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Department for Education

Guidance

Actions for early years and childcare providers during the coronavirus (COVID-19) outbreak

Updated 10 September 2020

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Main changes to previous guidance

We have updated this guidance as follows:

- included content from the planning guide for early years and childcare settings so that all coronavirus (COVID-19) information for early years settings is in one place - the planning guide has now been removed
- included an autumn funding update and hyperlink to updated local authority

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- updated information on the validity of paediatric first-aid certificates
- updated information on wraparound care
- updated information on managing requests for site visits from parents and carers for admissions in September
- updated information about data collection changes
- updated information about reporting to Ofsted when there is a confirmed case of coronavirus in a setting
- updated information to reflect the removal of the requirement to keep children in small, consistent groups within settings but still minimising mixing where possible
- updated information to reflect changes in legislation to the 30 hours free entitlement

Since 1 June, early years settings, including childminders, have been able to welcome back children of all ages. We are continuing to work with the early years sector to understand how they 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.

We will keep this guidance under review as we continue to monitor the situation over the summer.

This guidance should be read alongside the following guidance:

Guidance on infection prevention and control

- Safe working in education, childcare and children's social care settings, including the use of personal protective equipment (PPE)

Guidance on funding

- Financial support for education, early years and children's social care
- Check if you can claim for your employees' wages through the Coronavirus Job Retention Scheme
- Use of free early education entitlements funding during coronavirus (COVID-19)

Other relevant guidance

- Supporting vulnerable children and young people during the coronavirus outbreak
- Guidance on the temporary early years foundation stage (EYFS) coronavirus (COVID-19) disapplications
- Ofsted's response to coronavirus (COVID-19)
- EYFS reforms: government consultation response

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
- all providers registered with an early years childminder agency

This guidance does not apply to:

- nannies or au pairs, as they work in the child's/children's family home
- providers caring for children over the age of 5 and registered with Ofsted on either the compulsory or voluntary childcare register. Providers caring for children over the age of 5 should refer to the guidance on Protective measures for out-of-school settings during the coronavirus (COVID-19) outbreak.

2. Responsibilities

2.1 What are early years and childcare settings responsible for?

Since 1 June, early years settings have been able to welcome back children of all ages.

We understand that in some areas, it may not be possible for all settings to open more widely or re-open at this time. Early years settings should work together with local authorities to agree the provision needed locally to support the needs identified. Settings are expected to be flexible and work together where required.

We understand that in some areas, shared provision through early years hubs and clusters is in place and separate guidance is available for early years settings on cluster and hub provision.

Early years settings are responsible for safeguarding and caring for, and supporting the development of, children who attend as set out in the early years foundation stage statutory (EYFS) framework. Local agencies, services and settings should work together to actively look for signs of harm given the greater risk of harm some children may have been exposed to through the coronavirus (COVID-19) outbreak. In the case of vulnerable children and particularly those with social workers, early years providers should continue to encourage those children to attend regularly and notify their social worker if they stop attending. Settings are also responsible for planning and implementing the 'system of controls', building on the hierarchy of protective measures that have been in use throughout the coronavirus (COVID-19) outbreak. Section 3 of this guidance sets out the public health advice which early years settings must follow.

From 20 July, early years settings are no longer required to keep children in small, consistent groups within settings but can return to normal group sizes. Settings should still consider how they can minimise mixing within settings, for example where they use different rooms for different age groups, keeping those groups apart as much as possible.

This change does not extend to cover provision for children over the age of 5. Where early years settings are also caring for children over the age of 5, they should ensure they are also following guidance on Protective measures for out-of-school settings during the coronavirus (COVID-19) outbreak which includes guidance on group sizes.

Providers that care for children both under the age of 5 and over the age of 5 separately, where it is possible to do so, may choose to apply the measures outlined in this guidance to those children under the age of 5, and the measures outlined in the protective measures guidance for out-of-school settings to those over the age of 5. Where providers have mixed age groups together they will need to, as far as possible, keep all children irrespective of age in small consistent groups of no more than 15 with at least one staff member, or with more staff members to meet relevant ratio requirements.

In light of the removal of bubbles from 20 July, early years settings and local authorities should continue to keep risk assessments for children with special educational needs and disabilities (SEND) up-to-date and should look to bring back more children with SEND in accordance with the SEND risk assessment guidance. Their return should be informed by their risk assessment, to help settings and local authorities ensure that the right support is in place for them to come back.

All other protective measures must remain in place.

This change is possible because we are continuing to make significant progress in tackling coronavirus (COVID-19). On 19 June the UK Chief Medical Officer changed the UK alert level from 4 to 3 based on the recommendation of the Joint Biosecurity Centre, and we continue to meet the 5 tests supporting the government's roadmap. The prevalence of the coronavirus (COVID-19) is down, and our NHS Test and Trace system is up and running. In addition, early years settings are on average much smaller than schools. This allows a less restrictive approach to mixing, and operating within strict space and ratio requirements, within settings than schools.

2.2 Is it mandatory for all registered early years settings to open in some form now?

No. We are asking settings to open more widely so that more children can be welcomed back. We understand however that some settings may be unable to open, especially if they are experiencing staff shortages due to self-isolation and sickness, or particularly low levels of demand. Local authorities will work with local settings to determine the best way to ensure sufficient childcare.

Settings should try to be as flexible as possible for parents and carers who work shifts or atypical hours and especially for parents and carers who are critical workers.

2.3 What are local authorities responsible for?

Local authorities are responsible for monitoring demand and capacity for childcare and should work with early years settings to ensure there are sufficient places to cater for those in priority groups as well as meeting local need. This may involve providing places in alternative settings if necessary or working with neighbouring local authorities to coordinate provision while keeping in mind the impact on children and families.

Local authorities' duties to safeguard and promote the welfare of all children in their area, working with partner organisations and agencies, continue to apply throughout the coronavirus (COVID-19) period (as set out in Working together to safeguard children). Local authorities are also responsible for supporting early years settings to assess the risks for children whose education, health and care (EHC) plans they maintain, and ensuring those children are safely cared for whether in a setting or at home. Local agencies and services should work together to actively look for signs of harms given the greater risk of harm some children may have been exposed to through the coronavirus (COVID-19) outbreak.

2.4 What actions should local authorities take to monitor and manage their local early years markets?

Local authorities should continue to work with all their early years providers to monitor and manage their local childcare market.

Local authorities should develop an understanding of any gaps in childcare supply, as well as the barriers individual providers are experiencing and where they might temporarily be unable to open more widely or re-open (if they have been closed).

Where needed, local authorities can manage the wider market flexibly to ensure that there is sufficient childcare provision; continuing to prioritise places for vulnerable children and children of critical workers, followed by 3- and 4- year olds, and then younger age groups. This may include:

- moving children between providers where one provider has closed, and another has empty dedicated schools grant (DSG) funded places
- operating through clusters and hubs to maintain educational provision; or, if necessary

- using early years DSG block contingency budgets, where local authorities have them, or uncommitted central spend in the early years budget

In exceptional circumstances during the outbreak, and when all other options have been exhausted, local authorities may consider using their flexibility to re-distribute funding for the free early education entitlements in a clearly focused and targeted way from providers that have closed, to those that are open and caring for eligible children, where necessary. This should only be done in order to secure childcare for the children of critical workers, and for vulnerable children, where their usual arrangements are no longer possible until the start of the 2020 autumn term.

Further information, including funding for providers from the autumn term, can be found in the guidance on the Use of free early education entitlements funding during coronavirus.

3. Infection prevention and control

Keeping children and staff safe is our utmost priority. This section of the guidance sets out the public health advice that early years settings must follow to minimise the risks of coronavirus (COVID-19) transmission. It also includes the process that settings should follow if anyone develops coronavirus (COVID-19) symptoms while attending. This guidance has been developed with advice from Public Health England (PHE).

The public health advice in this guidance makes up a PHE-endorsed 'system of controls', building on the hierarchy of protective measures that have been in use throughout the coronavirus (COVID-19) outbreak. When implemented in line with a revised risk assessment, these measures create an inherently safer environment for children and staff where the risk of transmission of infection is substantially reduced for children and staff.

The 'system of controls' provides a set of principles that when followed will effectively minimise risks. All elements of the 'system of controls' are essential. All settings must cover them all, but the way different settings implement some of the requirements will differ based on their individual circumstances. Where something is essential for public health reasons, as advised by PHE, we have said 'must'. Where there is a legal requirement, we have made that clear. This guidance does not create any new legal obligations.

There cannot be a 'one size fits all' approach where the system of controls describes every scenario. Setting leaders will be best placed to understand the needs of their settings and communities, and to make informed judgments about how to balance delivering high quality care and education with the measures needed to manage risk. The 'system of controls' provides a set of principles to help them do this and, when followed, they will effectively minimise risks.

3.1 Risk assessment

Settings must comply with health and safety law, which requires them to assess risks and put in place proportionate control measures.

Settings should thoroughly review their health and safety risk assessment and draw up plans as part of their wider opening. Settings should have active arrangements in place to monitor that the controls are effective, working as planned, and updated appropriately, for example when any issues are identified, or when there are changes in public health advice.

For more information on what is required of employers in relation to health and safety risk assessments, please see Annex A of the Guidance for full opening: schools.

3.2 How should people who may be at increased risk from coronavirus (COVID-19) be supported?

Some people with particular characteristics may be at comparatively increased risk from coronavirus (COVID-19), as set out in the COVID-19: review of disparities in risks and outcomes report. The reasons are complex and there is ongoing research to understand and translate these findings for individuals in the future. If people with possible risk factors are concerned, we recommend settings discuss their concerns and explain the measures the setting is putting in place to reduce risks. Setting leaders should try as far as practically possible to accommodate additional measures.

People who live with those who have comparatively increased risk from coronavirus (COVID-19) can attend the workplace.

Settings have a legal obligation to protect their employees, and others, from harm and should continue to assess health and safety risks and consider how to meet equalities duties in the usual way. Following the steps in this guidance will mitigate the risks of coronavirus (COVID-19) to children and staff and help settings to meet their legal duties to protect employees and others from harm.

3.3 'System of controls': protective measures

Having assessed their risk, settings should work through the 'system of controls' below, adopting measures in a way that addresses the risk identified in their assessment, works for their setting, and in line with the learning and development needs of children in settings. This should include full educational and care support for those children who have SEND.

Settings should:

- ensure that all staff understand the 'system of controls' and how they are applied in settings. Time should be taken for staff to review the actions in the

'system of controls' and ask questions
- ensure that parents and carers are aware of the 'system of controls', how this impacts them and their responsibilities in supporting it

If settings follow the guidance on the 'system of controls' they will effectively reduce risks in their setting and create an inherently safer environment.

'System of controls'

This is the set of actions early years settings must take. They are outlined in more detail below.

Prevention:

1) minimise contact with individuals who are unwell by ensuring that those who have coronavirus (COVID-19) symptoms, or who have someone in their household who does, do not attend settings

2) clean hands thoroughly more often than usual

3) ensure good respiratory hygiene by promoting the 'catch it, bin it, kill it' approach

4) introduce enhanced cleaning, including cleaning frequently touched surfaces often using standard products, such as detergents and bleach

5) minimise contact between groups where possible

6) where necessary, wear appropriate personal protective equipment (PPE)

Numbers 1 to 4 must be in place in all settings, all the time.

Number 5 must be properly considered, and settings must put in place measures that suit their particular circumstances.

Number 6 applies in all specific circumstances.

Response to any infection:

7) engage with the NHS Test and Trace process

8) manage confirmed cases of coronavirus (COVID-19) amongst the setting community

9) contain any outbreak by following local health protection team advice

10) notify Ofsted

Numbers 7 to 10 must be followed in every case where they are relevant.

‘System of controls’: prevention

1. Minimise contact with individuals who are unwell by ensuring that those who have coronavirus (COVID-19) symptoms, or who have someone in their household who does, do not attend settings

Ensuring that children, staff and other adults do not come into settings if they have coronavirus (COVID-19) symptoms or have tested positive in the last 10 days and ensuring anyone developing those symptoms during the day is sent home, are essential actions to reduce the risk in settings and further drive down transmission of coronavirus (COVID-19). All settings must follow this process and ensure all staff are aware of it.

If anyone in the setting has symptoms of coronavirus (COVID-19): a high temperature, new and persistent cough or a loss of, or change in, normal sense of taste or smell (anosmia), however mild, they should self-isolate for at least 10 days from when their symptoms started; or if they are not experiencing symptoms, but have tested positive for coronavirus (COVID-19), they should self-isolate for at least 10 days starting from the day the test was taken.

If they have tested positive whilst not experiencing symptoms, but develop symptoms during the isolation period, they should restart the 10 day isolation period from the day they develop symptoms.

This only applies to those who begin their isolation on or after 30 July.

If a child is awaiting collection, they should be moved, if possible, to a room where they can be isolated behind a closed door with appropriate adult supervision. Ideally, a window should be opened for ventilation. If it is not possible to isolate them, move them to an area which is at least 2 metres away from other people. If they need to go to the bathroom while waiting to be collected, they should be taken to a separate bathroom if possible. The bathroom should be cleaned and disinfected using standard cleaning products before being used by anyone else.

PPE must be worn by staff caring for the child while they await collection if a distance of 2 metres cannot be maintained (such as for a very young child or a child with complex needs). More information on PPE use can be found in the Safe working in education, childcare and children’s social care settings, including the use of personal protective equipment (PPE) guidance.

As is usual practice, in an emergency, call 999 if someone is seriously ill or injured or their life is at risk. Anyone with coronavirus (COVID-19) symptoms should not visit the GP, pharmacy, urgent care centre or a hospital.

Any members of staff who have helped someone with symptoms and any children who have been in close contact with them do not need to go home to self-isolate. However, they must self-isolate and arrange for a test if they develop symptoms themselves (in which case, they should arrange a test), if the symptomatic person subsequently tests positive (see below) or they have been requested to do so by NHS Test and Trace.

Everyone must wash their hands thoroughly for 20 seconds with soap and running water or use hand sanitiser after any contact with someone who is unwell. The area around the person with symptoms must be cleaned with normal household disinfectant after they have left to reduce the risk of passing the infection on to other people. See the COVID-19: cleaning of non-healthcare settings outside the home guidance.

PHE is clear that routinely taking the temperature of children is not recommended as this is an unreliable method for identifying coronavirus (COVID-19).

2. Clean hands thoroughly more often than usual

Coronavirus (COVID-19) is an easy virus to kill when it is on the skin. This can be done with soap and running water or hand sanitiser.

Settings must ensure that children clean their hands regularly, including:

- when they arrive at the setting
- when they return from breaks
- when they change rooms
- before and after eating

Regular and thorough hand cleaning is needed for the foreseeable future.

Points to consider and implement:

- ensure the setting has enough hand washing or hand sanitiser 'stations' available so that all children and staff can clean their hands regularly
- supervise use of hand sanitiser use, given risks around ingestion. Small children and those with complex needs should continue to be helped to clean their hands properly. Skin friendly skin cleaning wipes can be used as an alternative
- build these routines into setting culture, and ensure younger children and those with complex needs understand the need to follow them

3. Ensure good respiratory hygiene by promoting the 'catch it, bin it, kill it' approach

The 'catch it, bin it, kill it' approach continues to be very important, so settings must ensure they have enough tissues and bins available in the setting to support children and staff to implement this routine. As with hand cleaning, settings must ensure younger children are helped to get this right, and all children understand that this is now part of how the setting operates.

PHE does not (based on current evidence) recommend the use of face coverings in schools. The evidence will be kept under review. PHE advises that for safety reasons, face masks should not be used for children under three. In addition, misuse may inadvertently increase the risk of transmission and there may also be negative effects on communication and thus children's development.

Face coverings are required at all times on public transport (for children over the age of 11), or when attending a hospital as a visitor or outpatient.

4. Introduce enhanced cleaning, including cleaning frequently touched surfaces often using standard products, such as detergents

In order to facilitate cleaning, remove unnecessary items from learning environments where there is space to store them elsewhere. Public health advice is to remove all soft toys, and any toys that are hard to clean, such as those with intricate parts. Where practicable, remove soft furnishings, for example pillows, bean bags and rugs.

Points to consider and implement:

- in line with the risk assessment and timetabling of the day, putting in place a cleaning schedule that ensures cleaning is generally enhanced and includes:
  - more frequent cleaning of rooms that are used by different groups
  - frequently touched surfaces being cleaned more often than normal
  - ensuring that there are clear procedures for maintaining cleaning processes for food preparation areas, dining areas and table coverings
- Different groups don't need to be allocated their own toilets, but toilets will need to be cleaned regularly and children must be encouraged to clean their hands thoroughly after using the toilet

PHE has published revised guidance for cleaning non-healthcare settings to advise on general cleaning required in addition to the current advice on COVID-19: cleaning of non-healthcare settings guidance.

5. Minimise contact between individuals where possible

Early years settings are no longer required to arrange children and staff in small, consistent groups so can return to normal group sizes.

Settings should still consider how they can minimise mixing within settings, for example where they use different rooms for different age groups, keeping those groups apart as much as possible. Minimising contact between groups can reduce the number of children and staff required to self-isolate in the event of children or staff testing positive for coronavirus (COVID-19).

Returning to normal group sizes is based on the fact that the overall risk to children from coronavirus (COVID-19) is low. It also recognises that early years settings are typically smaller than schools. Adopting the 'system of controls' set out here in a robust way will ensure there are proportionate safeguards for children as well as staff and reduce the chance of transmission.

Parents and carers should be encouraged to limit the number of settings their child attends, ideally ensuring their child only attends the same setting consistently. This should also be the same for staff.

6. Where necessary, wear appropriate personal protective equipment (PPE)

The majority of staff in early years settings will not require PPE beyond what they would normally need for their work. PPE is only needed in a very small number of cases, including:

- where an individual child becomes ill with coronavirus (COVID-19) symptoms while at a setting, and only then if a distance of 2 metres cannot be maintained
- where a child already has routine intimate care needs that involves the use of PPE, in which case the same PPE should continue to be used

Read the guidance on Safe working in education, childcare and children's social care for more information about preventing and controlling infection, how PPE should be used, what type of PPE to use, and how to source it.

7. Engage with the NHS Test and Trace process

Settings must ensure they understand the NHS Test and Trace process and how to contact their local PHE health protection team. Settings must ensure that staff members and parents/carers understand that they will need to be ready and willing to:

- book a test if they are displaying symptoms. Staff and children must not come into the setting if they have symptoms and must be sent home to self-isolate if they develop them in the setting. All children can be tested, including children under 5, but children under 11 will need to be helped by their parents or carers if using a home testing kit
- provide details of anyone they have been in close contact with if they were to test positive for coronavirus (COVID-19) or if asked by NHS Test and Trace
- self-isolate if they have been in close contact with someone who tests positive for coronavirus (COVID-19) symptoms

Anyone who displays symptoms of coronavirus (COVID-19) can and should get a test. Tests can be booked online through the NHS website, or ordered by telephone via NHS 119 for those without access to internet. Essential workers, which includes anyone involved in education or childcare, have priority access to testing.

The government will ensure that it is as easy as possible to get a test through a wide range of routes that are locally accessible, fast and convenient. We will release more details on new testing avenues as and when they become available and we will work with early years settings, so they understand the easiest route to get a test.

Settings should ask parents, carers and staff to inform them immediately of the results of the test:

- if someone tests negative, and they feel well and no longer have symptoms similar to coronavirus (COVID-19), they can stop self-isolating. They could still have another virus, such as a cold or flu – in which case it is still best to avoid contact with other people until they are better. Other members of their household can also stop self-isolating
- if someone tests positive, they should follow COVID-19: guidance for households with possible coronavirus infection and should continue to self-isolate for at least 10 days from the onset of their symptoms and then return to the setting only if they do not have symptoms other than cough or loss of sense of smell or taste. This is because a cough or anosmia can last for several weeks once the infection has gone. The at least 10-day period starts from the day when they first became ill. If they still have a high temperature, they should keep self-isolating until their temperature returns to normal. Other members of their household should continue self-isolating for the full 14 days.

8. Managing confirmed cases of COVID-19 in the setting

Settings must take swift action when they become aware that someone who has attended has tested positive for coronavirus (COVID-19). Settings should contact the local health protection team. This team will also contact settings directly if they become aware that someone who has tested positive for coronavirus (COVID-19) attended the setting – as identified by NHS Test and Trace.

The local health protection team will work with settings to carry out a rapid risk assessment to confirm who has been in close contact with the person during the period that they were infectious, and ensure they are asked to self-isolate.

The local health protection team will work with settings in this situation to guide them through the actions they need to take. Based on the advice from the local health protection team, settings should send home those people who have been in close contact with the person who has tested positive, advising them to self-isolate for 14 days since they were last in close contact with that person when they were infectious. Close contact means:

- direct close contacts - face to face contact with an infected individual for any length of time, within 1 metre, including being coughed on, a face to face conversation, or unprotected physical contact (skin to skin)
- proximity contacts - extended close contact (within 1-2m for more than 15 minutes) with an infected individual
- travelling in a small vehicle, like a car, with an infected person

The local health protection team will provide definitive advice on who must be sent home. To support them in doing so, we recommend settings keep a record of:

- children and staff in specific groups/rooms (where applicable)
- close contact that takes places between children and staff in different groups/rooms

This should be a proportionate recording process. Settings do not need to ask staff to keep definitive records in a way that is overly burdensome.

A template letter will be provided to settings, on the advice of the local health protection team, to send to parents, carers and staff if needed. Settings must not share the names or details of people with coronavirus (COVID-19) unless essential to protect others.

Household members of those who are sent home do not need to self-isolate themselves unless the child or staff member who is self-isolating subsequently develops symptoms. If someone in a group that has been asked to self-isolate develops symptoms themselves within their 14-day isolation period, they should follow COVID-19: guidance for households with possible coronavirus infection. They should get a test, and:

- if the test delivers a negative result, they must remain in isolation for the remainder of the 14-day isolation period. This is because they could still develop the coronavirus (COVID-19) within the remaining days
- if the test result is positive, they should inform their setting immediately, and should isolate for at least 10 days from the onset of their symptoms (which could mean the self-isolation ends before or after the original 14-day isolation period). Their household should self-isolate for at least 14 days from when the symptomatic person first had symptoms, following COVID-19: guidance for households with possible coronavirus infection

- Settings should not request evidence of negative test results or other medical evidence before admitting children or welcoming them back after a period of self-isolation

Further guidance is available on Testing and tracing for coronavirus.

9. Contain any outbreak by following local health protection team advice

If settings have two or more confirmed cases within 14 days, or an overall rise in sickness absence where coronavirus (COVID-19) is suspected, settings may have an outbreak, and must contact their local health protection team who will be able to advise if additional action is required.

In some cases, health protection teams may recommend that a larger number of other children self-isolate at home as a precautionary measure – perhaps the whole site or a group. If settings are implementing the controls from this list, addressing the risks they have identified and therefore reducing transmission risks, whole setting closure based on cases within the setting will not generally be necessary, and should not be considered except on the advice of health protection teams.

10. Notify Ofsted

Any confirmed cases of coronavirus (Covid-19) in the setting (either child or staff member), and/or if the setting is advised to close as a result, should be swiftly reported to Ofsted through the usual notification channels.

3.4 Can childminders and other early years settings do pick-ups and drop-offs at school or other settings?

Childminders and other settings should consider how they can work with parents and carers to agree how best to manage any necessary journeys, for example pick-ups and drop-offs at schools, to reduce the need for a provider to travel with groups of children.

If it is necessary for a childminder to pick up or drop off a child at school, walking is preferable. If this is not practicable, then a private vehicle is preferable to public transport.

3.5 Are settings allowed to invite visitors and non-staff members such as speech and language therapists or parents and carers for stay and play into settings?

Wherever possible, settings are encouraged to avoid visitors entering their premises.

In instances where settings need to use other essential professionals such as social workers, speech and language therapists or counsellors, or professionals to support delivery of a child's EHC plan, settings should assess whether the professionals need to attend in person or can do so virtually. If they need to attend in person, they should closely follow the protective measures in the setting, and the number of attendances should be kept to a minimum. Where possible to do so, social distancing should be maintained.

Settings should consider how to manage other visitors to the site, such as contractors, and ensure site guidance on social distancing and hygiene is explained to visitors on or before arrival. Where visits can happen outside of setting hours, a record should be kept of all visitors where this is practical.

Where possible, the presence of any additional members of staff should be agreed on a weekly basis, rather than a daily basis to limit contacts.

Sessions in settings that use external providers, which are not directly required for children's health and wellbeing, should be suspended.

Parents and carers should not be allowed into the setting unless this is essential, and children should be dropped off and collected at the door if possible.

Settings should consider providing virtual tours for prospective parents and carers wishing to visit the setting for September admissions.

3.6 Further guidance

Read the guidance on Safe working in education, childcare and children's social care for more information about preventing and controlling infection, how PPE should be used, what type of PPE to use, and how to source it.

4. Attendance

4.1 The following principles apply to the wider opening of settings:

All children who normally access childcare are strongly encouraged to attend so that they can gain the learning and wellbeing benefits of early education.

We now know much more about coronavirus (COVID-19) and so in the future there will be far fewer children advised to shield if community transmission rates become high and the majority of children will be able to return to settings.

Settings should note that:

- a small number of children will still be unable to attend in line with public health advice because they are self-isolating and have had symptoms or a positive test result themselves; or because they are a close contact of someone who has coronavirus (COVID-19)
- shielding advice for all adults and children will pause on 1 August, subject to a continued decline in the rates of community transmission of coronavirus (COVID-19). This means that even the small number of children who will remain on the shielded patient list can return to settings, as can those who have family members who are shielding. The current shielding advice is available at Guidance on shielding and protecting people who are clinically extremely vulnerable from Covid-19
- if rates of disease rise in local areas, children (or family members) from that area, and that area only, will be advised to shield during the period where rates remain high and therefore may be temporarily absent (see below)
- some children no longer required to shield but who generally remain under the care of a specialist health professional may need to discuss their care with their health professional before returning to the settings, usually at their next planned clinical appointment. You can find more in Shielding guidance for children and young people from the Royal College of Paediatrics and Child Health (RCPCH)

Settings should be mindful that many parents and carers may be anxious about sending their child back to childcare. Clear communications with parents and carers regarding the measures being taken to ensure the safety of their children will be necessary, including the role that they play, as parents and carers, in the safe operating procedures.

Settings should consider how to ensure communications are accessible to specific groups of parents and carers (such as those with English as an additional language) and parents and carers of vulnerable children, to encourage attendance of these groups.

4.2 What should happen if the child's usual provider is closed?

Local authorities should work with settings which are closed to identify alternative provision for children who need places. Parents and carers can also approach local authorities if their usual provider is not open. If a child moves settings, important information should be provided by the parent or carer to the new setting on day one, including emergency contact details, dietary requirements and medical needs to safeguard the health, safety and welfare of the child.

In the case of vulnerable children, the closed setting should notify the local authority (and social worker, where relevant) that these vulnerable children need alternative provision. The closed setting 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 vulnerable 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, know 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 (SENCOs) or 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 the General Data Protection Regulation (GDPR), that does not prevent the sharing of information for the purposes of keeping children safe. For more information please read Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers guidance.

4.3 What should settings do if the demand for places is too high?

From 20 July, normal group sizes can resume so all children should be able to attend as normal. This means prioritisation of children should no longer be necessary.

If there is a need to prioritise places (for example, where a nursery is oversubscribed, or unable to operate at full capacity), settings should give priority to vulnerable children and children of critical workers; then 3- and 4-year-olds, in particular those who will be transitioning to reception in September; followed by younger age groups.

5. Considerations for settings

5.1 What should settings do if they are experiencing staff shortages due to sickness or self-isolation?

Childcare settings that are experiencing staff shortages should work with their local authority to identify how appropriate provision can be put in place while keeping staffing arrangements as consistent as possible. Where necessary, 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. Wherever possible, ensure staffing arrangements are consistent on a weekly basis, rather than a daily basis, in order to limit contacts.

5.2 What should happen if the premises where the provider usually operates is closed, such as the community centre, village hall or church hall?

Since 1 June, community centres, village halls and places of worship have been able to open for providers on the early years register which usually use those premises. Providers should ensure they are acting in line with the Safe working in education, childcare and children's social care settings guidance. They should also ensure they are managing risks related to other users of the premises.

5.3 Are before and after school clubs and other providers of wraparound care allowed to operate?

All providers of wraparound childcare, and other out-of-school settings, are able to operate for both indoor and outdoor provision, provided they have safety measures in place.

Wraparound providers which are only registered with Ofsted on the early years register should continue to follow this guidance, and implement the protective measures set out for early years settings.

Where wraparound providers are caring for children over the age of 5, they should ensure that they are also following the Protective measures guidance for out-of-school settings during the coronavirus (COVID-19) outbreak, including on group sizes. Providers caring for children over the age of 5 should ensure, as far as possible, that they are keeping children over the age of 5 in small consistent groups every time they attend.

In cases where providers care for both children under the age of 5 and over the age of 5, they may choose to apply the measures outlined in this guidance to those children under the age of 5, and the measures outlined in the Protective measures guidance for out-of-school settings during the coronavirus (COVID-19) outbreak to those children over the age of 5. However, where providers have mixed age groups together, they will need to, as far as possible, keep all children irrespective of age in small consistent groups of no more than 15 with at least one staff member or with more staff members to meet relevant ratio requirements.

5.4 Can early years providers take groups of children to outdoor public places, for example if there is no private outdoor space in the setting?

Settings should maximise use of private outdoor space. Early years providers, including childminders, may take small groups of children to outdoor public spaces, for example parks, provided that a risk assessment demonstrates that they can stay 2 metres away from other people wherever possible. This should be restricted to small groups and should be done in line with wider government guidelines on the number of people who can meet in outdoor public places. Providers should not take larger groups of children to public outdoor spaces at one time.

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

From 20 July, normal group sizes can resume so all children should be able to attend as normal, with the exception of those children who may still have to shield until 1 August.

We recognise that many settings have already shared resources for children who are at home and we are grateful for this. Settings should consider how to continue to support the learning of children who do not attend settings including how these children can maintain contact with their key person and peers through the early years setting, and how parents and carers can be supported to provide a positive learning environment at home.

The Hungry Little Minds 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 be formal. 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 and the National Literacy Trust's Family Zone for more ideas and content. The Department for Education (DfE) has published further guidance on how to Help children aged 2 to 4 to learn at home during coronavirus (COVID-19).

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.

5.6 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 (COVID-19) outbreak. We have published a summary of Attendance in education and early years settings during the coronavirus (COVID-19) outbreak. The schools data collection has ended. However, we will continue to run the early years and childcare data collection over the summer to ensure that we have information on how many children are accessing provision and if there are sufficiency issues. We will review the frequency and end date of the data collection at the end of September.

All local authorities have received information on how to access the data collection, the frequency of collection and how to contact the 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 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 (COVID-19) 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.

In addition, any confirmed cases of coronavirus (COVID-19) in the setting (either child or staff member), and if the setting has been advised to close as a result, should be swiftly reported to Ofsted through the usual notification channels.

6. Safeguarding and welfare

Settings must continue to take all necessary steps to keep children safe and well during this period and have regard to the government's statutory guidance on Working together to safeguard children. The safeguarding and welfare sections of the EYFS foundation framework still apply, including requirements relating to child protection arrangements. Settings should work closely with local authorities.

6.1 Is it necessary for settings to update their child protection policies in response to the coronavirus

(COVID-19) outbreak?

Settings should consider whether any refresh or review of their child protection arrangements is needed in light of coronavirus (COVID-19). This could take the form of a coronavirus (COVID-19) annex and include:

- how to identify and act on new safeguarding concerns about individual children as they return to childcare
- designated safeguarding lead (and deputy) arrangements
- any updated advice received from the local safeguarding partners
- any updated advice received from local authorities, for example EHC plan risk assessment, attendance and keep-in-touch mechanisms
- working arrangements with children's social workers and the local authority virtual school head (VSH)
- what staff and volunteers should do if they have concerns about a staff member or volunteer who may pose a safeguarding risk to children
- how the updated policy links to the broader risk assessment to be conducted, described in Annex A of the guidance for schools

All staff and volunteers should be made aware of the new policy and be kept up to date as it is revised.

6.2 Have there been any changes to the role of safeguarding lead?

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 designated safeguarding lead practitioner and know on any given day who that person is and how to speak to them.

6.3 How should settings keep children safe online during the coronavirus (COVID-19) outbreak?

Settings should continue to consider what strategies they are using to keep children safe online during this period, including:

- checking apps, websites and search results before using them with children
- supervising children when accessing the internet

Further details can be found in Safeguarding children and protecting professionals in early years settings: online safety guidance for practitioners.

This advice is also relevant for parents and carers.

6.4 What do settings need to consider with regards to children's mental health and wellbeing?

Staying at home for a prolonged period and the change of routine may have caused difficulties for some children, such as changes in behaviour or mood.

As more children return to settings, settings should consider the mental health, pastoral or wider wellbeing support children may need, including with bereavement, and how to support them to transition into the setting after a long period of absence.

Settings may want to refer to the following advice as a starting point: Guidance for parents and carers on supporting children and young people's mental health and wellbeing during the coronavirus pandemic.

Staff may require appropriate instruction and training on identifying and supporting vulnerable children and parents and carers that return to the setting. For example, by sign posting them to appropriate local services such as mental health, domestic abuse or substance abuse services. Providers should contact their local authority to understand what support is available and agencies and providers should work together to actively look for signs of harms as appropriate.

It will be necessary to consider how vulnerable children, who are currently attending settings, continue to have their needs met and to be supported as the setting takes on more children.

6.5 What provisions should be made for children with SEND?

Particular care will be needed in supporting children with SEND to return to their settings. Re-adjustment to the routines in a setting may prove more challenging for some children with SEND than others, and consideration and planning will need to be given as to how to support children to settle back into their setting.

Settings should be alert to the fact that there may be children with additional or worsened social, emotional and mental health needs as a result of coronavirus (COVID-19), and that there may also be children who have fallen further behind their peers as a result of time out of childcare settings, or missed diagnosis as a result of a period of absence.

Settings will need to ensure they have the staffing needed to support children with SEND at safe ratios and that they have a member of staff designated as a SENCO, interim SENCO or a named individual with oversight of special educational needs provision for children with SEND.

Since May, as a result of the outbreak, it has been necessary to modify Section 42 of the Children and Families Act 2014 so that local authorities and health commissioners must use their 'reasonable endeavours' to secure or arrange the specified special educational/ health care provision in EHC plans. We are committed to removing these flexibilities as soon as possible so that children can receive the support they need to return to settings. Unless the evidence changes, we will not be issuing further national notices to modify the EHC duties but will consider whether any such flexibilities may be required locally to respond to outbreaks.

We will also continue to monitor the need for the temporary changes to the law on EHC needs assessments and plans that give local authorities and others who contribute to the relevant processes more flexibility in responding to the demands placed on them by coronavirus (COVID-19). These changes are currently in force until 25 September. The duty on early years settings to co-operate with the local authority in the performance of its SEND duties remains in place during this period.

7 Early years foundation stage

7.1 Does the early years foundation stage still apply?

The EYFS statutory framework 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 the EYFS: coronavirus disapplications guidance, 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 (COVID-19) outbreak.

7.2 What planning should early years settings do to support children's learning?

Settings should prioritise helping young children to adapt to their new routines and supporting children to settle back into the setting, especially where there have been staffing changes. Continuing to support their early language and communication skills is essential. Children who have had limited opportunities for exercise should be encouraged to exert themselves physically. Consider how stories, singing and games can be used to help children to socialise and resettle into familiar everyday routines. Plan how children can learn in age-appropriate ways about how they can keep themselves safe, including regular handwashing and using tissues. Consider how to encourage children to learn and practise these habits through games, songs and repetition.

Settings can refer to the following helpful resources:

- Professional association for children and early years (PACEY): supporting children in your setting
- Dr Dog explains coronavirus
- 2 metres apart activity
- Our hand washing song
- Bright Horizons: Talking to Children about COVID-19 (novel coronavirus)

7.3 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 benefit from a broad range of educational opportunities.

For children in pre-reception settings, practitioners may focus at this time on the prime areas of learning, including: communication and language, personal, social and emotional development (PSED) and physical development. For children in reception year, teachers should also assess and address gaps in language, early reading and mathematics, particularly ensuring children's acquisition of phonic knowledge and extending their vocabulary.

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

The Secretary of State for Education announced that there will be no exams or assessments in schools in summer 2020. This includes no assessment of children in reception against the early learning goals that form the EYFS profile. This also means no moderation by local authorities.

7.5 Will schools assess children against the EYFS profile next academic year, 2020-21?

Yes, this will go ahead next year, in summer 2021.

7.6 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 (COVID-19) outbreak.

7.7 Will reforms to the EYFS be going ahead?

We have published the government response to the consultation on EYFS reforms.

This response confirms what changes will be made to the EYFS. Primary schools have been invited to carry out voluntary early adoption of the reforms in 2020-21, ahead of statutory rollout to all early years settings in the 2021-22 academic year. Please read the consultation response for more information.

7.8 Will the Reception Baseline Assessment be statutory in September 2020?

In response to the impact of coronavirus (COVID-19) on schools, the statutory implementation of the Reception Baseline Assessment has been postponed until the 2021-2022 academic year. Instead, schools are invited to take part in an early adopter year in the second half of the 2020 autumn term to familiarise themselves with the assessment and training materials before the Reception Baseline Assessment becomes statutory.

7.9 Does someone with a paediatric first aid (PFA) certificate still need to be on site?

The requirements in the EYFS on PFA certification have been modified and the EYFS: coronavirus disapplications guidance 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 statutory framework for the EYFS set out the requirements, including that 'at least one person who has a current 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 because 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) do not need to have completed a full PFA course within their first 3 months in order to be counted in staff to child ratios.

7.10 What happens if staff need to renew their paediatric first aid (PFA) certificates?

If PFA certificate requalification training is prevented for reasons associated directly with coronavirus (COVID-19), or by complying with related government advice, the validity of current certificates can be extended to 25 November 2020 at the latest. This applies to certificates which expired on or after 16 March 2020. If asked to do so, providers should be able to explain why the first aider hasn't been able to requalify and demonstrate what steps have taken to access the training. Employers or certificate holders must do their best to arrange requalification training at the earliest opportunity. The EYFS: coronavirus disapplications guidance will be updated shortly to reflect the recent extension of the validity of PFA certificates.

7.11 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 (COVID-19) outbreak to be an exceptional temporary circumstance in which the staff to child ratios set out in the EYFS can be changed if necessary. Early years settings and schools, however, 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 the 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: coronavirus disapplications.

7.12 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 statutory framework for 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.

7.13 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 provided 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 early years setting, they should continue to be provided with a safeguarding induction.

7.14 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. This requirement can be satisfied by seeking assurance from the current employer rather than requiring new checks.

8. Ofsted

8.1 What are the notifications requirements for settings providing childcare?

We have asked Ofsted to work with us and with local authorities to find out which early years providers, including childminders, are open or temporarily closed. This is to help find out if there is sufficient and accessible childcare available to meet demand.

Ofsted still require further information about whether some providers are open or closed. You may have received or will receive an email in the coming weeks to ask you about your setting and plans for the future. Please check that this email comes from an Ofsted.gov.uk address before responding as soon as you can.

In the meantime, if your operating circumstances do change (i.e. you open or close), please let Ofsted know by sending an email to enquiries@ofsted.gov.uk with 'Change in operating hours' in the subject field. In the body of the email, please confirm the unique reference number for each setting and the details of the change. You can find your URN on your registration, your inspection report(s), and on your Ofsted reports page.

In addition, any confirmed cases of coronavirus (COVID-19) in the setting (either child or staff member), and if the setting has been advised to close as a result, should be swiftly reported to Ofsted through the usual notification channels.

8.2 Will Ofsted still carry out inspections?

The Secretary of State for Education announced the suspension of routine Ofsted inspections on 17 March 2020.

The safeguarding responsibilities of settings have not changed, and Ofsted's inspection and regulatory work triggered by safeguarding concerns will continue. On 6 July 2020, Amanda Spielman (HMCI) announced Ofsted's plans for the autumn term. From September 2020 Ofsted will begin carrying out regulatory activity in providers that have been judged 'inadequate' or 'require improvement' and have associated actions to fulfil.

Please see Ofsted's collection of documents on the autumn plans for further information about early years and the other Ofsted remits.

8.3 When will Ofsted resume routine early years inspections?

For Ofsted registered early years provision, it is intended that routine inspections will restart from January 2021 - by which time the EYFS is expected to be reinstated fully - with the exact timing of routine inspections being kept under review.

Ofsted will continue to assess early years provision against the EYFS, which sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. This will include the steps providers have taken to ensure staff and children in their care are not exposed to risks and they must be able to demonstrate how risks are being managed.

Ofsted will continue with its registration and regulatory work for early years and childcare providers. In the autumn term, inspectors will commence some regulatory activity on providers who have been judged 'inadequate' or 'requires improvement' and have associated actions to fulfil. These visits will not result in a judgement. However, Ofsted will publish a short summary to confirm what it found during the visit. Please see Ofsted's collection of documents on the autumn plans for further information.

8.4 What is Ofsted doing about unregistered provision?

The health, safety and wellbeing of children is our first consideration, and government continues to expect childcare to take place only within registered settings.

Ofsted will consider information concerning unregistered services and provision on unapproved premises and will take appropriate action. It will consider all information available to it, including whether the person is previously known before completing a risk assessment and agreeing the most appropriate course of action including enforcement action.

See Ofsted's response to coronavirus (COVID-19) in Ofsted: coronavirus (COVID-19) rolling update for more information.

9. Childminders

Since 1 June, childminders have been able to 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.

9.1 Will early years entitlement funding continue for childminders?

On 17 March 2020, the Chancellor of the Exchequer confirmed the government would continue to pay local authorities for free early years entitlement places for 2-, 3- and 4-year-olds.

We have published guidance on the Use of free early education entitlements funding during coronavirus. This sets out how local authorities can use their free entitlement funding differently, redistributing it where their usual arrangements are no longer possible, and in exceptional cases, and in a clearly focussed and targeted way for the purpose of securing childcare for the children of critical workers, and for vulnerable children.

9.2 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 (COVID-19), and meet further eligibility criteria. HM Revenue and Customs (HMRC) will contact individuals who are eligible and invite them to apply online.

9.3 Can childminders work with other childminders to look after more 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.

9.4 Are childminder agencies required to carry out quality assurance visits during coronavirus (COVID-19)?

The Parliamentary Under Secretary of State for Children and Families, Vicky Ford MP, has written to HMCI about supporting childminder agencies to retain their registration where the minimum number of quality assurance visits required has not been met as a result of the coronavirus (COVID-19) outbreak.

This will ensure that childminder agencies (and their childminders) can continue to adhere to the government's guidance on protective measures and reduce external visitors.

The safeguarding responsibilities of childminder agencies and their childminders have not changed. Childminder agencies must continue to prioritise visits to any of their registered childminders if they have concerns about the quality of a provider or wish to check any registered non-domestic premises (as set out in section 3.4 of Childminder agencies: a guide).

For more information about this change, please visit the Foundation Years website.

10. Funding

10.1 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.

We have published guidance on the Use of free early education entitlements funding, 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. This should still only be done in order to secure childcare for the children of critical workers, and for vulnerable children, where their usual arrangements are no longer possible until the start of the 2020 autumn term.

From the 2020 autumn term, we expect the demand for childcare to increase, and it will become increasingly important for local authorities to ensure sufficiency of childcare and delivery of the early years entitlements for all children - not just vulnerable children and children of critical workers. Further information about funding for providers in the autumn term is included in the guidance: Use of free early education entitlements funding.

As more settings open, the need to redistribute funding from closed providers as a last resort in order to secure childcare for the children of critical workers and vulnerable children may reduce. In such cases, if still required, settings may still be able to access the CJRS to cover up to the proportion of their salary bill which could be considered to have been paid for from their private income (and in line with the guidance on Coronavirus (COVID-19): financial support for education, early years and children's social care). As local authorities, working with childcare providers in their area, are best placed to make decisions in the interests of their local communities, they should continue to work in partnership with their early years sector and, wherever possible, rather than impose them, agree any funding changes with individual providers. In doing so, they should consider the current sufficiency of childcare for vulnerable children and children of critical workers, and the financial security of individual childcare settings.

10.2 Given childcare funding to local authorities is demand-led, how will local authorities be funded for the early years entitlements by central government in 2020 to 2021 given the demand for childcare may be different to normal?

On 17 March, the Chancellor confirmed the government will continue to pay funding to local authorities for the free entitlements for 2, 3, and 4-year-olds, providing reassurance for early years settings in light of the coronavirus (COVID-19) outbreak.

The initial early years dedicated schools grant (DSG) allocations for 2020 to 2021, announced in December 2019, will be updated to provisional allocations in July 2020 in the usual way (that is, using the January 2020 early years census and schools census).

We have published guidance on the Use of free early education entitlements funding which provides further details.

10.3 Can settings furlough their staff if: a) they do not have enough staff to open, b) there is no demand from parents or carers, or c) the setting needs to close due to confirmed cases of the coronavirus (COVID-19) outbreak?

We have provided further guidance on how the CJRS applies in the education and childcare sector in Coronavirus: financial support for education, early years and children's social care.

10.4 Can parents and carers continue to claim their 30 hours free early education entitlement and Tax-Free Childcare?

We have made some temporary changes to the 30 hours free entitlement and tax-free childcare offers so that all eligible parents and carers, including critical workers, are not disadvantaged during the coronavirus (COVID-19) outbreak.

Specifically, parents and carers 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 (COVID-19) will be treated as meeting that test during the outbreak. This will apply only to parents and carers who need to apply for, or reconfirm, their 30 hours and Tax-Free Childcare place during the outbreak.

We have laid The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Coronavirus) (Amendment) Regulations 2020 to ensure that critical workers who exceed the maximum income threshold (of £100,000) set out in the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016, due to increased income mainly attributable to earnings from work undertaken directly or indirectly as a result of the coronavirus (COVID-19) outbreak, can continue to take up 30 hours free childcare. We have set a new upper threshold of £150,000. The change will only be effective for the tax year starting with 6 April 2020 and ending with 5 April 2021. The regulations will come into force on 31 July 2020.

10.5 Where a child isn't currently attending a setting, do parents and carers still need to apply or reconfirm for the 30 hours entitlement and/or Tax-Free Childcare?

We encourage all eligible parents to continue to apply for, and reconfirm, their 30 hours and Tax-Free Childcare entitlement, even if childcare settings are closed or children are not attending. This will ensure a smooth transition back into childcare when possible. Please see the guidance Check if you can get Tax-Free Childcare and 30 hours free childcare during coronavirus (COVID-19).

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

The Department for Education (DfE) had previously asked local authorities to use their discretion to relax the validity dates on 30 hours codes, where critical worker parents or parents of vulnerable children were ordinarily eligible and expecting to take up a 30 hours childcare place between 1 April 2020 and 31 August 2020, but had missed the reconfirmation or application deadline of 31 March 2020. This allowed children to take up their places in the summer term.

Previously, only the children of critical workers, and children who are vulnerable, were able to access childcare. Now that early years settings are free to open to all children, we are asking local authorities to exercise their discretion in accepting the codes of all children who missed the 31 March deadline, provided they meet the eligibility criteria and where there is capacity for providers to take them on. Providers and local authorities will need to confirm that the child taking up the place did turn 3 years old before 1 April 2020 to ensure they are eligible for a 30 hours place in the summer term.

We are still encouraging parents to continue to apply for, and reconfirm, their 30 hours entitlement, even if they choose to keep their child away from their early years setting, to help them prepare for their transition back into childcare in September.

10.7 What additional business support is available to early years and childcare settings during this period of disruption?

The government announced a package of support for businesses during coronavirus which will benefit early years and childcare settings, including the CJRS and the Self-employment Income Support Scheme. We have provided further guidance on how the CJRS applies in the education and childcare sector in Coronavirus: financial support for education, early years and children's social care.

In addition:

- the Chancellor of the Exchequer announced that private early years and 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 not be charged business rates in 2020
- nurseries in receipt of small business rate relief or rural rate relief will benefit from small business grant funding of £10,000 (note that nurseries which are eligible for charitable status relief are not eligible for small business grant funding)
- nurseries which are eligible for a charitable status relief will also not be charged business rates 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 Self-employment Income Support Scheme for those who are self-employed or members of a partnership and have lost profits due to coronavirus (COVID-19). 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 months
- 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 would make changes to enable UK companies undergoing a rescue or restructure process to continue trading 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 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 rents
- some early years settings may be eligible for the Local Authority

Discretionary Grants Fund, details and eligibility criteria for this can be found in the guidance Apply for the Local Authority Discretionary Grants Fund

10.8 How do early years settings access the 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. Early years providers remain eligible for the CJRS while continuing to receive early entitlement funding via local authorities.

The Claim for wages through the CJRS guidance, first published by HMRC 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.

We have provided further information on how the CJRS applies in the education and childcare sector in financial support for education, early years and children's social care.

On 17 April, the Department for Education (DfE) published Coronavirus: financial support for education, early years and children's social care. It sets out how the CJRS and early entitlement funding interacts and confirms that early years settings can access the CJRS to cover up to the proportion of its salary bill which otherwise would have been paid for from that provider's private income.

On 29 May, the Chancellor of the Exchequer announced changes to the CJRS. These included a new flexibility meaning that, from 1 July, employers can bring furloughed employees back to work for any amount of time and any shift pattern, while still being able to claim the CJRS grant for the hours not worked. This only applies where employers have previously submitted a claim for the employee in relation to a furlough period of at least three consecutive weeks taking place any time between 1 March 2020 and 30 June 2020. Please refer to HMRC guidance Claim for wages through the CJRS.

A private provider should only furlough employees, and therefore seek support through the CJRS, if they meet the conditions set out in the guidance Check which employees you can put on furlough to use the Coronavirus Job Retention Scheme. The conditions include:

- the employee must work 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)
- the employee is not required to deliver provision for a 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 salary bill which could be considered to have been paid for from that provider's private income.

10.9 Can childcare settings charge parents and carers if they are not able to take up their child's place?

We are working hard to mitigate the impact of the coronavirus (COVID-19) outbreak 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' and carers' fees, in light of these unprecedented circumstances, and to communicate any arrangements clearly with them.

The Competition and Markets Authority (CMA) established a COVID-19 Taskforce to identify, monitor and respond to competition and consumer problems arising from coronavirus (COVID-19) and the measures taken to contain it. People and businesses who have seen or experienced businesses behaving unfairly during the coronavirus (COVID-19) outbreak can report it to the CMA by using their dedicated online form. Where there is evidence that businesses have breached competition or consumer protection law, the CMA will take enforcement action if warranted.

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

Settings may charge for consumables in line with the Early Education and Childcare: Statutory guidance for local authorities. As per this guidance, they should consider the impact of charges on disadvantaged families.

10.11 What arrangements do settings need to make about providing meals?

Where maintained nursery schools are open, 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.

10.12 Are settings covered by their insurance during the coronavirus (COVID-19) outbreak?

Business interruption insurance

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

The Financial Conduct Authority (FCA) rules require insurers to treat customers fairly, including handling claims fairly and promptly; providing reasonable guidance to help a policyholder make a claim; not rejecting a claim unreasonably; and settling claims promptly once settlement terms are agreed. The government is working closely with the FCA to ensure that the rules are being upheld during this crisis and fully supports the regulator in its role. The Association of British Insurers (ABI) and its members have agreed a set of principles for handling business interruption claims to support and provide clarity to customers.

Customers who feel they have not been treated fairly should first make a formal complaint to their insurer. If they do not feel that their complaint has been dealt with satisfactorily, they can refer the matter to the Financial Ombudsman Service, who can also help small businesses who have turnover below £6.5 million.

Businesses that have not purchased the appropriate level of cover should seek assistance through the government's wider support package if they are in financial difficulty. This includes measures such as business rates holidays, small business grants, and the CJRS.

Public liability insurance

Providers must carry the appropriate insurance (for example, public liability insurance) to cover all premises from which they provide childcare, including childminding. Some existing public liability policies may have been written or adjusted during the term of the policy (where permitted) to exclude coronavirus (COVID-19) risks, and some insurers may choose to exclude coronavirus (COVID-19) when offering public liability policy renewals. Nurseries should check the terms and conditions of their public liability insurance policies and consult with their insurance providers and brokers to determine their coverage for coronavirus (COVID-19). It is worth noting that different insurers may take a different view, therefore nurseries are encouraged to shop around to seek the most suitable cover at the best price.

For general advice on insurance matters (but not on specific policies) including those related to coronavirus (COVID-19), the ABI can be contacted by phone on 0207 600 3333 or email at info@abi.org.uk.

Coronavirus (COVID-19)

Coronavirus (COVID-19): guidance and support

The UK has left the EU

Check the new rules for January 2021

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