

1. Home (<https://www.gov.uk/>)
 2. Actions for early years and childcare providers during the coronavirus outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures>)
1. Department for Education (<https://www.gov.uk/government/organisations/department-for-education>)

Guidance

Actions for early years and childcare providers during the coronavirus outbreak

Updated 15 May 2020

Contents

Main changes to previous guidance

1. Who this guidance is for
2. Welcoming children back to settings from 1 June 2020
3. Responsibilities
4. Prioritising children
5. Funding
6. Considerations for settings that are open during this period
7. Early Years Foundation Stage
8. Food
9. Ofsted
10. Childminders



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Education and childcare settings are currently open to priority groups (children of critical workers, and vulnerable children). As per the existing guidance on vulnerable children and young people (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>), vulnerable children continue to be encouraged to attend childcare where it is appropriate for them to do so. Now that we have made progress in reducing the transmission of coronavirus (COVID-19) , from 1 June we are encouraging all children to attend childcare – it will be no longer necessary for parents to keep children at home if they can.

To align with the government’s position on nannies, we are updating our guidance for early years settings to confirm that paid childcare can be provided to the children of one household from Wednesday 13 May. This includes childminders, who may choose to look after the children of one household if they are not already looking after vulnerable children or those of critical workers.

We expect childcare settings, schools and local authorities to work together to ensure sufficient childcare for children of critical workers, and vulnerable children, during May and to start to prepare for wider opening from 1 June. We want local authorities to help coordinate what this means, working with childcare settings to deliver the services required.

Those who work in the education and childcare sector rightly take their place next to our NHS staff and other critical workers as central to our efforts in battling this virus.

As the outbreak progresses, we will aim to provide you with as much certainty and flexibility as possible and will do all we can to support the vital service you are providing. This is a fast-moving situation and we ask you to work with us as we put in place the advice and support you need.

We will update this page as further guidance becomes available.

The following guidance should be read alongside the:

- guidance on implementing protective measures in education and childcare settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-social-distancing-in-education-and-childcare-settings>)
- guidance on critical workers (<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>)
- guidance for vulnerable children and young people (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>)
- guidance on Ofsted’s response to coronavirus (COVID-19) (<https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update>)
- guidance on the Coronavirus Job Retention Scheme (<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>)
- guidance on the early years foundation stage (EYFS) disapplications (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2/early-years-foundation-stage-coronavirus-disapplications>)

- guidance on use of free early education entitlements funding (<https://www.gov.uk/government/publications/use-of-free-early-education-entitlements-funding-during-the-coronavirus-outbreak/use-of-free-early-education-entitlements-funding-during-coronavirus-covid-19>)
- information on welcoming more children back to education from 1 June (<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020/actions-for-education-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020>)
- guidance on safe working in settings (<https://www.gov.uk/government/publications/safe-working-in-education-childcare-and-childrens-social-care/safe-working-in-education-childcare-and-childrens-social-care-settings-including-the-use-of-personal-protective-equipment-ppe>)

Main changes to previous guidance

- updated links to new and revised guidance
- a new section clarifying the position on welcoming all children back to early years settings from 1 June
- clarification on the responsibilities for settings and local authorities in relation to safeguarding (section 3)
- information regarding testing for essential workers (section 6.4)
- link to guidance on free early education entitlements added (section 5.1)
- information for parents on temporary changes to the 30 hours free early education entitlements (section 5.2)
- revised recommendations on the use of Personal Protective Equipment (section 6.2)
- further information on safeguarding requirements during this period (section 7.8)
- information on when can childminders can reopen to more children (section 10.5)

1. Who this guidance is for

This guidance is for local authorities and all early years providers in England including:

- maintained schools
- non-maintained schools
- independent schools
- all providers on the early years register including wraparound childcare and clubs (before and after school and holiday care)
- all providers registered with an early years childminder agency

This guidance does not cover nannies or au pairs, as they work in the child/children's family home.

2. Welcoming children back to settings from 1 June 2020

As part of national social distancing measures to limit the spread of coronavirus, we have had to limit the numbers of children attending educational and childcare settings in order to ensure that pupils, teachers and staff attending could do so safely. That is why, since 23 March 2020, educational and childcare settings have only been open to priority groups (vulnerable children and children of critical workers).

As a result of the huge efforts everyone has made to adhere to strict social distancing measures, the transmission rate of coronavirus has decreased. We therefore anticipate, with further progress, that from the week commencing 1 June 2020 we can welcome back more children to early years, school and further education settings. We will only do this provided that the 5 key tests set by government justify the changes at the time, including that the rate of infection is decreasing, and the enabling programmes set out in the roadmap are operating effectively.

We want to get all children and young people back into education as soon as the scientific advice allows, because it is the best place for them to learn, and because we know how important it is for their wellbeing and development to have social interactions with their peers, carers and teachers. Children returning to educational and childcare settings in greater numbers will also allow more families to return to work.

Childcare settings will be asked to welcome back all children below statutory school age from the week commencing 1 June 2020.

To align with the government's position on nannies, we are updating our guidance for early years settings to confirm that paid childcare can be provided to the children of one household from Wednesday 13 May 2020. This includes childminders, who may choose to look after the children of one household if they are not already looking after vulnerable children or those of critical workers. From 1 June 2020, childminders can look after children of all ages, in line with their current Ofsted registration, and within usual limits on the number of children they can care for.

Existing space requirements and staff to child ratios for these age groups, as set out in the early years statutory framework (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>), should allow for small group working. Where the physical layout of a setting does not allow children to be kept in small groups, and to avoid mixing of children between groups, we expect practitioners to exercise judgement in ensuring the highest standards of safety are maintained. In some cases it may be necessary for settings to introduce a temporary cap on numbers, to ensure that children are kept in small groups, and to avoid mixing of children between groups.

We are continuing to work with the childcare sector to understand how the early years sector can best be supported, to ensure that sufficient safe, appropriate and affordable childcare is available for those returning to work now, and for all families who need it in the longer term.

For more information on arrangements from 1 June 2020, please see actions for education and childcare settings to prepare for wider reopening from 1 June 2020 guidance (<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020>) and implementing protective measures in education and childcare settings guidance (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>). We will be working with the sector to produce childcare specific guidance as soon as possible.

3. Responsibilities

3.1 What are childcare settings responsible for?

Childcare settings are responsible for safeguarding and caring for children who attend the settings as set out in the early years foundation stage statutory (EYFS) framework

(<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>) and Working together to safeguard children (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>).

At this time, settings should try to remain open to care for children who are vulnerable or whose parents are critical to the coronavirus response. However, we understand that it may not be possible for all settings to remain open at this time. Childcare settings should work with local authorities to agree the provision needed locally to support the needs identified. Settings should take steps to prepare for welcoming back more children from 1 June 2020, including to reopen if they had previously closed.

3.2 What are local authorities responsible for?

Local authorities are responsible for coordinating a response to the arrangements. Working with educational settings, they should use the critical worker list

(<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>) and the definition of vulnerable children (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>) and young persons to support childcare settings to ensure that there are sufficient places for the children of critical workers, and vulnerable children, and young persons. Throughout the coronavirus period local authorities' duties (as set out in Working together to safeguard children (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>)) to safeguard and promote the welfare of all children in their area, working with partner organisations and agencies, continue to apply.

Local authorities are also responsible for monitoring demand and capacity. This may involve working with childcare settings to provide places in alternative settings if necessary.

They are also responsible for supporting childcare settings to assess the risks for children and young people whose education, health and care (EHC) plans they maintain, and ensuring those children are safely cared for whether at a setting or at home. They should also work alongside childcare settings to ensure settings are fully prepared for wider opening from 1 June 2020.

3.3 Are childcare settings expected to share resources?

The priority is to ensure children of critical workers, and vulnerable children, can access provision. Local authorities should work with settings to manage local demand and should coordinate support from other settings in the area. Settings are expected to be flexible and work together where required.

3.4 Can provision be shared across local authority areas?

If a childcare setting is unable to open, local authorities should try to coordinate provision for children who meet the criteria in other settings in their area. If this is not possible, local authorities should consider working with neighbouring local authorities while keeping in mind the impact on children.

4. Prioritising children

4.1 Is it necessary to prioritise children?

The first aim of the partial closure of educational settings has been to reduce the overall population of children and families moving around local areas, as far as possible, in order to reduce the number of social interactions, and thus flatten the upward curve of the coronavirus outbreak.

The second aim is to continue to care for priority children – those who are vulnerable, or whose parents are critical to the coronavirus response, so that they can continue to work.

4.2 How are vulnerable children defined?

The government encourages vulnerable children and young people to attend educational settings, unless they have underlying health conditions that put them at severe risk.

During the coronavirus outbreak, vulnerable children are defined as those who:

- are assessed as being in need under section 17 of the Children Act 1989, including children who have a child in need plan, a child protection plan or who are a looked after child
- have an education, health and care (EHC) plan, and it is determined, following risk assessment, that their needs can be as safely or more safely met in the educational environment
- have been assessed as otherwise vulnerable by educational providers or local authorities (including children's social care services), and who are therefore in need of continued educational provision. This might include children on the edge of receiving support from children's social care services, adopted children, those who are young carers, and those living in temporary accommodation
- and others at the provider's and local authority's discretion

Vulnerable children's attendance is encouraged, where it is appropriate for them. A brief summary of attendance expectations, across the different groups of vulnerable children and young people, is as follows:

- for vulnerable children who have a social worker, attendance is encouraged where this is appropriate in line with the advice set out by Public Health England
- for vulnerable children who have an Education Health and Care (EHC) plan, attendance is encouraged where it is determined, following risk assessment, that their needs can be as safely, or more safely, met in the educational environment
- for vulnerable children who are deemed otherwise vulnerable, at the childcare setting, school or local authority's discretion, attendance is encouraged where this is appropriate

Educational providers, local authorities, social workers, parents/carers, and other relevant professionals (where applicable), should work together closely to consider factors, such as the balance of risk, including health vulnerabilities, family circumstances, risks outside the home, and the child or young person's assessed special educational needs. Further detail on supporting vulnerable children is set out in Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/>).

4.3 What should happen to vulnerable children if their provider is closed?

Where the setting which vulnerable children usually attend is closed, the setting should notify the local authority (and social worker, where relevant) that these vulnerable children need alternative provision. Settings should work with the families of vulnerable children and local authorities (and social workers,

where relevant) to support this.

Where a setting has closed, and a child moves to a different early years setting, the closed provider should do whatever it reasonably can to provide the receiving setting with any relevant welfare and child protection information. The receiving setting should be aware of the reason the child is vulnerable and any arrangements in place to support them. As a minimum, the receiving setting should, as appropriate, have access to a vulnerable child's EHC plan, child in need plan, child protection plan or, for looked-after children, their personal education plan, and know who the child's social worker is (and, for looked-after children, who the responsible virtual school head is).

The transfer of necessary information should ideally happen before a child arrives at the new setting and, where that is not possible, as soon as reasonably practicable. Any exchanges of information will ideally happen between the designated safeguarding leads (or deputies), and/or between special educational needs co-ordinators/named individual with oversight of special educational needs provision for children with EHC plans.

Whilst providers must continue to have appropriate regard to data protection and General Data Protection Regulation GDPR, they do not prevent the sharing of information for the purposes of keeping children safe. For more information please read the Department for Education's guidance: Information sharing advice for practitioners providing safeguarding services to children, young people, parents and carers guidance

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf).

4.4 How are critical workers defined?

Children with a parent or carer who is listed on the government's critical worker list (<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>) should be offered a childcare place.

4.5 How do we identify which children are the children of critical workers?

Childcare settings should speak with parents or carers to identify who requires a place.

If it proves necessary, settings can ask for simple evidence that the parent in question is a critical worker, such as their work ID badge or payslip.

4.6 Should settings only offer places to children where both their parents are critical workers, alongside children of single-parent critical workers?

Children with at least one parent or carer who is critical to the coronavirus response can attend a setting if required.

4.7 Can childcare practitioners send their children to schools and childcare settings?

Childcare practitioners are critical to the coronavirus response. Critical workers are encouraged to send their children to school or childcare settings.

4.8 If childcare settings are open for children of critical workers and vulnerable children, can they accept other children if they have enough staff and space?

No. At this time, settings should only care for children of critical workers and vulnerable children.

If a childminder is not looking after vulnerable children, or the children of critical workers, they can provide childcare for the children of one household who are not critical workers or vulnerable children.

4.9 How are we monitoring early years and childcare provision during the outbreak?

The Department for Education (DfE) launched a data collection process in April 2020 to ensure there is up-to-date information on early years and childcare provision during the coronavirus outbreak. We have published a summary of attendance in education and early years settings

(<https://www.gov.uk/government/publications/coronavirus-covid-19-attendance-in-education-and-early-years-settings>).

We will continue to run the data collection as we move into the wider opening phase, to ensure that we have information on which children are accessing provision, and if there are sufficiency issues in particular areas.

All local authorities have received information on how to access the data collection, the frequency of collection and how to contact DfE with any queries. This process is not applicable to schools without nursery provision as they already have their own separate data collection process in place.

DfE has also asked Ofsted to monitor which providers on the early years register are open or closed. The information Ofsted is seeking from registered early years and childcare providers during the coronavirus outbreak will give the setting-level data it requires to fulfil its safeguarding requirements as a regulator.

We understand that most local authorities are already collecting the data requested by DfE, so, in the majority of cases, providers will not need to do anything different or new. The Ofsted data collection does not duplicate the data that DfE is requesting from local authorities and should not place an ongoing reporting burden on providers.

5. Funding

5.1 What will happen to funding for free childcare places during this period of disruption?

On 17 March 2020, the Chancellor confirmed that the government would continue to pay local authorities for free early years entitlement places for 2-, 3- and 4-year-olds (<https://www.gov.uk/government/news/free-childcare-offers-to-continue-during-coronavirus-closures>).

We have published guidance on the use of free early education entitlements funding (<https://www.gov.uk/government/publications/use-of-free-early-education-entitlements-funding-during-the-coronavirus-outbreak/use-of-free-early-education-entitlements-funding-during-coronavirus-covid-19>) setting out how local authorities can use their free entitlement funding differently, redistributing it - in exceptional cases and only when all other options have been exhausted - in order to secure childcare for the children of critical workers, and for vulnerable children, where their usual arrangements are no longer possible.

Local authorities will need to ensure there are sufficient childcare places at this time, and to redistribute funding across settings accordingly – in a clearly focused and targeted way. This ability to redistribute free entitlement funding in exceptional circumstances will enable local authorities to ensure that critical workers, including NHS staff, are able to access childcare where they need it. Any setting which sees their early entitlement funding reduced, in order to fund childcare places elsewhere, will be able to increase the proportion of their salary bill eligible for the Coronavirus Job Retention Scheme in line with

DfE's guidance on financial support for education, early years and children's social care (<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>) on access to the scheme.

5.2 Can parents continue to claim their 30 hours free early education entitlement?

We are making some temporary changes to the 30 hours free entitlement so that all eligible parents, including critical workers, are not disadvantaged during the coronavirus outbreak.

Specifically, parents who will not meet the minimum income threshold (16 hours per week at National Minimum/Living Wage) due to lower earnings as a direct result of coronavirus will be treated as meeting that test during the outbreak. This will apply only to parents who need to apply for, or reconfirm, their 30 hours place during the outbreak this year.

Subject to parliamentary approval of a temporary amendment to the 30 hours free childcare regulations, we intend to allow critical workers who exceed the maximum income threshold (£100k per year), due to increased hours as a direct result of the coronavirus outbreak, to remain eligible for 30 hours for the current tax year.

These are temporary changes in response to the coronavirus outbreak which will be reviewed as the situation develops.

5.3 I am not a critical worker and my child isn't vulnerable. Do I still need to apply or reconfirm for the 30 hours entitlement if I'm not currently accessing a place?

We encourage all eligible parents to continue to apply for, and reconfirm, their 30 hours entitlement, even when childcare settings remain closed to all but vulnerable children and children of critical workers. This will ensure a smooth transition back into childcare when settings fully reopen.

5.4 Is there any flexibility for parents who have missed the deadline for 30 hours codes?

Local authorities also have the ability to relax the validity dates on 30 hours codes where critical worker parents were ordinarily eligible and expecting to take up a 30 hours childcare place between 1 April 2020 and 31 August 2020, but have missed the reconfirmation/application deadline of 31 March 2020. This will enable children to take up their places in the summer term.

We are therefore asking local authorities and childcare providers who are approached by the parents of vulnerable children, or critical workers who have missed the 31 March 2020 deadline, to accept their codes, having first checked the child's date of birth to ensure summer term eligibility. To be eligible for a summer term 30 hours place the child must have turned 3 before 1 April 2020.

At this time, only the children of critical workers and children who are vulnerable, are able to access childcare. A list of children prioritised for education provision can be found in guidance on Critical workers who can access schools or educational settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>). We have asked all early years settings to prepare for wider opening from 1 June 2020, and will update the guidance on 30 hours in due course.

5.5 What additional business support is available to childcare settings during this period of disruption?

The government has announced a package of support (<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>) for workers and businesses which will benefit childcare settings.

- the Chancellor has announced that private childcare settings will be eligible for a business rates holiday for one year - that means non-local authority providers of childcare (registered with Ofsted and providing EYFS) will pay no business rates in 2020 to 2021 (<https://www.gov.uk/government/publications/business-rates-nursery-childcare-discount-2020-to-2021-coronavirus-response-local-authority-guidance>)
- nurseries in receipt of small business rate relief or rural rate relief will benefit from small business grant funding of £10,000
- nurseries, which were already eligible for a charitable status relief, will also pay no business rates at all in 2020 to 2021
- some settings operate from shared spaces which may now benefit from a 100% rates relief. We strongly encourage those shared spaces to reflect any business rates saving in their rent charges
- the Coronavirus Job Retention Scheme (<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>) means that, for employees who are not working but kept on payroll, the government will contribute 80% of each worker's wages of up to £2,500, backdated to 1 March 2020. Further guidance (<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>) provides details on how early years providers with a mixture of public and private funding should access the scheme
- the Self-employment Income Support Scheme (<https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>) for those who are self-employed or members of a partnership and have lost profits due to coronavirus. The scheme allows individuals to claim a taxable grant worth 80% of trading profits up to a maximum of £2,500 per month for 3 months. HMRC will contact individuals who are eligible and invite them to apply online
- for the self-employed (including childminders), the minimum income floor will also be temporarily relaxed, meaning Universal Credit can be accessed at a rate to match statutory sick pay (SSP)
- the Business Interruption Loan Scheme will now be interest-free for 12 months, an increase from 6
- VAT payments due with VAT returns between now and the end June 2020 will be deferred. UK VAT registered businesses will not need make those payments until March 2021
- the Secretary of State for Business announced on 28 March 2020 that he will make changes to enable UK companies undergoing a rescue or restructure process to continue trading (<https://www.gov.uk/government/news/regulations-temporarily-suspended-to-fast-track-supplies-of-ppe-to-nhs-staff-and-protect-companies-hit-by-covid-19>) to help them avoid insolvency. This includes temporarily suspending wrongful trading provisions retrospectively from 1 March 2020 for 3 months for company directors so they can keep their business going without the threat of personal liability
- working tax credit has been increased by £1,000 a year
- the government has also announced a £20 per week increase to the Universal Credit standard allowance and Working Tax Credit basic element, and an increase in the Local Housing Allowance rates for Universal Credit and Housing Benefit claimants so that it covers the cheapest third of local

5.6 How do early years settings access the Coronavirus Job Retention Scheme (CJRS)?

The CJRS scheme opened for applications on 20 April and guidance on how to access the scheme can be found at Claim for wages through the Coronavirus Job Retention Scheme

(<https://www.gov.uk/guidance/claim-for-wages-through-the-coronavirus-job-retention-scheme>). Early years providers remain eligible for the CJRS while continuing to receive early entitlement funding via local authorities.

The CJRS guidance (<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>), published by HM Revenue and Customs on 26 March, states that where employers receive public funding for staff costs, and that funding is continuing, we expect employers to use that money to continue to pay staff in the usual fashion - and correspondingly not furlough them. This also applies to non-public sector employers who receive public funding for staff costs. Employers should not be able to receive public funding for staff cost and furlough payments for the same staff.

On 17 April, DfE published guidance setting out how the CJRS and early entitlement funding interacts (<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care#sector-specific-guidance>), confirming that early years settings can access the CJRS to cover up to the proportion of its pay bill which could be considered to have been paid for from that provider's private income.

A private provider should only furlough employees, and therefore seek support through the CJRS, if they meet the following conditions:

- the employee works in an area of business where services are temporarily not required and where their salary is not covered by public funding
- the employee would otherwise be made redundant or laid off
- the employee is not involved in delivering provision that has already been funded (free entitlement funding)
- (where appropriate) the employee is not required to deliver provision for a child of a critical worker and/or vulnerable child
- the grant from the CJRS would not duplicate other public grants received, and would not lead to financial reserves being created

If it is difficult to distinguish whether staff are funded through free entitlement or private income for the purposes of meeting the first 3 conditions as listed above, then an early years provider can access the CJRS to cover up to the proportion of its paybill which could be considered to have been paid for from that provider's private income.

5.7 Can childcare settings continue to charge parents during coronavirus-related closures?

We are working hard to mitigate the impacts of coronavirus (COVID-19) on all parts of our society, including individuals and businesses. We expect nurseries to comply with the law and take a reasonable and proportionate approach to parents' fees, in light of these unprecedented circumstances, and to communicate any arrangements clearly with them.

5.8 Can settings continue to charge for consumables such as nappies?

Settings may charge for consumables in line with national entitlements guidance (<https://www.gov.uk/government/publications/early-education-and-childcare--2>). As per existing guidance, they should consider the impact of charges on disadvantaged families.

5.9 Are settings covered by their insurance during this period of disruption?

Business interruption insurance

For childcare providers which have a policy that covers government-ordered closure and unspecified notifiable diseases, the government's social distancing instructions are sufficient to allow businesses to make a claim against their insurance, provided the other terms and conditions in their policy are met.

Public liability insurance

For childcare providers with public liability insurance, the Association of British Insurers' members continue to offer cover to settings, whether open or closed, with no change to terms and conditions to existing policies.

Providers should check their terms and conditions with their insurance company.

6. Considerations for settings that are open during this period

6.1 What protective measures should we be implementing in settings

We have published advice on implementing protective measures in education and childcare settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>) to support staff working in schools, colleges and childcare settings, to deliver education and care in the safest way possible, focusing on measures they can put in place to help limit risk of the virus spreading within education and childcare settings.

We will be publishing more detailed guidance on the operation of early years settings, as they prepare for wider opening, shortly.

6.2 Do early years and childcare settings need personal protective equipment (PPE)?

The majority of staff in education settings will not require PPE beyond what they would normally need for their work, even if they are not always able to maintain a distance of 2 metres from others. PPE is only needed in a very small number of cases including:

- children, young people and students whose care routinely already involves the use of PPE due to their intimate care needs should continue to receive their care in the same way
- if a child, young person, or other learner, becomes unwell with symptoms of coronavirus while in their setting and needs direct personal care until they can return home. A face mask should be worn by the supervising adult if a distance of 2 metres cannot be maintained. If contact with the child or young person is necessary, then gloves, an apron and a face mask should be worn by the supervising adult. If a risk assessment determines that there is a risk of splashing to the eyes, for example from coughing, spitting, or vomiting, then eye protection should also be worn

Read further guidance on safe working in settings (<https://www.gov.uk/government/publications/safe-working-in-education-childcare-and-childrens-social-care/safe-working-in-education-childcare-and-childrens-social-care-settings-including-the-use-of-personal-protective-equipment-ppe>).

6.3 Someone in my early years setting has become unwell with coronavirus symptoms, what do I do?

The government has published advice on implementing protective measures in education and childcare settings, which includes advice on what to do if someone becomes unwell at an educational or childcare setting.

6.4 Are early years staff eligible for coronavirus testing?

Yes. The government announced that all essential workers, and members of their households who are showing symptoms of coronavirus, can be tested. This list of essential workers includes early years staff.

For further information, please read guidance on coronavirus (COVID-19) getting tested (<https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested>).

6.5 What are the expectations on settings regarding staying in touch with parents whose child is at home?

We recognise that many settings have already shared resources for children who are at home and are grateful for this. We encourage them to continue working with parents to ensure children can continue to learn at home.

The Department for Education's Hungry Little Minds (<https://hungrylittleminds.campaign.gov.uk/>) campaign features tips and practical activities that parents can do at home with children to support their early learning. There are many simple ways to help children learn and it does not have to feel like 'learning'. Having everyday conversations, make-believe play and reading together all make a big difference to children's development. Settings can also direct parents to the BBC's Tiny Happy People (<https://www.bbc.co.uk/tiny-happy-people>).

Settings should work with local authorities to monitor the welfare of vulnerable children who are not attending provision, and other children they might wish to keep in touch with, for safeguarding purposes.

6.6 Will it be mandatory for all registered childcare settings to remain open in some form?

We understand that some settings may be unable to stay open, especially if they are experiencing severe staff shortages due to self-isolation and sickness. Local authorities will work with local settings to determine the best way to ensure sufficient childcare for vulnerable children and the children of critical workers.

6.7 Are early years and childcare settings opening on the 25 May 2020 bank holiday?

Early years and childcare settings should decide, in consultation with the parents of children who are currently attending settings, whether it is necessary for them to continue to look after critical workers' children and vulnerable children on Monday 25 May 2020.

6.8 Are childcare settings expected to stay open if only one vulnerable or critical worker child attends?

If providing suitable care for a child is not possible, we ask that arrangements are made to merge provision with other settings, in consultation with the local authority.

6.9 What if a setting has a large number of vulnerable or critical worker children?

Since the aim of closures is to slow the spread of coronavirus, settings may wish to make arrangements with other settings to reduce the number of children in their care, if a large number of children are eligible to attend.

6.10 Should settings offer longer opening hours to care for the children of critical workers?

Settings should try to be as flexible as possible for critical workers who work shifts or atypical hours.

6.11 Will children attend their usual childcare setting?

Our priority is ensuring sufficient childcare for vulnerable children and children of critical workers. We are asking settings to stay open to do this, but we acknowledge this may not always be possible.

Where a setting is unable to stay open, local authorities will work with local settings to determine the best way to support vulnerable children and the children of critical workers.

6.12 How can settings continue to offer care if staff are sick or self-isolating?

Childcare settings who are experiencing staff shortages should work with their local authority to identify how appropriate provision can be put in place. They can pool staff with another setting, or take on qualified and Disclosure and Barring Service (DBS) checked staff from other educational settings (including local registered childminders) which have been closed, or invite local registered childminders to work with them at the setting. Registered childminders can already do this under the 50/50 registration flexibility they have.

Settings must obtain criminal records checks for new members of staff, including volunteers. If an application has been made but the DBS disclosure has not arrived, new staff and volunteers can still care for children as long they are supervised by someone who has a DBS check. Under no circumstances can an unchecked member of staff be left alone with children.

6.13 Can settings still take children outside?

Outdoor activity in private outdoor space should continue, while following guidance on implementing protective measures in education and childcare settings

(<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings#personal-protective-equipment-ppe-including-face-coverings-and-face-masks>) as far as possible.

6.14 What needs to happen if a child is attending a different setting than usual?

Important information should be provided by the parent or carer to the setting on day one, including emergency contact details, dietary requirements and medical needs to safeguard the health, safety and welfare of the child.

6.15 Early years settings in some areas are operating in ‘hubs’, involving groups of settings operating at a single site. Is this permitted?

With significantly reduced numbers of children attending, we understand that shared provision through early years hubs and clusters is an option being considered, and in many areas such arrangements are in place.

Please see guidance on cluster and hub provision (<https://www.gov.uk/government/publications/using-clusters-and-hubs-to-maintain-educational-provision/cluster-and-hub-provision-coronavirus-covid-19>), including early years.

7. Early Years Foundation Stage

7.1 Does the Early Years Foundation Stage still apply?

The Early Years Foundation Stage (EYFS) statutory framework (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>) sets the standards that schools and childcare settings must meet for the learning, development and care of children from birth to 5 years old.

We have amended legislation to allow for the temporary disapplying and modifying of a number of requirements within the EYFS, giving settings flexibility to respond to changes in workforce availability and potential fluctuations in demand while ensuring children are kept safe. These temporary changes came into force on 24 April 2020.

Full details of the amendments can be found in the guidance on early years foundation stage statutory framework (EYFS) (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>), which also includes details about how the temporary arrangements will be brought to an end. Settings and local authorities should fully familiarise themselves with these changes to ensure they understand the flexibilities available to them and are meeting the modified requirements, especially in relation to paediatric first aid, during the coronavirus outbreak.

7.2 Do settings need to meet the learning and development requirements in sections 1 and 2 of the EYFS?

Following the amendments to the EYFS from 24 April, early years settings only need to use reasonable endeavours to deliver the learning and development requirements set out in the EYFS. We understand that these are exceptional circumstances and the priority at this time is keeping children safe and well cared for. As far as possible, children should also benefit from a broad range of educational opportunities.

7.3 Will schools assess children against the EYFS profile this academic year?

The Secretary of State for Education has announced that there will be no exams or assessments in schools this summer. This includes no assessment of children in reception year against the early learning goals that form the EYFS profile. This also means no moderation by local authorities.

7.4 Will settings be required to undertake the progress check at age 2?

Settings will not be required to undertake the progress check at age 2 during the coronavirus outbreak.

7.5 Does someone with a paediatric first aid certificate still need to be on site?

The requirements in the EYFS on paediatric first aid certification have been modified and statutory guidance on EYFS (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>) has been published setting out what this means.

The existing requirement remains in place where children aged 0 to 24 months are on site. Paragraph 3.25 and Annex A of the EYFS set out the requirements, including that 'at least one person who has a current paediatric first aid (PFA) certificate must be on the premises and available at all times when children are present, and must accompany children on outings.' The existing requirements also remain unchanged for childminders, as they are already required to have full PFA certification.

The requirement is modified where children aged 2 to 5 are on site (with no children aged below 24 months) to a best endeavours duty to have someone with a full PFA certificate on site. If all steps set out in the guidance have been exhausted and settings cannot meet the PFA requirement, they must carry out a written risk assessment and ensure that someone with a current First Aid at Work or emergency PFA certificate is on site at all times. New entrants (level 2 and 3) will not need to have completed a full PFA course within their first 3 months in order to be counted in staff to child ratios.

7.6 What happens if staff need to renew their paediatric first aid certificates?

If PFA certificate requalification training is prevented for reasons associated directly with coronavirus, or by complying with related government advice, the validity of current certificates can be extended by up to 3 months. This applies to certificates expiring on or after 16 March 2020.

7.7 Can settings vary staff to child ratios and qualifications?

Paragraph 3.30 of the EYFS states:

'Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made.'

We consider the extent of the coronavirus outbreak to be an exceptional temporary circumstance in which the staff to child ratios set out in the EYFS can be changed if necessary. However, childcare settings or schools remain responsible for ensuring the safety and security of children in their care.

Amendments made to regulations from 24 April allow further exceptions to be made to the qualification level that staff hold in order to be counted in the ratio requirements. Settings should use reasonable endeavours to ensure that at least half of staff (excluding the manager) hold at least a full and relevant level 2 qualification to meet staff to child ratio requirements, but this is not a legal requirement.

In nursery classes in maintained schools, caring for children aged 3 and over, reasonable endeavours should be used to ensure that at least one member of staff is a school teacher. Where this is not possible, there must be at least one member of staff for every 8 children, with at least one member of staff who holds at least a full and relevant level 3 qualification. Providers should use their reasonable endeavours to ensure that at least half of other staff hold at least a full and relevant level 2 qualification.

Further detail is set out in Early Years Foundation Stage: disapplications and modifications for early years provision open during the coronavirus (COVID-19) outbreak

(<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>).

7.8 Do other aspects of safeguarding requirements remain the same?

All other aspects of the safeguarding and welfare section of the EYFS still apply, including requirements relating to child protection arrangements. Providers should consider whether any refresh or review is needed of their child protection arrangements, policy and procedures, in light of the coronavirus outbreak.

Settings must continue to have a practitioner designated to take lead responsibility for safeguarding. It is acceptable for the safeguarding lead not to be based on-site if this is not practical, for example they may be working from home, or be based at another setting, as long as they are still available to provide support, advice and guidance to staff. It is important that all childcare staff and volunteers have access to a trained designated safeguarding lead or deputy, and know on any given day who that person is and how to speak to them.

7.9 Is it still a requirement for early years settings to have a separate baby room for children under the age of 2 during this period of disruption?

The EYFS requirement to have a separate baby room is a safety issue for the protection of very young children particularly when they are asleep. Paragraph 3.59 of the EYFS already allows for the mixing of children when this is appropriate. If the layout of the premises does not allow for a separate ‘baby room’ with its own door, a suitable area may be partitioned off to provide safety for younger children.

7.10 Can settings take on new staff (including volunteers) even if a Disclosure and Barring Service (DBS) check has not been completed?

The requirements set out at paragraph 3.11 of the EYFS remain in place.

Settings must obtain criminal records checks for new members of staff including volunteers. If an application has been made but the DBS disclosure has not arrived, new staff and volunteers can still care for children as long they are supervised by someone who has a DBS check. Under no circumstances can an unchecked member of staff be left alone with children.

Where new staff are recruited, or new volunteers enter the childcare setting, they should continue to be provided with a safeguarding induction.

7.11 What if a member of staff already has an enhanced DBS check but is moving temporarily to another early years setting?

Where members of the early years and childcare workforce are already engaging in regulated activity and already have the appropriate DBS check, there is no expectation that a new DBS check should be obtained for them to temporarily move to another setting to support the care of children.

The onus remains on the receiving setting to satisfy themselves that someone in their setting has had the required checks, including by seeking assurance from the current employer rather than requiring new checks.

8 Food

8.1 What arrangements do settings need to make about meals for children attending the setting?

Where maintained nursery schools are open for children of critical workers, and vulnerable children, they should continue to provide free school meals to children who would normally receive them.

In all other settings where free school meals do not apply, settings may charge for meals in line with national entitlements guidance. As per existing guidance, they should consider the impact of charges on disadvantaged families.

9. Ofsted

9.1 What are the registration requirements for settings providing childcare to vulnerable children and critical workers' children?

DfE has asked Ofsted to monitor which providers on the early years register are open or closed, to ensure that they can fulfil their safeguarding requirements as regulator.

Read information about Ofsted's registration requirements (<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted>).

9.2 What about Ofsted inspections?

The Secretary of State for Education announced the suspension of routine Ofsted inspections (<https://www.gov.uk/government/news/routine-ofsted-inspections-suspended-in-response-to-coronavirus>) on 17 March 2020.

The safeguarding responsibilities of settings have not changed, and Ofsted inspections triggered by safeguarding concerns will continue.

See Ofsted's response to coronavirus (COVID-19) (<https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update>) for more information.

9.3 What is Ofsted doing about unregistered provision?

Ofsted is aware that these are extremely worrying times for both settings and parents. However, the health, safety and well-being of children is our first consideration, and government continues to expect childcare to take place only within registered settings.

Ofsted will consider legal enforcement action against those who set up unregistered childcare, in line with their duties as a regulator. This is in order to keep children as safe as possible in these difficult times.

See Ofsted's response to coronavirus (COVID-19) (<https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update>) for more information.

10. Childminders

To align with the government's position on nannies, we are updating our guidance for early years settings to confirm that paid childcare can be provided to the children of one household from Wednesday 13 May 2020. This includes childminders, who may choose to look after the children of one household, if they are not already looking after vulnerable children or those of critical workers. From 1 June 2020, childminders can look after children of all ages, in line with their current Ofsted registration, and within usual limits on the number of children they can care for

10.1 Will early years entitlement funding continue for childminders?

On 17 March 2020, the Chancellor confirmed the government would continue to pay local authorities for free early years entitlement places for 2-, 3- and 4-year-olds (<https://www.gov.uk/government/news/free-childcare-offers-to-continue-during-coronavirus-closures>),

We have published guidance on the use of free early education entitlements funding (<https://www.gov.uk/government/publications/use-of-free-early-education-entitlements-funding-during-the-coronavirus-outbreak/use-of-free-early-education-entitlements-funding-during-coronavirus-covid-19>) setting out how local authorities can use their free entitlement funding differently, redistributing it – in exceptional cases and in a clearly focussed and targeted way – in order to secure childcare for the children of critical workers, and for vulnerable children, where their usual arrangements are no longer possible.

10.2 Are childminders eligible for the Self-employment Income Support Scheme?

Eligibility for the scheme is based on employment structures and not professions. You can apply if you are self-employed, or a member of a partnership, and have lost profits due to coronavirus, as well as meeting further eligibility criteria (<https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>). HM Revenue and Customs will contact individuals who are eligible and invite them to apply online.

10.3 Can childminders get involved in supporting the continuation of provision for priority children?

Childminders can continue to look after vulnerable children and children of critical workers.

In addition, under existing registration arrangements, childminders can work for up to 50% of the time on non-domestic premises.

Childminders who do not already have approval to work up to 50% of their time on non-domestic premises will need to seek approval from Ofsted, after seeking initial support from their local authority. If childminders have the capacity, and there is a local need, they could help support with staff shortages in centre-based childcare provision.

10.4 Can childminders work with other childminders to look after more priority children together?

Yes – up to 3 childminders (or a mix of up to 3 childminders and assistants) can work together in the same domestic premises. However, if more than 3 childminders work together they will need to apply to Ofsted to register childcare on domestic premises.

If registered to deliver childcare on domestic premises, 4 or more childminders (or a mix of 4 or more childminders and assistants) can work together in the same domestic premises, which would enable them to care for larger groups of children and still meet ratio requirements. Further details of requirements for childminders and childcare on domestic premises is available (<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/childminders-and-childcare-on-domestic-premises-registration#childcare-on-domestic-premises>).

10.5 When can childminders reopen to more children?

To align with the government's position on nannies, we are updating our guidance for early years settings to confirm that paid childcare can be provided to the children of one household from Wednesday 13 May 2020. This includes childminders, who may choose to look after the children of one household if they are not already looking after vulnerable children or those of critical workers. From 1 June 2020, childminders can look after children of all ages, in line with their current Ofsted registration, and within usual limits on the number of children they can care for.