Early years foundation stage: coronavirus disapplications

Updated 7 October 2020

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1. Introduction

This early years foundation stage (EYFS) statutory framework sets the standards that all early years providers must meet to ensure 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) pandemic, we have temporarily disapplied some of the requirements of the EYFS in certain circumstances.

This was to allow providers greater flexibility to respond to changes in circumstances, to focus on providing care for children and to deliver childcare and provide care that is high quality and safe.

These temporary changes were in force on 24 April 2020 and ended on 25 September 2020. These disapplications were reviewed on a monthly basis.

We have now updated the EYFS to reflect the temporary changes, which apply to 2 months (up to 25 November 2020) for disapplications around staffing, levels to continue in recognition that some providers may need some time to adjust, and up to 25 March 2021 for all other disapplications we offer.

1.1 Local or national lockdown

If there are further restrictions or requirements related to coronavirus (COVID-19) at local or national lockdown, these may mean that providers are unable to comply with the EYFS. Therefore we have made new regulations as follows:

- disapplications around staffing ratios will be reintroduced, allowing providers a proportionate flexibility to meet the ratio requirements of the EYFS due to coronavirus (COVID-19)-related restrictions or requirements which may prevent providers from being able to meet the ratios in place

These restrictions must have been implemented either through the Public Health (Control of Disease) Act 1984 or the Coronavirus Act 2020.

There must be government restrictions or requirements in place under the Public Health (Control of Disease) Act 1984 for providers to make this and be able to deliver the EYFS as required.

In practice we would not expect the disapplications to change due to an incidence of coronavirus (COVID-19) in their setting.

The key changes are:

- disapplications around paediatric first aid (PFA) certificates have now been included within the transitional provisions, these will allow providers to continue to deliver the EYFS while they are in the process of obtaining a recognition of the difficulties some providers are facing in accessing PFA training and courses, and will allow providers to continue to use the disapplications as required
- provisions have been made in regulations to allow for the current disapplications around staff ratios, staff qualifications and ratios during periods of further restrictions or lockdown, providing it is an action it is not reasonably practicable for that provider to comply with the prescribed requirements of the EYFS due to coronavirus
- a restriction on disapplications in the regulations made under the Public Health (Control of Disease) Act 1984
- a requirement for the Secretary of State to publish a direction made under any regulations made under the Public Health (Control of Disease) Act or the Coronavirus Act 2020

The provision will be referred to in this guidance as a 'period of intervention'.

Prescribed requirements' refer to the specific parts of the EYFS that can be disapplied, including the assessment requirements, the prime areas, the practice check at age 2 and requirements around PFA qualifications and staff qualifications and ratios.

The provider does not need to be notified of the specific parts of the EYFS where the restrictions are applied but the restrictions do need to prevent them from complying with the EYFS in order for the provision to be in place. We will publish a list of the specific parts of the EYFS affected on a monthly basis.

Details of restrictions or requirements that might be imposed are set out in the COVID-19 roadmap. Examples could include a local or national lockdown, transport systems or general restrictions on movement of people, including restrictions on who can be in a place or how people can interact with each other.

This guidance note outlines the arrangements in relation to elements of the EYFS that have been changed. It is not a comprehensive guide to the EYFS framework. The full EYFS framework is available on the Department for Education website and any guidance from the providers' local authority.

The 'temporary' requirements have been agreed by the sector learning and development requirements and welfare requirements relating to staff qualifications, ratios and safeguarding and welfare requirements (collectively called 'disapplications'). It is intended that providers will use these as required and is used here to ensure meeting the PFA requirements take 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, including:

- maintained schools
- non-maintained schools
- independent schools (including free schools and academies)
- 16 providers in Children's Care Homes in England
- all providers registered with an early years childminder agency

3. When do these changes apply?

From 24 September to 25 November 2020:

- this is the transitional period for the safeguarding and welfare requirements that were disapplied (including PFA) - providers will need to work to a 'reasonable' standard and be able to demonstrate this if Ofsted ask for it
- all of the learning and development and assessment disapplications ceased on 25 September 2020 - providers must now be fully implementing the EYFS for the purposes of the assessment requirements

During a period of intervention related to coronavirus (COVID-19) between 26 November 2020 and 25 March 2021 providers will need to be able to show they adapted to coronavirus (COVID-19) restrictions and requirements and those restrictions prevent or early years provision from meeting the prescribed requirements of the EYFS. Providers will need to be able to demonstrate disapplication, adhoc and proportionately. These adjustments and flexibilities will sort throughout the period of the restrictions (or governed by the requirements of the EYFS). We will make 2 weeks transition period once the restrictions are lifted.

4. Disapplications for the early years foundation stage section 1

4.1 Learning and development requirements

The change

During any period of intervention related to coronavirus (COVID-19), early years providers should use reasonable flexibility around the learning and development requirements, instead of this being something they 'must do'.

What this means in practice

The most important thing is that children are cared for and are safe while at school or childcare, and that early years providers can support wider social educational development.

The EYFS learning and development requirements comprise 7 high level areas of learning that provide a framework for planning activities and play, and 17 early learning goals (ELGs) which summarise the knowledge, skills and understanding that children should have by the end of the reception year.

Which providers should try and meet existing requirements can be a matter for providers, taking into account their circumstances. We do not expect providers to be able to provide a full range of learning and development experiences as if it was planning for all children all the time.

5. Disapplications for the 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 any period of intervention related to coronavirus (COVID-19).

What this means in practice

Providers would normally need to undertake a progress check where a child's parent/carer is not taking up a 15 hours place and provide a written summary of their child's development in the prime areas of learning.

During any period of intervention related to coronavirus (COVID-19), we do not expect providers to undertake the progress check and provide written assessment to any emerging concerns about any child in their care and endeavour to share these concerns with parents/carers. We would expect this to take place as soon as is practicable after the period of intervention, the early years setting, including where a child has turned 3 if it is consistent with safeguarding and promoting the child's educational attainment and discussion with the child's parents or carers.

5.2 Assessment - early years foundation stage profile

The change

The early years foundation stage profile (EYFSP) assessment was not undertaken in academic year (AY) 2019 to 2020.

During 2020 to 2021, providers should still work towards the EYFSP assessment unless providers, in the light of the coronavirus (COVID-19) restrictions, no disapplication has been made for the EYFSP for 2020 to 2021.

What this means in practice

The EYFSP is usually undertaken in the final term of the year in which a child turns 5 years old, typically in the reception year. The EYFSP assessment provides a summary of children's development across the 7 areas of learning and development and their characteristics of effective learning.

There was no statutory requirement for the EYFSP assessment in AY 2019 to 2020.

Schools were free to complete EYFSP assessments for children if they were able to, and to share with parents and carers and year 1 teachers at an appropriate time, if they felt it was in the best interest of their individual children. They did not need to moderate these assessments. Local authority advisers were not required to moderate any assessments that were carried out in AY 2019 to 2020.

6. Disapplications for the early years foundation stage section 3

6.1 Staff qualifications and ratios

The change

Ratio requirements stay the same in the majority of cases (see exceptional circumstances for the only exceptions) but, during any period of intervention related to coronavirus (COVID-19), providers will be able to use staff qualifications that will enable them to be compliant with the ratio requirements. Providers should use reasonable endeavours to ensure that at least half of staff working with children are qualified to level 3 and at least 1 in every 10 staff is a graduate or qualified to level 6 and that this will not be impact requirement.

What this means in practice

Ratio requirements remain the same, except for maintained school nursery provisions and schools with a 26 place or less nursery, where the ratio is now 1:13. 2.30 of the EYFS, Annex A, lists all the ratios and the qualifications and ratios that providers can use during periods of coronavirus (COVID-19) restrictions.

For providers who have children aged 2 to 5 in their care they must use 'level 3 ambassadors' to ensure at least half of their staff team are qualified to level 3 qualification.

We expect providers to try and meet existing requirements for staff at level 2 to be in position. For example, if staff meet level 2 qualifications are available, providers should use them. We do not expect providers to use level 2 qualifications in occasions where staff absence is due to the coronavirus (COVID-19) but this means this is not possible.

Providers should use their judgement on the type of setting and the numbers of children they are caring for, in line with the section on staff qualifications and ratios during an extended period of intervention related to coronavirus (COVID-19).

6.2 Paediatric first aid

The changes

The requirement for at least one person who has a full PFA certificate to be on premises and be in charge of children at all times, and for at least one person who has a childcare element to be part of the EYFS ratio at all times, remain. However, until 25 November 2020 or during any period of intervention related to coronavirus (COVID-19) providers will be able to fulfill a safety requirement by having a person who has a childcare element or a person with a PFA certificate is on site when children are present. If they are not, providers will need to be able to show they have taken reasonable steps to ensure that at least one person who has a childcare element and ensure that someone with a current first aid at work or emergency PFA certificate is on site when children are present and in their care.

Best endeavours means that providers should make every effort within their power which could, if successful, ensure there is paediatric first aider on site when a setting is open, or when children are present in the setting.

Please note this does not apply for childminders who are sole providers.

New entrants (levels 2 and 3) will need to hold a PFA certificate within 3 months of their start date in accordance with the EYFS. Level 3 and 6 qualified or equivalent holders will need to hold a PFA certificate.

Additionally, if PFA certificate requirements training is prevented for reasons related to coronavirus (COVID-19) restrictions, providers should make every effort with related government advice, the certificate will remain valid and can be extended by 25 November 2020 at the latest. This applies to certificates that expire on or after 24 April 2020.

If asked to do so, providers should be able to explain why the first aider has not been able to undertake training and what steps they have taken to secure training. Employers or certificate holders should be able to show they have requalification training in the earliest opportunity. The practical elements of PFA training can be delivered by a suitably qualified assessor using a remote or virtual platform.

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

What this means in practice

Providers are still responsible for the age 2 in receiving their 15 hours care, the requirements around PFA remain the same, except for maintained school nursery provisions and schools with a 26 place or less nursery, where the ratio is now (2.30 of the EYFS, Annex A) lists all the ratios and the qualifications and ratios to ratios. This is in recognition of the practical risk factors for babies and young children and the need for a PFA trained person to be able to provide immediate care in the event of an emergency.

For providers who have children aged 2 to 5 in their care they must use 'level 3 ambassadors' to ensure at least half of their staff team are qualified to level 3 qualification.

We expect providers to try and meet existing requirements for staff at level 2 to be in position. For example, if staff meet level 2 qualifications are available, providers should use them. We do not expect providers to use level 2 qualifications in occasions where staff absence is due to the coronavirus (COVID-19) but this means this is not possible.

Providers should use their judgement on the type of setting and the numbers of children they are caring for, in line with the section on staff qualifications and ratios during an extended period of intervention related to coronavirus (COVID-19).

6.3 Paediatric first aid

The changes

The requirement for at least one person who has a full PFA certificate to be on premises and be in charge of children at all times, and for at least one person who has a childcare element to be part of the EYFS ratio at all times, remain. However, until 25 November 2020 or during any period of intervention related to coronavirus (COVID-19) providers will be able to fulfill a safety requirement by having a person who has a childcare element or a person with a PFA certificate is on site when children are present. If they are not, providers will need to be able to show they have taken reasonable steps to ensure that at least one person who has a childcare element and ensure that someone with a current first aid at work or emergency PFA certificate is on site when children are present and in their care.

Best endeavours means that providers should make every effort within their power which could, if successful, ensure there is paediatric first aider on site when a setting is open, or when children are present in the setting.

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

What this means in practice

Providers are still responsible for the age 2 in receiving their 15 hours care, the requirements around PFA remain the same, except for maintained school nursery provisions and schools with a 26 place or less nursery, where the ratio is now (2.30 of the EYFS, Annex A) lists all the ratios and the qualifications and ratios to ratios. This is in recognition of the practical risk factors for babies and young children and the need for a PFA trained person to be able to provide immediate care in the event of an emergency.

For providers who have children aged 2 to 5 in their care they must use 'level 3 ambassadors' to ensure at least half of their staff team are qualified to level 3 qualification.

We expect providers to try and meet existing requirements for staff at level 2 to be in position. For example, if staff meet level 2 qualifications are available, providers should use them. We do not expect providers to use level 2 qualifications in occasions where staff absence is due to the coronavirus (COVID-19) but this means this is not possible.

Providers should use their judgement on the type of setting and the numbers of children they are caring for, in line with the section on staff qualifications and ratios during an extended period of intervention related to coronavirus (COVID-19).

6.4 Staff qualifications and ratios

The change

Ratio requirements stay the same in the majority of cases (see exceptional circumstances for the only exceptions) but, during any period of intervention related to coronavirus (COVID-19), providers will be able to use staff qualifications that will enable them to be compliant with the ratio requirements. Providers should use reasonable endeavours to ensure that at least half of staff working with children are qualified to level 3 and at least 1 in every 10 staff is a graduate or qualified to level 6 and that this will not be impact requirement.

What this means in practice

Ratio requirements remain the same, except for maintained school nursery provisions and schools with a 26 place or less nursery, where the ratio is now 1:13. 2.30 of the EYFS, Annex A, lists all the ratios and the qualifications and ratios to ratios. This is in recognition of the practical risk factors for babies and young children and the need for a PFA trained person to be able to provide immediate care in the event of an emergency.

For providers who have children aged 2 to 5 in their care they must use 'level 3 ambassadors' to ensure at least half of their staff team are qualified to level 3 qualification.

We expect providers to try and meet existing requirements for staff at level 2 to be in position. For example, if staff meet level 2 qualifications are available, providers should use them. We do not expect providers to use level 2 qualifications in occasions where staff absence is due to the coronavirus (COVID-19) but this means this is not possible.

Providers should use their judgement on the type of setting and the numbers of children they are caring for, in line with the section on staff qualifications and ratios during an extended period of intervention related to coronavirus (COVID-19).

7. Staff qualifications and ratios during any period of intervention related to coronavirus (COVID-19)

7.1 All group settings

Date EYFS Annex 2.30

Current requirement

The current requirement says:

- 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 be in charge of children at all times
- all newly qualified entrants to the early years workforce will have completed a level 2 or level 3 qualification must also have either a full PFA or childcare PFA certificate within 3 months of their start date in accordance with the EYFS. Level 3 and 6 qualified or equivalent holders will need to hold a full PFA certificate

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of all other staff (including the manager) hold at least a full and relevant level 2 qualification. However, providers may use their judgement to apply this requirement as they think appropriate.

All other requirements remain.

7.2 All settings

Date EYFS Annex 2.30

Current requirement

The current requirement says:

- 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 be in charge of children at all times
- all newly qualified entrants to the early years workforce will have completed a level 2 or level 3 qualification must also have either a full PFA or childcare PFA certificate within 3 months of their start date in accordance with the EYFS. Level 3 and 6 qualified or equivalent holders will need to hold a full PFA certificate

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of all other staff (including the manager) hold at least a full and relevant level 2 qualification. However, providers may use their judgement to apply this requirement as they think appropriate.

All other requirements remain.

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

Date EYFS Annex 2.30

Current requirement

The current requirement says:

- 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 have completed the required training to be a 'level 3 ambassador'
- at least half of all other staff must hold a full and relevant level 2 qualification
- at least half of all staff must have completed training that specifically addresses the care of babies
- at least 1 in every 10 staff members under the age of 2, the member of staff in charge of that room must be a graduate or qualified to level 6 with 2 years relevant experience of working with under 2s

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of staff working with children are qualified to level 3 and at least 1 in every 10 staff is a graduate or qualified to level 6 qualification, but meeting this will not be a legal requirement.

All other requirements remain.

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

Date EYFS Annex 2.30

Current requirement

The current requirement says:

- there must be at least one member of staff for every 13 children
- at least one member of staff must hold a full and relevant level 3 qualification
- at least one other member of 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 one other member of staff including the member of staff who holds a suitable level 3 qualification, hold a full and relevant level 2 qualification, meeting this will not be a legal requirement.

All other requirements remain

7.5 Providers caring for children aged 2 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

Date EYFS Annex 2.30

Current requirement

The current requirement says:

- there must be at least one member of staff for every 13 children
- at least one other member of 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 one other member of staff including the member of staff who holds a suitable level 6 qualification, hold a full and relevant level 2 qualification, 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 is not working directly with the children

(See EYFS para 3.34)

Current requirement

The current requirement says:

- 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 all 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, excluding the member of staff who holds a level 3 qualification, hold at least a full and relevant level 2 qualification but meeting this will not be a legal requirement.

All other requirements remain.

7.7 Independent schools (including in nursery classes in free schools and academies) 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 another suitably qualified overseas trained teacher, is working directly with the children.

(See EYFS para 3.35)

Current requirement

The current requirement says:

- for classes where the majority of children will reach the age of 5 or older within the school year, there must be at least one member of staff for every 30 children
- for all other classes there must be at least one member of staff for every 13 children
- 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, excluding the member of staff who holds a suitable level 6 qualification, an instructor, or another suitably qualified overseas trained teacher, holds at least a full and relevant level 3 qualification but meeting this will not be a legal requirement.

Requirements placed on these providers remain subject to any permitted exceptions under The Schools Admissions (Infant Class Sizes) Regulations 2012 S.I. 2012/10.

All other requirements remain.

7.8 Independent schools (including in nursery classes in academies) caring for children aged 3 and over where there is no person with qualified teacher status, early years professional status, early years teacher status or another suitable level 6 qualification, no instructor, and no suitably qualified overseas trained teacher, working directly with the children

(See EYFS para 3.36)

Current requirement

The current requirement says:

- 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 all 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, excluding the member of staff who holds a level 3 qualification, hold at least a full and relevant level 2 qualification but meeting this will not be a legal requirement.

All other requirements remain.

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

(See EYFS para 3.37)

Current requirement

The current requirement says:

- 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 suitable level 6 qualification working directly with the children (for example, there must be at least one member of staff for every 8 children, at least one member of staff who holds at least a full and relevant level 3 qualification and 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).

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

All other requirements remain.

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Coronavirus (COVID-19)

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