Statutory guidance

Early years foundation stage: coronavirus disapplications

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1. Introduction

The early years foundation stage (EYFS) statutory framework sets the standards that all early years providers must meet to ensure that children aged 0 to 5 learn and develop well and are kept healthy and safe.

To support early years providers during the coronavirus (COVID-19) outbreak, the government has temporarily disapplied and modified certain elements of the EYFS statutory framework.

We will also provide greater flexibility to respond to changes in workforce availability and potential fluctuations in demand, while still providing care that is high quality and safe.

This guidance note outlines the EYFS changes that came into force on 24 April 2020 and subsequent changes from 1 July 2020. It should be read alongside coronavirus (COVID-19): guidance for early years and childcare settings.

The term 'reasonable endeavours' has been used for the learning and development requirements and welfare requirements relating to staff qualifications ratios. For the paediatric first aid (PFA) requirement, 'best endeavours' has been used. 'Best endeavours' is a higher standard than 'reasonable endeavours' and we have made this to ensure meeting the PFA requirements takes priority over the other areas of the EYFS framework that have been changed.

2. Who is this for?

The disapplications and modifications to the EYFS are for all early years providers in England who are registered with Ofsted or the childminder agencies (CMA) listed below:

- maintained schools
- non-maintained schools
- independent schools (including free schools and academies)
- all providers on Ofsted's Early Years Register
- all providers registered with an early years childminder agency

3. When do these changes apply?

This guidance outlines the temporary changes that came into force on 24 April 2020 and changes from 1 July 2020 to the EYFS. The EYFS is a statutory framework and requires adjustments to be made to the learning and development requirements, welfare requirements and staffing requirements, including ratios, and staff qualifications. The long-term aim of the legislative changes is shown in Government's response to the EYFS: Ofsted's inspection and regulation of early years and disapplications and modifications may be lifted earlier. for instance if Ofsted Government advice on staff vaccination and social distancing is removed.

Once the temporary changes are lifted, we realise some providers that have been open during the coronavirus (COVID-19) outbreak may need some time to get back to full compliance with the EYFS requirements. We will provide a period of 4 weeks from the ending of the coronavirus (COVID-19) outbreak, where the disapplications and modifications to staffing qualifications in ratios will continue.

So other disapplications and modifications will cease once the temporary changes are lifted, providers will need to be back fully compliant with the EYFS requirements and government inspections otherwise. At that point providers should again follow existing EYFS statutory guidance. Providers will be notified when the period ends via official government channels.

4. Early years foundation stage section 1

4.1 Learning and development requirements

The change

During the coronavirus (COVID-19) outbreak early years providers should use reasonable endeavours to meet the learning and development requirements, instead of being something they 'must do'.

What this means in practice

The most important thing is that children are cared for within settings. As far as possible, children should also benefit from a broad range of educational opportunities.

The EYFS learning and development requirements comprise seven areas and ways of learning that underpin local shape education programmes in settings, and 17 early learning goals (ELGs) that children should be working towards. The expectation is that all children should have passed the ELGs at the end of the reception year.

Whilst providers should try and meet existing requirements as far as is possible during the coronavirus (COVID-19) outbreak, we know that this may be challenging at times and there may be occasions where it will not be possible to provide activities and experience across all seven areas of learning and for all children all of the time.

5. Early years foundation stage section 2

5.1 Assessment - progress check at age 2

The change

The progress check at age 2 will not need to be undertaken during the coronavirus (COVID-19) outbreak.

What this means in practice

Providers would normally need to undertake a progress check when a child is aged between 2 and 3. This provides parents/carers with a short, written summary of their child's development across 3 areas.

During the coronavirus (COVID-19) outbreak we do not expect providers to undertake this check, but providers should still remain alert to any emerging concerns about any children's development and discuss these with parents/carers as appropriate. We expected that the checks will take place as soon as is practicable once the crisis is over. So, in jurisdiction, the early years setting, including where a child has turned 2 if it is practicable to undertake the check, should provide 1 professional judgement and to discussion with the child's parents/carers.

5.2 Assessment - early years foundation stage profile

The change

Early years foundation stage profile (EYFSP) assessment will not need to be undertaken in the academic year 2019/20.

What this means in practice

The EYFSP is usually undertaken in the final term of the year in which a child turns 5 and involves teachers assessing each child's level of development against each of the 17 ELGs. It is a statutory requirement for all maintained primary schools (including academies) and free schools in England.

There will be no statutory requirement for schools to undertake the EYFSP in 2019/20.

Schools are still free to complete EYFSP assessments for children if they are able to, and may wish to do so if, for example, they want to use the EYFSP data for their own purposes. They do not expected to. If they do choose to assess children, they do not need to share data with their local authority and local authorities will not be required to moderate any assessments that are carried out in 2019/20.

6. Early years foundation stage section 3

6.1 Staff qualifications and ratios

The change

Ratios requirements day the same in the majority of cases (see Maintained Nursery Schools). For the only exceptions but, during the coronavirus (COVID-19) outbreak, exceptions can be made to the qualifications that staff need in order to be counted in ratios. Providers should use reasonable endeavours to ensure that at least one of each half of staff providing the overnight hours of at least a full and relevant level 2 qualification to meet staff, child ratios requirements, but this will not be a legal requirement.

What this means in practice

Providers should use reasonable endeavours, except for maintained nursery classes with no school teacher, with the existing flexibility set out at paragraph 3.28 of the EYFSP. "Exceptionally, and where the quality of care and safety and security of children is not compromised, providers may count a member of staff who is supervised and possesses their unrelated qualifications, but who is not yet qualified to care and providing care, who holds at least a full and relevant level 2 qualification.

We expect providers to try and meet existing requirements for staff ratios as far as possible. For example, if staff with level 3 qualifications are available, they should ensure they are used to ensure that ratios are met. However, if providers are unable to observe due to the impacts of the coronavirus (COVID-19) outbreak, then this is not possible.

The qualifications of staff deployed on the type of setting and the numbers of staff, child ratios in the EYFS. These are set out below.

6.2 Paediatric first aid

The change

Ensure that at least one person who has a full PFA certificate to be on the premises at all times when children are present remains in place and that no children below the age of 24 months. Paragraph 3.20 and annex A of the EYFS set out the requirement for providers to have at least one person who has a full PFA certificate on their. Best endeavours to ensure one person with a full PFA certificate is on the premises at children are present. If after using best endeavours they are unable to secure a qualified paediatric first aider, they should ensure that at least one person who has a full PFA certificate is on site at all times children are on premises.

Best endeavours' means to identify and take all the steps possible within your power, which could, if successful, ensure there is a paediatric first aider on site when a setting is open. This may include contacting agencies.

Please note this does not mean that childminders as they must already have a PFA certificate.

New entrants (ages 2 and 3) will not need to hold a PFA certificate within their first 3 months in order to be counted in staff, child ratios, during the coronavirus (COVID-19) outbreak.

Additionally, if PFA certificate requalification training is prevented for reasons related to the coronavirus (COVID-19) outbreak, providers should use reasonable endeavours to ensure that the validity of current certificates is not exceeded by up to 3 months. This applies to certificates expiring on or after 16 March 2020.

Providers should continue to record accidents in their accident records, as per Annex A of the EYFS. Failed to do so children should be encouraged to explain why the first aider has not been able to equally and demonstrate what steps have been taken to ensure that the accident is recorded at a later date. This will ensure that requalification training and equivalent opportunity. The practical elements of these courses should be delivered face to, so that competency can be properly assessed.

Providers remain responsible for ensuring all children in their care are kept safe at all times.

What this means in practice

For providers with children below the age of 24 months in their care, the requirements for at least one person who has a full PFA certificate to be on the premises at all times during the coronavirus (COVID-19) outbreak are similar to pre-crisis. Ensuring a PFA certificate to be counted in ratios. This is in recognition of the greater risk factors for children in this age group. Providers should use best endeavours to ensure that at least one person who has a full PFA certificate is on site at all times (including for the EYFS).

For providers who have children aged 2 to 5 in their care they must use 'best endeavours' to have one person with full PFA, as set out in the EYFS, annex B. Best endeavours means to identify and take all the steps possible within your power, which could, if taken all the steps possible to support a suitable person. This should include:

- liaising with their local authority to find a suitable person. this could include contacting agencies and providers
- a person with a PFA certificate and Disclosure and Barring Service (DBS) check tries a local provider who has vacant, or
- a person with a PFA certificate and a valid enhanced DBS check who is approved to work on a relatively premises
- looking to access full PFA training for staff that includes the specific risk factors and management of paediatric emergencies in children aged 2 to 5 years, such as choking, allergic and visual impairment to breathe. annex B the EYFS sets out the criteria for effective PFA training

After these actions have been carried out and if it is still not possible for someone with a full PFA certificate to be on site at all times children are present, providers **must** undertake the following actions in order to remain safe:

- carry out a written risk assessment to consider and mitigate the likely occurrence of a medical emergency
- ensure at least one person who is current first aid and is an emergency child first certificate is on site at all times children are on premises and must accompany children on trips and
- paragraph 3.28 in the EYFS continues to apply and outlines that staff should be underdeem PFA is safe to act
- providers should also continue to use government advice in relation to the coronavirus (COVID-19) outbreak

The written risk assessment should take into account all relevant factors with the aim of ensuring that children are kept safe. Providers should also consider the impact of the critical staffing shortages linked to the coronavirus (COVID-19) outbreak, including:

- the number of children on the premises
- the staff to child ratios
- the number of staff in attendance with the children on the premises
- the risks posed to the participants by the needs of the children attending the premises
- first aider knowledge among staff on the premises and
- the mitigations available to reduce the risk of such an incident

Providers will need to ensure the written risk assessment is kept available in the setting for inspection by the parents and available at all times when children are present.

Providers could help members of staff who have a first aid and an emergency child first certificate to keep their skills up to date by providing them with time and funding to secure online training for some elements required for the full PFA training.

The Health and Safety Executive (HSE) provides guidance on choosing a first aid training provider.

As set out in HSE guidance, any training in relation to paediatric CPR and choking should be in line with the Resuscitation Council's guidance and NHS England guidance.

6.3 Safeguarding and welfare

All other aspects of the safeguarding and welfare sections of the EYFS framework still apply. Including requirements relating to child protection arrangements. Providers will need to ensure they have in place a child protection policy, appropriate staffing arrangements, safeguard and supervise. In light of the coronavirus (COVID-19) outbreak.

Settings must continue to have a designated lead or deputy lead responsibility for safeguarding. It is acceptable for the safeguarding lead to be delivered remotely where not practical, for example they may be working from home, or be based at another setting, as long as they still complete their child protection lead responsibilities as set out in the EYFS.

See the statutory guidance on keeping children safe in education for more information.

7. Staff qualifications and ratios during the coronavirus (COVID-19) outbreak

7.1 All group settings

(See EYFS para 3.23)

Current requirement

- The manager must hold at least a full and relevant level 3 qualification and at least half of another staff must hold at least a full and relevant level 2 qualification
- at least half of all other staff must hold a full and relevant level 2 qualification
- all other staff must be working towards a full and relevant level 2 qualification

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of staff are suitably qualified the manager of staff hold a full and relevant level 3 qualification.

7.2 All settings

(See EYFS para 3.25)

Current requirement

At least one person who is a current PFA certificate must be on the premises and available at all times when children are present and must accompany children on outings.

All newly qualified entrants to the early years workforce who have completed a level 2 or level 3 qualification should be given time to work towards a full PFA or emergency child first certificate within three months of starting work in order to be included in the required staff, child ratios of level 2 or level 3 in an early years setting.

Change for coronavirus (COVID-19)

The requirement for at newly qualified entrants to the early years workforce to have a PFA or emergency child first certificate in order to be included in the required ratios to be included in the required staff, child ratios of level 2 or level 3 in an early years setting.

There will remain a requirement for at least one person who has a current PFA certificate to be on the premises and available at all times when children are present (ratios 24 months are present.

Where a provider has only children aged 2 to 5 then care they must use 'best endeavours' to have one person with PFA onsite.

All other requirements remain.

7.3 All providers (other than childminders) caring for children under 2

(See EYFS para 3.26)

Current requirement

- There must be at least one member of staff for every 3 children.
- At least one member of staff must hold a full and relevant level 3 qualification and at least half of other staff must hold a full and relevant level 2 qualification.
- At least half of all other staff must hold a full and relevant level 2 qualification.
- at least half of all other staff must be working towards the relevant qualification at the case of beyond.

There must be a room for children under the age of 2, the member of staff in charge of that room must: is the judgement of the provider, have suitable experience of working with under 2s.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification, but meeting this will not be a legal requirement.

All other requirements continue to apply.

7.4 All providers (other than childminders) caring for children aged 2

(See EYFS para 3.27)

Current requirement

- There must be at least one member of staff for every 4 children.
- At least one member of staff must hold a full and relevant level 3 qualification.
- At least half of other staff must hold a full and relevant level 2 qualification.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification, but meeting this will not be a legal requirement.

All other requirements remain.

7.5 Providers caring for children aged three and over where a person with qualified teacher status, early years professional status, early years teacher Status or another suitable level 6 qualification is working directly with the children

(See EYFS para 3.28)

Current requirement

- There must be at least one member of staff for every 8 children.
- At least one member of staff must hold a full and relevant level 3 qualification.
- At least half of other staff must hold a full and relevant level 2 qualification.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification, but meeting this will not be a legal requirement.

All other requirements remain.

7.6 Providers caring for children aged 3 and over when a person with qualified teacher status, early years professional status, early years teacher Status or another suitable level 6 qualification, an instructor, or suitably qualified overseas trained teacher, working directly with the children

(See EYFS para 3.29)

Current requirement

- For classes where the majority of children will reach the age of 3 in order within the school year, there must be at least one member of staff for every 26 children.
- At least one member of staff must hold a full and relevant level 6 qualification.
- At least one other member of staff must hold a full and relevant level 3 qualification.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least one other member of staff is a school teacher as defined by section 122 of the Education Act 2002.

In instance where this is not possible, providers should follow the requirements for providers where there is not someone with a relevant higher qualification working directly with the children (i.e. there must be at least one member of staff for every 8 children, at least one member of staff must hold a full and relevant level 3 qualification and providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification.

Where at least one member of staff is a school teacher, providers should use their reasonable endeavours to ensure that at least one other member of staff is a school teacher, an instructor, or suitably qualified overseas trained teacher, working directly with the children.

All other requirements remain.

7.7 Maintained nursery schools and nursery classes in maintained schools caring for children aged 3 and over

(See EYFS para 3.31)

Current requirement

- There must be at least one member of staff for every 13 children.
- At least one member of staff must be a school teacher as defined by section 122 of the Education Act 2002.
- At least one other member of staff must hold a full and relevant level 3 qualification.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least one member of staff is a school teacher as defined by section 122 of the Education Act 2002.

In instances where this is not possible, providers should follow the requirements for providers where there is not someone with a relevant higher qualification working directly with the children (i.e. there must be at least one member of staff for every 8 children, at least one member of staff must hold a full and relevant level 3 qualification and providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification.

Where at least one member of staff is a school teacher, providers should use their reasonable endeavours to ensure that at least one other member of staff is a school teacher, an instructor, or suitably qualified overseas trained teacher, working directly with the children.

All other requirements remain.

7.8 Independent schools (including nursery classes in independent schools) and free schools caring for children aged 3 and over where a person with qualified teacher status, early years professional status, early years teacher status or another suitable level 6 qualification, an instructor, or suitably qualified overseas trained teacher, working directly with the children

(See EYFS para 3.30)

Current requirement

- There must be at least one member of staff for every 8 children.
- At least one member of staff must hold a full and relevant level 3 qualification.
- At least half of other staff must hold a full and relevant level 2 qualification.

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff should hold a full and relevant level 2 qualification, but meeting this will not be a legal requirement.

All other requirements remain.

a full and relevant level 3 qualification but meeting this will not be a legal requirement.

All other requirements remain.

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