

27 October 2026

Dear

ATISN 27600 non-prescribed liquid paracetamol

Information requested

Thank you for your request which I received on 29 September. You asked for:

1. Concerns raised by Care Inspectorate Wales (CIW)

Copies of the information, concerning the administration of non-prescribed liquid paracetamol which contributed to the development or issuing of the December 2024 guidance.

2. Evidence and rationale for the specific requirements

You asked for any recorded information considered by Welsh Government or CIW which informed the decision to specify "Liquid Paracetamol" specifically as individual 5ml sachets of sugar-free oral suspension containing 120mg of paracetamol per 5ml.

3. Definition and assessment of a child becoming "unwell"

You asked for any recorded information which informed the use of the term "unwell" in this guidance

4. Requirement for collection following administration

You asked for recorded evidence, professional advice, risk assessment or other information which informed the statement in the December 2024 guidance "It must not be assumed that a child is better after receiving Liquid Paracetamol and in all cases the child should be collected by a parent/carer as soon as is practicable after the child becomes unwell."

5. Incidents and outcomes

You asked for any statistics, datasets, reports or other recorded information held by CIW or Welsh Government concerning the administration of non-prescribed paracetamol in registered childcare settings for the period preceding the December 2024 guidance.

6. Consultation and decision-making

You asked for recorded information relating to the development and approval of the December 2024 guidance.

7. Subsequent review

You asked for recorded information concerning any subsequent review of the December 2024 guidance.

Our response

As explained in our acknowledgement, the email issued by your childcare setting to parents on 29 September 2026 included a link to Liquid paracetamol within registered child minding and daycare settings (WGC 011/2024), which was issued on 12 December 2024.

WGC 011/2024 has since been superseded by the revised National Minimum Standards for Regulated Childcare for children up to the age of 12 years, published on 18 June 2026.

The revised standards include amendments to Standard 11: Medication, together with Annex D, which provides guidance on administering liquid paracetamol when children become unwell at a registered setting.

The information linked to by the childcare setting was therefore not the current guidance at the date of its email. The current requirements are set out in the revised [National Minimum Standards](#) published in June 2026.

A copy of the information captured by your request is enclosed.

I have decided that some of the information exempt from disclosure under section(s) 40 (2) (personal data) and section 42 (LPP) of the Freedom of information Act and is therefore withheld.

The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

We have addressed each part of your request below.

Documents disclosed alongside this response are identified by their document reference.

1. CIW raised with Welsh Government the need for greater clarity for registered childcare providers concerning the administration of non-prescribed liquid paracetamol.

The material held by Welsh Government records concerns around different approaches to administering liquid paracetamol, together with uncertainty within the sector about the procedures to follow when a child became unwell while attending a registered setting. Welsh Government subsequently developed guidance intended to clarify the circumstances in which liquid paracetamol could be stored, administered, recorded, with appropriate safeguards.

- Information relevant to the nature of the concerns raised is provided in Documents 1a and 1b
- Incidents, cases, complaints or inspection findings;

Information held which falls within this part of your request is provided in Document 1b

- Number of incidents, complaints or cases;

Please see Document 1b

- Dates or period over which those incidents occurred;

We do not hold this information

- Nature of any harm, adverse outcome or safeguarding concern;

Information held which falls within this part of your request is contained in Document 1b

- Specific medication-related risks;

We do not hold this information

2. Evidence and rationale for the specific requirements:

You asked for information underpinning the specification of:

- individual 5 ml sachets;
- sugar-free oral suspension;
- a concentration of 120 mg per 5 ml;
- a single-dose quantity of 5 ml.

The records we have identified which fall within the scope of these questions are provided in the disclosed documents, including Documents 2a, 2b and 6d

3. Definition and assessment of a child becoming “unwell”

- any definition or operational definition used;
we do not hold this information
- guidance, clinical criteria or other criteria used to determine when a child should be considered “unwell”;
we do not hold this information.

For context, the National Minimum Standards in place at the time the circular was issued included requirements relating to children who appeared to be ill or who became unwell whilst attending a setting. Standard 10.2 stated:

“No child is received if he/she appears to be ill. If children become unwell during their time in the childcare or play setting, care is taken to prevent possible infection of other children and parents are notified as soon as possible.”

This existing requirement formed part of the context in which the guidance on the administration of liquid paracetamol was developed.

- any risk assessment or evidence concerning children who develop mild symptoms or discomfort while attending a registered setting;
we do not hold this information

any consideration given to distinguishing between illness and temporary discomfort, such as teething or minor pain;

Following publication of WGC 011/2024, Welsh Government received correspondence seeking clarification about its application to teething.

The relevant correspondence is included at Document 3a

Welsh Government subsequently considered these issues through the review of the National Minimum Standards. The position recorded in subsequent correspondence distinguished children who become unwell from children experiencing minor ailments, including teething.

- any evidence or professional advice considered regarding whether a child receiving paracetamol may appropriately remain at the setting under observation.

Relevant professional advice identified within the records is provided at Document 3b

4. Requirement for collection following administration

You asked for, any information considered regarding:

- whether administration of paracetamol can mask symptoms of illness;
we do not hold this information
- whether this risk differs according to the underlying reason for administering paracetamol;
we do not hold this information
- whether staff observation following administration was considered as an alternative or additional safeguard;
we do not hold this information
- whether individual childcare settings were considered capable of making a risk-based decision regarding whether a child should remain at the setting;
we do not hold this information
- and why collection of the child was considered necessary in all cases rather than being one possible outcome following an assessment of the child's condition.
we do not hold this information

As noted in response to question 3 above, the National Minimum Standards already contained requirements concerning children who appeared to be ill or became unwell while attending a setting. This formed part of the context in which the liquid paracetamol guidance was developed.

Following publication of WGC 011/2024, Welsh Government received correspondence seeking clarification on aspects of the guidance. Those matters informed the subsequent consultation on, then revision of, the National Minimum Standards.

The relevant information is contained in Documents 3a and 3b

5. Incidents and outcomes

CIW does not hold any existing statistics, datasets, or reports concerning the administration of non-prescribed paracetamol in registered childcare settings. We do not have any specific categories under which incident notifications, concerns, safeguarding records, or inspection outcomes are recorded through which we can identify those which relate to the administration of non-prescribed paracetamol in registered childcare settings. We are therefore unable to provide full accurate figures in relation to this.

However, we have, from a key word search of records, identified some information relevant to your request. As you have not provided a specific timeframe for the period preceding the December 2024 guidance, we included records covering a 3-year period preceding the guidance, from 1 December 2021 to 30 November 2024.

From reviewing the records found, CIW have identified the following:

- 14 notifications submitted to CIW by childcare service providers of an event at the service involving injury or illness to a child where the notification mentioned that liquid paracetamol was given to the child, either on medical or parental request, to help with the pain. There was no suggestion this was done incorrectly.
- 2 concerns raised with CIW about registered childcare services where the concern raiser alleged a child was given liquid paracetamol without parental consent. 1 of these was recorded as a safeguarding concern.
- 5 instances of non-compliance identified during inspections of registered childcare settings in relation to the administration of non-prescribed paracetamol. 4 of these involved failure to obtain parental consent, 1 involved failure to comply with storage requirements.
- There were no records found which involved administering an incorrect dose or an adverse reaction or other harm.
- These types of records do not have recorded outcomes relating to the specific incidents or the individual children. CIW will follow up with

providers where there are concerns relating to regulatory compliance and will use the information to inform our inspection of the service. Where they identify non-compliance, a follow up inspection is undertaken within 6 months to ensure procedures at the setting have improved.

6. Consultation and decision-making

You asked for recorded information relating to the development and approval of the December 2024 guidance.

- drafts of the guidance;
Relevant drafts within scope are provided as Documents 6a- 6e, subject to the redactions/exemptions identified in this response.
- consultation responses or stakeholder feedback;

WGC 011/2024 was issued on 12 December 2024 as an interim measure, following input from CIW, health colleagues, Welsh Government Legal Services.

External stakeholders, including childcare umbrella organisations, Play Wales, local authorities, were informed ahead of publication.

Providers were also informed that Standard 11, together with guidance concerning the administration of liquid paracetamol, would subsequently be considered formally through the wider National Minimum Standards review. The consultation subsequently opened in 2025.

- meeting minutes or notes;
we do not hold this information
- internal briefing papers;
we do not hold this information
- equality or impact assessments, if undertaken; risk assessments;

No separate equality or impact assessment was undertaken specifically for WGC 011/2024 before its publication.

The proposals subsequently considered through the formal National Minimum Standards review, including the changes to Standard 11, Annex D, were considered as part of the Integrated Impact Assessment undertaken for that review.

- legal advice, where disclosable;
Welsh Government holds information falling within this part of your request. However, this information is being withheld under section 42(1) of the Freedom of Information Act 2000 because it attracts legal professional privilege. Section 42 is subject to the public interest test. The reasons for

applying this exemption, including our consideration of the public interest in maintaining the exemption, are set out at Annex 1.

- clinical or pharmaceutical advice;
Welsh Government sought input from health colleagues during the development of the guidance. Recorded information falling within this part of your request is contained within Documents 1a, 2a, 2b, 3a, 3.b, 6a, and 6e.
- records identifying the Welsh Government team, directorate or officials responsible for developing and approving the guidance.

The Welsh Government will not supply you with this information. It is exempt from disclosure under section 40(2) of the Freedom of Information Act 2000 because the information constitutes personal data relating to individual officials, and disclosure would contravene the data protection principles. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

7. Subsequent review

You asked for us to provide recorded information concerning any subsequent review of the December 2024 guidance, including:

- the review process;

The timeline for the review of the NMS is illustrated in doc 7a.

- consultation documents and responses and evidence considered;
The relevant information is available in the publicly accessible documents listed below:

Closed consultation: [National Minimum Standards \(NMS\) for Regulated Childcare: proposed changes 2025 \[HTML\] | GOV.WALES](#)

Impact Assessment: [National Minimum Standards for Regulated Childcare Review 2025: integrated impact assessment | GOV.WALES](#)

Summary of responses: [National Minimum Standards \(NMS\) for Regulated Childcare: proposed changes 2025 | GOV.WALES](#)

- changes proposed or made to the guidance;

The relevant information is available in the publicly accessible documents listed below:

National Minimum Standards for Regulated Childcare for children up to 12 years (published 18 June 2026): [National Minimum Standards for Regulated](#)

[Childcare for children up to the age of 12 years: statutory guidance | GOV.WALES](#)

Standard 11 Medication: [National Minimum Standards for Regulated Childcare for children up to the age of 12 years: statutory guidance \[HTML\] | GOV.WALES](#)

Annex D: [guidance for administering liquid paracetamol when children become unwell at the registered setting](#)

- and the reasons for any substantive changes;

The relevant information is available in the publicly accessible documents listed below:

Summary of responses: [National Minimum Standards \(NMS\) for Regulated Childcare: proposed changes 2025 | GOV.WALES](#)

Impact Assessment: [National Minimum Standards for Regulated Childcare Review 2025: integrated impact assessment | GOV.WALES](#)

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,

Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Application of exemptions/exceptions

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information under section(s) 40 (2) (personal data) and 42 (LPP) of the Freedom of information Act:

- Records identifying the Welsh Government team, directorate or officials responsible for developing and approving the guidance in WGC 011/2024.
- Legal advice in relation to the drafting and publishing of WGC 011/2024

This Annex sets out the reasons for the engagement of section(s) 40 (2) (personal data) and 42 (LPP) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 40(2) (Personal Data) of the Freedom of Information Act

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

I have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in understanding how advice and updates to guidance and in being able to identify the roles of officials involved in the development of policy advise. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request – we do not believe it is necessary to disclose the personal data to understand the information. Disclosure of the full personal data of the Welsh Government official is unlikely to be of interest to the wider public.

3. The Balancing Test

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under the Freedom of Information Act, of the requester. To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.

Engagement of section 42 (Legal Professional Privilege) of the Freedom of Information Act

This exemption states:

- (1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

Legal professional privilege (LPP) covers communications between lawyers and their clients for the purpose of obtaining legal advice, or documents created by or for lawyers for the “dominant” (main) purpose of litigation. The information in question concerns confidential communications made for the purpose of providing or obtaining legal advice.

In this case, the arm of LPP is legal advice privilege. The information being withheld comprises confidential communications between the Welsh Government and its legal advisers, made for the purpose of seeking, considering and obtaining legal advice on the matters in question. The communications took place within the professional lawyer-client relationship and relate directly to the provision of that legal advice. We are therefore satisfied that the information attracts legal advice privilege and that the exemption under section 42(1) is engaged.

The section 42 exemption is qualified, which means that it is subject to a public interest test.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

The Welsh Government acknowledges the general public interest in openness and transparency that disclosure of this information could engender. That there is a public interest served in public authorities being able to access advice which benefited from professional legal privilege was noted in *Bellamy v the Information Commission and DTI* [EA/2005/0023] in which the tribunal, on the subject of LPP said:

"there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest....it is important that public authorities be allowed to conduct a

free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case...’.

Release of the information could assist public understanding of the development of the WGC letter and the contents within.

Public interest arguments in favour of withholding

The Welsh Government is of the firm view that it is highly important to maintain legal professional privilege and that, in the absence of at least equally strong countervailing considerations, any attempt to undermine the principle of legal professional privilege would result in substantial harm.

Legal advisers need to be able to present the full picture to their clients, which includes arguments in support of final conclusions and any relevant counter arguments. This is the purpose behind the long-established principle of legal professional privilege.

It is in the nature of legal advice that it often sets out the possible arguments both for and against a particular view. If recipients or providers of legal advice believe that it is likely that the legal advice would be published, especially so soon after being sought and in a complex political environment, then it is unlikely that comprehensive advice would be commissioned or provided. This would be likely to result in substantial harm to the quality of decision-making since it would not be fully informed. It would also undermine the ability of legal advisers and their clients to rely confidently on the protection afforded by the principle of legal professional privilege.

Moreover, disclosure of legal advice has a significant potential to prejudice the governments’ ability to defend its legal interests – both directly by unfairly exposing its legal position to challenge, and indirectly by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour.

Balance of public interest test

Whilst disclosure would provide some additional insight into the considerations that informed the publication of the WGC 011/2024, as this circular is no longer valid and has been superseded by the updated NMS, the Welsh Government does not consider that this is sufficient to outweigh the substantial public interest in maintaining legal professional privilege. On balance, the public interest favours withholding the information.