for the registration system for it be mandatory for all those eligible to be required to register. But, regardless of the model which is decided upon, there will be hurdles and barriers to achieving the stated goals of the proposals. The biggest of these will be cost.

We understand that for the system to be independent of government and for it to be self-regulating, that there must be a fee, however, it must be remembered that staff working in childcare, early years and play sector are some of the lowest paid education professionals in Wales, many subsiding on the minimum wage. Many have told us they are already struggling to meet their monthly outgoings and having to visit foodbanks in order to eat.

We know in Scotland that there is an initial registration fee together with an annual fee, meaning in some years employees could be required to pay £70, or almost an entire day's bring-home wage on registration fees.

We would similarly have concerns if there was to be any cost burden placed upon the employer. Due to the level of childcare funding, employers are running at a deficit and cover the cost of provision through fees levied at those who pay. Employers would have no choice but to increase these fees to cover any registration costs.

Fundamentally, we agree with the need for registration, but we need to consider how this will be controlled and applied across the different qualifications and contracts in order to make any model affordable for those who must register. Therefore, there is a fundamental issue which has to be resolved before any fee can be levied on the employees themselves – that of minimum salary for childcare and play workers.

3: The following <b>SHOULD</b> be included in a childcare and playwork workforce register	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
All Staff in registered childcare settings who are paid to work directly with children	✓					
All Staff in registered playwork settings who are paid to work directly with children	✓					
All Staff in registered childminder settings who are paid to work directly with children	✓					

How do you think a register benefits these groups? Please explain your rationale?

Community strongly agrees that, with the correct fee structure and remuneration in place, all those listed above should be included in a childcare and playwork workforce register.

We are particularly keen that the number of unregistered settings is continually reducing and feel that having a mandatory register of workers will help to achieve this.

As previously mentioned, registration will professionalise the role of the education worker, it will give employers and parents reassurance and set minimum qualification standards that can be expected. This in turn will lead to improved quality of provision and higher outcomes for the children.

It will be essential that any register is carefully constructed to ensure that employees do see the benefit of membership and qualifications, CPD opportunities and training should play a part of any offer. There may also be an opportunity to improve recruitment and retention through networking events.

4: The following <b>SHOULD NOT</b> be included in a childcare and playwork workforce register	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Not sure
Staff working in unregistered childcare and playwork settings						
Volunteers		✓				
Registered Persons/ Responsible Individuals who do not work directly with children				✓		
Students working in a voluntary capacity at a registered childcare and playwork setting	✓					
Staff, such as cleaners, who work in registered childcare and playwork settings but not in direct contact with children						✓
Nannies				✓		

Please explain your rationale?

We would like to see an end to unregistered settings. Therefore we would not expect there to be any registration requirement for staff working in unregistered settings.

Community, and formerly Voice have campaigned to secure professional recognition for nannies and childcare workers and are concerned that once again they appear to be being dismissed here. We note that nannies work in family homes and must always be employed. Community feel that the system is a little confusing for Nannies and those who employ them since they do not work in registered settings and are not covered under the general remit of the Care Inspectorate Wales, though we note that Care Inspectorate Wales maintain the approval of home childcare providers (Wales) scheme for nannies operating in Wales which affords some regulation and protection for nannies and their employers. We would like to see improved recognition and registration of nannies as a distinct part of the early education workforce. With this in mind, we believe that they should be included in any registration of early years workers.

The situation is also confusing for students and trainees, especially those on funded training routes such as apprenticeships. We have concerns where students and trainees are paid and therefore may feature in the ratio of a setting. Similarly, staff who work in settings but do not work directly with children can still feature in the ratio for the setting meaning that they are considered as part of the childcare workforce which opens them up to inclusion in registration.

In order to support trainees, students and those offering placements, it may be worth considering a free "student" registration to support those working voluntarily whilst following an approved training scheme which, together with valid DBS checks, provide further assurance to employers and parents.

As noted above it is important for anyone who counts towards ratio to be considered as part of the childcare workforce. This could include those working in catering, administrations, or registered/responsible persons when on-site. It is the opinion of Community that anyone who can be considered part of the ratio for caring for children should be registered.

5: Should a childcare and playwork register be established in Wales?	Yes	No	Not sure
	✓		
Please explain your rationale?			

6: If a childcare and playwork workforce register was to be developed, when do you think this should happen?	In the short term (register developed within 2-3 years)	In the medium term (register developed in 4-6 years)	In the long term (register developed in 7-10 years)	Not at all	Not sure
					✓
Please explain your rationale?					
<p>The development of a playworker and childcare register to cover the registration of early years professionals is only one part of the necessary process of improved recognition and terms and conditions for the sector. It is important, but it is not the priority for the sector.</p> <p>Some of this work can be done quickly, but it will be better to do it properly with further consultation and cost-benefit analysis – especially focussing on the cost-benefit to the workers themselves.</p> <p>Over the past few years we have seen the minimum wage rise across Wales, and together with improvements in working conditions, and term-time options it can now be more cost-effective and less stressful to find employment in a supermarket. This has proven detrimental to the recruitment and retention of education workforce in schools and early education settings across the country.</p> <p>There has to be capacity and an adequately trained and available workforce. We need to reverse this trend of people leaving to work elsewhere by investing in our workforce with better pay and conditions so that we can recruit and retain the best candidates and to improve the outcomes for our children. But this must be appropriately resourced with funding levels that at least match the cost of provision, otherwise we will not be able to improve the working conditions for staff and will result in more leaving the sector. Put simply there is no point having a register if there is no workforce.</p>					

7: Do you have any other comments to make about developing a register for the childcare and playwork workforce?
No



8: 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?

*No comment*

9: 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 and on not treating the Welsh language less favourably than English?

*No comment*

10: 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:

*Nothing further to add.*

Responses to consultations are likely to be made public, on the internet or in a report.

If you would prefer your response to remain anonymous, please tick here: ☐