Part of
Education and childcare during coronavirus

Department for Education

Guidance

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

Updated 5 November 2020

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New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

Main changes to previous guidance

We have updated this guidance as follows:

- made format changes to make information easier to find
- added information on:
  - the use and disposal of face coverings (section 3)
  - supervised toothbrushing programmes (section 3)
  - local COVID alert levels and tiers of restriction (section 3)

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- music, dance and drama (section 3)
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- visitors to settings, including new admissions and settling in (section 3)
- use of outdoor private and public spaces (section 5)
- informal childcare (section 5)
- supporting children's and staff wellbeing (section 6)
- new SEND legislation (section 6)
- EYFS disapplications ending on 25 September 2020 (section 7)
- emergency first aid (section 7)
- the Job Retention Bonus scheme (section 10)

- amended wording on:
  - employer health and safety and equalities duties (section 3)
  - staff who are clinically extremely vulnerable (section 3)
  - children who are shielding or self-isolating (section 4)
  - safeguarding (section 6)
- added an additional paragraph on managing coronavirus (COVID-19) cases (section 8)
- updated information on funding (section 10)

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.

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
- 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. This includes early years provision in:

- maintained schools
- non-maintained schools
- independent schools
- all providers on the early years register
- all providers registered with an early years childminder agency

For reception, schools should, in the most part, refer to the guidance for schools: coronavirus (COVID-19), although some of the information in this guidance is relevant to Reception.

This guidance does not apply to:

- nannies or au pairs, as they work in the child's or children's family home
- community groups operated by non-registered providers
- 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 of local authorities and early years providers

2.1 Early years providers' responsibilities

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

We understand that it may not be possible for all settings to open more widely or reopen 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.

Settings are responsible for:

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

Since 20 July, early years settings have no longer been 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 for out-of-school settings during the coronavirus (COVID-19) outbreak to those over the age of 5.

Providers that have mixed age groups together will need to, as far as possible, keep all children irrespective of age in small consistent groups of no more than 15. Each group must be 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 systems of control measures must remain in place.

We are continuing to make progress in understanding the disease and transmission characteristics of coronavirus (COVID-19). 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 Welcoming back all children to early years settings

We have asked settings to welcome back more children to early years provision. 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.

2.3 Local authorities responsibilities

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 co-ordinate provision while keeping in mind the impact on children and families
- continuing to safeguard and promote the welfare of all children in their area, working with partner organisations and agencies, throughout the coronavirus (COVID-19) period (as set out in working together to safeguard children)
- 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 harm given the greater risk of harm some children may have been exposed to through the coronavirus (COVID-19) pandemic

2.4 Actions for local authorities to monitor and manage their local early years markets

Local authorities should:

- continue to work with early years providers to monitor and manage their local childcare market
- 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 reopen (if they have been closed)
- where needed, 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

Further information about funding for providers from the 2020 autumn term can be found in the guidance on the use of free early education entitlements funding during coronavirus.

3. Infection prevention and system of controls

> New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

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) pandemic. 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.

If buildings have been closed or had reduced occupancy during the coronavirus (COVID-19) pandemic, water system stagnation can occur due to lack of use, increasing the risks of Legionnaires' disease. Advice on this can be found in the guidance on legionella risks during the coronavirus outbreak.

Additional advice on safely reoccupying buildings can be found in the Chartered Institute of Building Services Engineers guidance on emerging from lockdown.

Once the setting is in operation, it is important to ensure good ventilation and maximising this wherever possible, for example, opening windows, where safe to do so (bearing in mind safeguarding in particular). Advice on this can be found in Health and Safety Executive guidance on air conditioning and ventilation during the coronavirus outbreak.

3.2 Supporting people who may be at increased risk from coronavirus (COVID-19)

Some people with particular characteristics may be at comparatively increased risk from coronavirus (COVID-19), as set out in the review of disparities in risks and outcomes report. This looked at different factors including age and sex, where people live, deprivation, ethnicity, people's occupation and care home residence. 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 and follow advice relevant to local COVID alert levels.

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 help towards mitigating 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.

All staff should follow the measures set out in the system of controls section of this guidance to minimise the risks of transmission. This includes continuing to observe good hand and respiratory hygiene, and minimising contact where possible, including maintaining social distance between staff within settings.

Staff who are clinically extremely vulnerable

On 13 October 2020, new guidance on protecting the clinically extremely vulnerable was published. The guidance is less restrictive than previous shielding guidance, and includes advice at each local COVID alert level. The guidance also contains shielding advice that will now only apply in the worst affected areas and for a limited period of time.

If an area is at local COVID alert level medium, high or very high, and clinically extremely vulnerable staff are unable to work from home, they should still attend the setting as the workplace should be COVID secure, where the system of controls in this guidance is implemented in line with the setting's own workplace risk assessment.

Employers should be able to explain the measures they have put in place to keep employees safe at work.

The government may advise more restrictive formal shielding measures for the clinically extremely vulnerable, in the very highest alert levels, based on advice from the Chief Medical Officer. In this situation, clinically extremely vulnerable staff should not go into work if shielding advice is in place in their area or the area they work in.

Staff who are clinically vulnerable

Clinically vulnerable staff can return to settings. While in settings they should follow the sector-specific measures in this guidance to minimise the risks of transmission.

This includes taking particular care to observe good hand and respiratory hygiene, minimising contact and maintaining social distance from other staff in settings. This provides that ideally, adults should maintain a 2 metre distance from others. Where this is not possible avoid close face to face contact and minimise time spent within 1 metre of others. While the risk of transmission between young children and adults is likely to be low, adults should continue to take care to socially distance from other adults including older children and adolescents . People who live with those who are clinically extremely vulnerable or clinically vulnerable can attend the workplace.

Staff who are pregnant

Pregnant women are in the 'clinically vulnerable' category. They are generally advised to follow the above advice, which applies to all staff in early years settings. Employers should conduct a risk assessment for pregnant women in line with the Management of Health and Safety at Work (MHSW) Regulations 1999.

3.3 System of controls: protective measures

Having assessed their risk, settings should work through the system of controls, 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 the setting - 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 grouped into 'prevention' and 'response to any infection'.

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) Where recommended, use of face coverings.

3) Clean hands thoroughly more often than usual.

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

5) Introduce enhanced cleaning, including cleaning frequently touched surfaces often using standard products, such as detergents and bleach.

6) Minimise contact between groups where possible.

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

Numbers 1 to 5 must be in place in all settings, all the time.

Number 6 must be properly considered, and settings must put in place measures that suit their particular circumstances.

Number 7 applies in all specific circumstances.

Response to any infection

8) Engage with the NHS Test and Trace process.

9) Manage confirmed cases of coronavirus (COVID-19) amongst the setting community.

10) Contain any outbreak by following local health protection team advice.

11) Notify Ofsted.

Numbers 8 to 11 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

Ensure 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 anyone developing those symptoms during the day is sent home. These 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 becomes unwell with a new, persistent cough or a high temperature, or has a loss of, or change in, their normal sense of taste or smell (anosmia):

- they must be sent home and advised to follow guidance for households with possible or confirmed coronavirus (COVID-19) infection, which sets out that they must self-isolate for at least 10 days
- they should arrange to have a test to see if they have coronavirus (COVID-19)
- other members of their household (including any siblings) should self-isolate for 14 days from when the symptomatic person first had symptoms
- 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 guidance on safe working in education, childcare and children's social care settings
- as is usual practice, in an emergency situation 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 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 guidance on cleaning of non-healthcare settings outside the home

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. Where recommended, use of face coverings

The government is not recommending universal use of face coverings in early years education and care settings because the system of controls, applicable to all education and childcare environments, provides additional mitigating measures. PHE advises that for health and 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.

When social distancing is difficult to maintain in communal areas

In situations where social distancing between adults in settings is not possible (e.g. when moving around in corridors and communal areas), settings have the discretion to recommend the use of face coverings for adults on site, both staff and visitors.

and visitors.

When working with children

Based on current evidence and the measures that early years settings are already putting in place, face coverings are not necessary when adults are interacting with children, even where social distancing is not possible. Face coverings may have a negative impact on interactions between staff and children, and their use when interacting with children in this settings should be avoided.

Exemptions

Some individuals are exempt from wearing face coverings. This applies to those who:

- cannot put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability
- speak to or provide assistance to someone who relies on lip reading, clear sound or facial expression to communicate

The same exemptions will apply in early years settings, and we would expect leaders and staff to be sensitive to those needs.

Access to face coverings

It is reasonable to assume that staff will now have access to face coverings due to their increasing use in wider society, and PHE have made available resources on how to make a simple face covering.

However, where anybody is struggling to access a face covering, or where they are unable to use their face covering due to having forgotten it or it having become soiled/unsafe, early years settings should take steps to have a small contingency supply available to meet such needs.

Safe removal and disposal of face coverings

Settings should have a process for removing face coverings when staff or visitors who use face coverings arrive at the setting, and when face coverings are worn at the setting in certain circumstances. This process should be communicated clearly to staff and visitors.

Safe wearing of face coverings requires cleaning of hands before and after touching – including to remove or put them on – and the safe storage of them in individual, sealable plastic bags between use. Where a face covering becomes damp, it should not be worn and the face covering should be replaced carefully.

Further information can be found in face coverings: when to wear one and how to make your own.

3. 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, given risks around ingestion. Young children and those with complex needs should continue to be helped to clean their hands properly. Skin friendly 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 as far as possible

4. 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.

Some children with complex needs will struggle to maintain as good respiratory hygiene as their peers, for example, those who spit uncontrollably or use saliva as a sensory stimulant. This should be considered in risk assessments in order to support these children and the staff working with them. It is not a reason to deny these children a place at the setting.

Face coverings are required at all times on public transport (except for children under the age of 11). Further information can be found in face coverings: when to wear one and how to make your own.

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

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. Where toys are shared, regularly disinfect them and always between users, following government guidance on cleaning and handling equipment.

Actions to consider and implement:

- in line with the risk assessment and timetabling of the day, put 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
  - 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 existing advice on cleaning those settings when there is a suspected case.

6. Minimise contact between individuals where possible

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

Adopting the system of controls set out here in a robust way will also ensure there are proportionate safeguards for children as well as staff and reduce the risk 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.

There may be situations where a child needs to attend more than one setting, for example, children attending a childminder before their nursery opens so that their parent or carer may go to work.

Settings, parents and carers should work through the system of controls collaboratively, to address any risks identified and allow them to jointly deliver appropriate care for the child. This section of the guidance contains more information about the system of controls for settings.

7. 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

Guidance on safe working in education, childcare and children's social care provides more information about preventing and controlling infection, how PPE should be used, what type of PPE to use, and how to source it.

8. Engage with the NHS Test and Trace process

Settings must ensure they understand the NHS Test and Trace process. 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 begins to self-isolate because they have symptoms similar to coronavirus (COVID-19) and they get a test which delivers a negative result. If 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 guidance for households with possible coronavirus infection. They must 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

9. Managing confirmed cases of coronavirus (COVID-19) in the setting

You must take swift action when you become aware that someone who has attended your setting has tested positive for coronavirus (COVID-19). You can contact the dedicated advice service introduced by Public Health England (PHE) and delivered by the NHS Business Services Authority. This can be reached by calling the DfE Helpline on 0800 046 8687 and selecting option 1 for advice on the action to take in response to a positive case. You will be put through to a team of advisers who will inform you what action is needed based on the latest public health advice.

The advice service 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. If, following triage, further expert advice is required the adviser will escalate your call to the PHE local health protection team.

The advice service (or PHE local health protection team if escalated) will work with settings to guide them through the actions they need to take. Based on their advice, 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 from when they were last in close contact with that person when they were infectious. Close contact includes:

- 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)
- extended close contact (within 1 to 2 metres for more than 15 minutes) with an infected individual
- travelling in a small vehicle, like a car, with an infected person

The advice service (or PHE local health protection team if escalated) 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 advice service (or PHE local health protection team if escalated), 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.

The PHE local health protection 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.

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 guidance for households with possible coronavirus infection. They should get a test.

If someone who is self-isolating because they have been in close contact with someone who has tested positive for coronavirus (COVID-19) starts to feel unwell and gets a test for coronavirus themselves, and 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 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 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.

In the vast majority of cases, settings and parents and carers will be in agreement that a child with symptoms should not attend the setting, given the potential risk to others. In the event that a parent or carer insists on a child attending the setting, the setting can take the decision to refuse the child if in their reasonable judgement it is necessary to protect their children and staff from possible infection with coronavirus (COVID-19). Any such decision would need to be carefully considered in light of all the circumstances and the current public health advice.

Further guidance is available on testing and tracing for coronavirus.

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

If settings have 2 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 should work with 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.

11. 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 Pick-ups and drop-offs at school, childminders and other early years 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 for single household use is preferable. Use of public transport should be minimised.

Information on using private and public transport can be found in the safer travel guidance for passengers.

Settings, parents and carers should work through the system of controls collaboratively, to identify and address any risks and allow them to jointly deliver appropriate care for the child.

3.5 Visits to the setting from parents and carers, additional staff, external professionals and non-staff members

There will be occasions when visits to the setting are necessary, but settings are encouraged to avoid visitors entering their premises, wherever possible. A record should be kept of all visitors which follows the guidance on maintaining records of staff, customers and visitors to support NHS Test and Trace.

New admissions

For new admissions, settings should consider providing virtual tours for prospective parents and carers.

If parents and carers are keen to visit in person, settings should consider:

- ensuring face coverings are worn if required in line with arrangements for staff and other visitors to the setting (see section 3 on face coverings)
- there is regular handwashing, especially before and after the visit
- holding visits after hours. If this is not possible, consider limiting visits to the outside play areas during regular hours, and ensure strict social distancing is observed

Prior to a visit, settings should ensure that parents and carers are aware:

- of the system of controls

- how this impacts them and their responsibilities during their visit
- how to maintain social distancing from staff, other visitors, and children other than those in their care

Parents settling children

Guidance from PHE outlines how parents and carers are able to enter a setting to help their children adapt to their new environment. Settings should ensure that parents and carers:

- wear face coverings, if required, in line with arrangements for staff and other visitors to the setting (see section 3 on face coverings)
- stay for a limited amount of time (ideally not more than an hour)
- avoid close contact with other children
- are aware of the system of controls, how this impacts them, and their responsibilities in supporting it when visiting a setting with their child

Section 3 of this guidance includes details on the system of controls. It is important to explain these expectations, verbally or in writing, to parents and carers before or on arrival at a setting.

Other visits by parents and carers

Parents and carers should not be allowed into the setting unless there is a specific need.

Children should be dropped off and collected at the door, if possible.

Stay and play sessions, such as where the purpose is for parent and carers to meet each other, should not take place at the setting.

Guidance on parents and carers coming into the setting for organised performances can be found in the music, dance and drama section of this guidance.

External professionals

In instances where settings need to use other essential professionals such as social workers, speech and language therapists or counsellors, or other 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:

- follow guidance relevant to the setting
- keep the number of attendances to a minimum
- wash hands frequently
- where possible to do so, maintain social distancing
- be informed about the system of controls in settings

See further details on the system of controls (section 3 of this guidance).

Other visitors

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 which follows the guidance on maintaining records of staff, customers and visitors to support NHS Test and Trace.

Sessions in settings that use external providers, which are not directly required for children's health and wellbeing, should be suspended. Guidance on visits from music, dance and drama peripatetic teachers can be found in section 3 of this guidance.

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

3.6 Supervised toothbrushing programmes

PHE have confirmed that supervised toothbrushing programmes may be re-established within settings using the dry brushing method.

The wet brushing model is not recommended because it is considered more likely to risk droplet and contact transmission and offers no additional benefit to oral health over dry toothbrushing.

For information on the cleaning and storage of toothbrushes and storage systems, see the guidance for supervised toothbrushing programmes in early years and school settings.

3.7 Local COVID alert levels and tiers of restriction

The tiers of restriction for education and childcare, summarised in Annex 3 of the contain framework, work alongside the local COVID alert level framework.

At all local COVID alert levels, the expectation is that education and childcare provision should continue as normal. The government has been very clear that limiting attendance at schools, and other education settings, should only be done as a last resort, even in areas where a local alert level is high or very high.

Decisions on any restrictions necessary in education or childcare settings are taken separately on a case-by-case basis, in the light of local circumstances, including information about the incidence and transmission of coronavirus (COVID-19).

3.8 Music, dance and drama

This guidance relates to organised group activity, not to spontaneous singing, dance and role-play that young children may naturally do, and should be encouraged to do, by early years practitioners.

Music, dance and drama build confidence, help children live happier, more enriched lives, and discover ways to express themselves. There may, however, be a cumulative risk of infection in environments where organised singing, chanting, playing wind instruments, dance and drama takes place.

Organised singing and wind instrument playing can be undertaken in line with this and other guidance, in particular guidance provided by the Department for Culture, Media and Sport (DCMS) for professionals and non-professionals in the performing arts. Singers and players should be 2 metres apart to limit both droplet and aerosol risks. For aerosol risks, ventilation should also be encouraged. DCMS is continuing to develop a more detailed understanding of how to mitigate this potential aggregate risk, but in that context, organisations should follow this guidance.

Minimising mixing groups and volume control

Settings should take particular care in music, dance and drama lessons that children remain in their usual groups.

Additionally, settings should keep any background or accompanying music to levels which do not encourage participants to raise their voices unduly. If possible, use microphones to reduce the need for shouting or prolonged periods of loud speaking or singing. If possible, do not share microphones. If they are shared, follow the guidance on handling equipment.

Organised performances

If planning an indoor or outdoor face-to-face performance in front of a live audience, the setting should follow the latest advice in the performing arts guidance. If an outdoor performance is planned, the setting should also give particular consideration to the guidance on delivering outdoor events.

Music, dance and drama peripatetic teachers

Settings can continue to engage peripatetic teachers (for example, non-staff who visit settings). This includes staff from Music Education Hubs, when they provide services for early years. A record should be kept of all visits.

Peripatetic teachers can move between early years settings, however, settings should consider how to minimise the number of visitors that attend where possible. Visitors will be expected to comply with arrangements for managing and minimising risk, including taking particular care to maintain distance from other staff and children. To minimise the numbers of temporary staff entering the premises, and secure best value, settings could consider using longer assignments with peripatetic teachers and agree a minimum number of hours across the academic year.

If a teacher is operating on a peripatetic basis, and operating across multiple groups or individuals, it is important that they do not attend a lesson if they are unwell or are having any symptoms associated with coronavirus (COVID-19)

such as a high temperature, a new, persistent cough, or a loss of, or change in, their sense of taste or smell (anosmia). In addition, they should:

- maintain distancing requirements with each group they teach, where appropriate. This means peripatetic teachers should not provide physical correction or demonstration with children
- make efforts to reduce the number of groups taught and locations worked in, to reduce the number of contacts made

Further information on the Music Education Hubs, including contact details for local hubs, can be found at the Arts Council England Music Education Hub.

Organised music sessions in the early years, including singing, and playing wind instruments in groups

When planning music provision, settings should consider additional specific safety measures. Although singing and playing wind instruments do not currently appear to present a significantly higher risk than routine speaking and breathing at the same volume, there is now some evidence that additional risk can build from aerosol transmission with volume and with the combined numbers of individuals within a confined space.

With appropriate safety mitigation, however, singing and wind playing can still take place. Measures to take include:

- playing instruments and singing in groups should take place outdoors wherever possible
- if indoors, use a room with as much space as possible, for example, larger rooms - rooms with high ceilings are expected to enable dilution of aerosol transmission
- if playing indoors, social distance each child 2 metres apart
- limit the numbers to account for ventilation of the space, it is important to ensure good ventilation - advice on this can be found in air conditioning and ventilation during the coronavirus outbreak
- singing and wind playing should not take place in larger groups such as choirs and ensembles
- position wind players so that the air from their instrument does not blow into another player
- use microphones where possible or encourage singing quietly

By considering and adopting these cumulative risk mitigation measures, the overall risk will be reduced.

Handling equipment and instruments for organised sessions

Measures to take when handling equipment, including instruments, include:

- increased handwashing before and after handling equipment, especially if being used by more than one person
- avoiding sharing instruments and equipment wherever possible
- if instruments and equipment have to be shared, disinfect regularly (including any props, microphones and music stands) and always between users, following guidance on cleaning and handling equipment
- consider limiting the number of suppliers when hiring instruments and equipment. Settings should agree with suppliers whose responsibility it is to clean hired instruments. Clean hire equipment, tools or other equipment on arrival and before first use. Store equipment and instruments in a clean location if settings take delivery of them before they are needed. Clean them before first use and before returning the instrument
- create picking-up and dropping-off collection points where possible, rather than passing equipment such as props, and microphones hand-to-hand

than passing equipment such as props, and microphones hand to hand

Individual lessons

Where settings offer individual lessons in music, dance and drama, these lessons can resume. This may mean teachers interacting with children from multiple groups, so settings will need to take particular care, in line with the measures set out above on peripatetic teachers.

Specific safety measures for individual music lessons should include:

- extending social distancing between child and peripatetic teacher (current guidance is that if the activity is face-to-face and without mitigations, 2 metres is appropriate), where good ventilation is possible - child and teacher should be positioned side by side if possible
- avoid sharing instruments and equipment wherever possible and place name labels on equipment to help identify the designated user
- if instruments and equipment have to be shared, regularly disinfect them (including any props, microphones and music stands) and always between users, following guidance on cleaning and handling equipment

3.9 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. Children's attendance

New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

4.1 Children self-isolating or shielding

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 are continuing to make progress in understanding the disease and transmission characteristics of coronavirus (COVID-19). Settings should follow advice relevant to the local COVID alert level. 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 paused on 1 August 2020. The UK Chief Medical Officers issued a statement on education and childcare reopening which states that there is a very low rate of severe disease in children from coronavirus (COVID-19).

On 13 October 2020, new guidance on protecting the clinically extremely vulnerable was published. The guidance is less restrictive than previous shielding guidance and includes advice at each local COVID alert level. It states that clinically extremely vulnerable children and young people should continue to attend school, or other education settings, at all local COVID alert levels unless they are one of the very small number under paediatric care (such as recent transplant or very immunosuppressed children) and have been advised by their GP or clinician not to attend the setting.

In the future, the government will only reintroduce formal shielding advice in the very worst affected areas and for a limited period of time. This will only apply to some, but not all, the very highest alert level areas, and will be based on advice from the Chief Medical Officer. The government will write to families separately to inform them if they are advised to shield and not attend an education setting.

Settings should be mindful that many parents and carers may be reluctant or concerned about sending their child back to childcare, and settings should put the right support in place to address this.

This may include:

- children who have themselves been shielding previously but have been advised that this is no longer necessary
- those living in households where someone is clinically vulnerable
- those concerned about the comparatively increased risk from coronavirus (COVID-19), including those from Black, Asian and Minority Ethnic (BAME) backgrounds or who have certain conditions such as obesity or diabetes

If parents or carers of children with significant risk factors are concerned, we recommend settings discuss their concerns and provide reassurance of the measures they are putting in place to reduce the risk.

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 Action to take when a 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 between special educational needs co-ordinators (SENCOs) or named individual with oversight of special educational needs provision for children with EHC plans

While providers must continue to have appropriate regard to data protection and the General Data Protection Regulation (GDPR), this does not prevent the sharing of information for the purposes of keeping children safe. For more information please read the advice for practitioners providing safeguarding services to children, young people, parents and carers.

4.3 Prioritising places when demand for places is too high

Since 20 July, normal group sizes have resumed so all children that are able can 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 2021
- followed by younger age groups

5. Considerations for operating the setting

New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

5.1 Settings 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, 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 Advice for settings where the premises from which they usually operate is closed, such as community centre, village 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 guidance on safe working in education, childcare and children's social care settings
- they should also ensure they are managing risks related to other users of the premises

5.3 Operating breakfast and after school clubs and other providers of wraparound childcare

New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

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
- 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.

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 Use of private and public outdoor spaces

Settings should maximise use of private outdoor space.

Settings can take groups of children on trips to outdoor public places and do not need to be limited to 6 people, provided:

- it is for the purpose of education or childcare

- they remain within the EYFS staff child ratios
- they conduct a risk assessment in advance
- the risk assessment demonstrates that they can remain socially distant (2 metres) from other people and groups, wherever possible
- good hygiene is maintained throughout
- thorough handwashing happens before and after the trip

5.5 Informal childcare

> New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

Groups must consult the local COVID alert level guidance relevant to their area.

Groups that are held in registered settings should follow the guidance for early years and childcare providers.

Groups in the community, such as those held in a church hall, community centre or scout hut, must follow COVID secure guidance for the venue and local COVID alert level guidance.

Informally arranged groups not covered by an exemption must follow the local COVID alert level guidance relevant to their area.

5.6 Staying in touch with parents or carers whose child is at home

Since 20 July, normal group sizes have resumed so all children should be able to attend as normal, with the exception of those children who may still have to shield.

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
- parents and carers can be supported to provide a positive learning environment at home

Settings can also direct parents to:

- the Hungry Little Minds campaign. It 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
- 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
- other children they might wish to keep in touch with, for safeguarding purposes

5.7 Monitoring of early years and childcare provision during the coronavirus (COVID-19) pandemic

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) pandemic. We have published summaries of attendance in education and early years settings during the coronavirus (COVID-19) outbreak. We will:

- continue to run the early years and childcare data collection until further notice to ensure that we have information on how many children are accessing provision and if there are sufficiency issues
- keep the frequency and end date of the data collection under review

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.

DfE have 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) pandemic will give the setting-level data it requires to fulfil its safeguarding requirements as the 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

Children may be experiencing a variety of emotions in response to the coronavirus (COVID-19) pandemic, such as anxiety, stress or low mood. This may particularly be the case for vulnerable children, including those with a social worker. It is important to contextualise these feelings as normal responses to an abnormal situation. Some may need support, a few may be showing signs of more severe anxiety or depression. Others will not be experiencing any challenges. Attending the setting allows social interaction with other children and staff, which benefits wellbeing.

Settings must continue to take all necessary steps to keep children safe and well during this period and have regard to the 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.

Settings should also provide more focused support where issues are identified that individual children may need help with, drawing on external support where necessary and possible. Settings should also consider support needs of particular groups they are already aware of needing additional help (for example, children in need), and any groups they identify as newly vulnerable. To support this, settings may wish to access the free resource MindEd learning platform for professionals, which contains materials on peer support, stress, fear and trauma, and bereavement.

MindEd have also developed a coronavirus (COVID-19) staff resilience hub with advice and tips for frontline staff.

Where there is a concern that a child is in need or suffering or likely to suffer from harm, the early years setting (generally led by the designated safeguarding lead or deputy) should follow their child protection policy and part 1 of the statutory safeguarding guidance keeping children safe in education and consider any referral to statutory services (and the police) as appropriate.

6.1 Reviewing and updating child protection policies

Settings should consider whether any review of their child protection arrangements is needed as a result of the coronavirus (COVID-19) pandemic. This could take the form of a coronavirus (COVID-19) annex and could 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 Changes to the role of the 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 Keeping children safe online

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 Supporting 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
- how to support them to transition into the setting after a long period of absence

Settings may want to refer to guidance for parents and carers on supporting children and young people's mental health and wellbeing during the coronavirus outbreak as a starting point.

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 signposting 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 the setting, continue to have their needs met and to be supported as the setting takes on more children.

6.5 Supporting children with SEND and changes to SEND legislation

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)
- 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.

From 1 May to 31 July, Section 42 of the Children and Families Act 2014 was modified by a notice issued under the Coronavirus Act 2020. Local authorities and health commissioners were required to use their 'reasonable endeavours' to secure or arrange the specified special educational and health care provision in EHC plans. To ensure that children and young people receive the support they need to return to school, we will not be issuing further notices to modify this duty unless the evidence changes. Our focus is now on supporting local authorities, health commissioning bodies and education settings to restore full provision for all children and young people with EHC plans.

The temporary changes to the law on the timescales for EHC needs assessments and plans, which 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), expired as planned on 25 September 2020.

We remain committed to listening to and working with local authorities, parent carer representatives and specialist SEND organisations, to ensure that the lifting of the temporary changes is managed in a way that supports the needs of children and young people with SEND.

7 Early years foundation stage and reforms

New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

7.1 Application of the early years foundation stage framework

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 and ended on 25 September 2020. There is a 2 month transitional period for requirements relating to staff qualifications and Paediatric First Aid changes.

New regulations that came into force on 26 September 2020 allow for temporary changes to be reapplied if any government imposed restrictions or requirements relating to coronavirus (COVID-19) affect a provider's ability to comply with the EYFS.

Details of the amendments can be found in 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) pandemic.

7.2 Planning for, and supporting, 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. Settings

for exercise should be encouraged to exert themselves physically. Settings may want to:

- 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
- Talking to Children about COVID-19 (novel coronavirus)

7.3 Meeting 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)
- physical development

For children in reception:

- 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
- they should be able to access a school day that looks as normal as possible, with the relevant system of controls in place

7.4 Assessment of the EYFS profile for next academic year

This will go ahead in summer 2021.

7.5 Progress check for 2 year olds

Settings will not be required to undertake the progress check at age 2 during the coronavirus (COVID-19) pandemic.

7.6 EYFS reforms

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 to 2021, ahead of statutory rollout to all early years settings in the 2021 to 2022 academic year. Please read the consultation response for more information.

7.7 Postponement of the statutory implementation of the Reception Baseline Assessment

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 to 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.

7.8 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

7.9 Renewing 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 to reflect the recent extension of the validity of PFA certificates.

7.10 Emergency first aid

The Health and Safety Executive published guidance on first aid during coronavirus (COVID-19) which will support local risk assessments and provides guidance for first aiders.

It is clear that treating any casualty properly should be the first concern. Where it is necessary for first aid provision to be administered in close proximity, those administering it should pay particular attention to sanitation measures immediately afterwards, including washing hands.

7.11 Varying 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) pandemic 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 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 EYFS: coronavirus disapplications.

7.12 Advice on separate baby room requirements for children under the age of 2 years

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 Taking 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 Enhanced DBS checks for staff 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 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.

Ofsted still require further information about whether some providers are open or closed. Settings may have received or will receive an email in the coming weeks to ask you about your setting and plans for the future. 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 (that is, you open or close):

- 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, confirm the unique reference number for each setting and the details of the change - the URN can be found the setting's registration, inspection report(s), and Ofsted reports page

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

8.2 Ofsted inspections during the coronavirus (COVID-19) pandemic

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, Her Majesty's Chief Inspector announced Ofsted's plans for the autumn term. During the autumn term, 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 Resuming routine Ofsted inspections

For Ofsted registered early years provision, it is intended that routine inspections will restart from January 2021. By this 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
- the ability 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. See Ofsted's collection of documents on the autumn plans for further information.

8.4 Ofsted action on unregistered provision

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

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 Early years entitlement funding 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.

On 20 July, we announced that this would continue through the autumn. We will continue to fund childcare, at the level we would have done before coronavirus, until the end of the calendar year. This will give nurseries and childminders another term of secure income, regardless of whether fewer children are attending.

We have published guidance on the use of free early education entitlements funding during coronavirus. This sets out how local authorities should fund early years providers during the coronavirus (COVID-19) pandemic.

9.2 Childminder eligibility 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
- have lost profits due to coronavirus (COVID-19)
- meet further eligibility criteria

HM Revenue and Customs (HMRC) will contact individuals who are eligible and invite them to apply online.

9.3 Childminders working with other childminders to look after more children together

Up to 3 registered childminders (or a mix of up to 3 registered 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

- 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 Quality assurance visits

The Parliamentary Under Secretary of State for Children and Families, Vicky Ford MP, wrote to Ofsted's Chief Inspector 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) pandemic. 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, visit the Foundation Years website.

10. Funding

New National Restrictions came into force on Thursday 5 November. Read how these affect this guidance.

10.1 Funding for free childcare places

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.

On 20 July, we announced that this would continue through the autumn. We will continue to fund childcare, at the level we would have done before coronavirus, until the end of the calendar year. This will give nurseries and childminders another term of secure income, regardless of whether fewer children are attending.

We have published guidance on the use of free early education entitlements funding, setting out how local authorities should fund childcare providers for the early years entitlements during the coronavirus (COVID-19) pandemic.

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 on the use of free early education entitlements funding.

From the start of the autumn term 2020, local authorities should continue to fund providers which are open at broadly the levels they would have expected to see in the 2020 autumn term had there been no coronavirus (COVID-19) pandemic. They should also continue to fund providers which have been advised to close, or left with no option but to close, due to public health reasons. Local authorities should not fund providers which are closed, without public health reason, from the start of the autumn term.

10.2 Early years entitlement funding for local authorities during 2020 to 2021

On 20 July, we announced that we will continue to fund childcare, at the level we would have done before coronavirus, through the autumn until the end of the calendar year. This will give nurseries and childminders another term of secure income, regardless of whether fewer children are attending.

We have published guidance on the use of free early education entitlements funding which provides further details on how local authorities will be funded in 2020 to 2021.

10.3 Furloughing staff

See guidance on how the Coronavirus Job Retention Scheme (CJRS) applies in the education and childcare sector in coronavirus: financial support for education, early years and children's social care. See section 10.8.

10.4 Temporary changes to parents and carers eligibility to the 30 hours free early education entitlement and Tax-Free Childcare

Temporary changes have been made 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) pandemic.

Specifically, parents and carers who will temporarily not meet the minimum income threshold (16 hours per week at National Minimum/Living Wage) for Tax-Free Childcare and 30 hours free entitlement due to lower earnings as a direct result of coronavirus (COVID-19) will be treated as meeting the minimum income threshold until 31 October.

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) pandemic, 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.

10.5 Applying for, or reconfirming, the 30 hours entitlement and/or Tax-Free Childcare when a child is not currently attending a setting

All eligible parents are encouraged to continue to apply for, and reconfirm, their 30 hours and Tax-Free Childcare entitlement. See the guidance to check if you can get Tax-Free Childcare and 30 hours free childcare during coronavirus (COVID-19).

10.6 Flexibility for parents and carers who have missed the deadline for 30 hours codes

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.

Now more people are returning to work, we expect that those who became eligible for 30 hours during the summer term should have applied by the 31 August deadline, in order to be able to access their entitlement from 1 September.

10.7 Business support for early years and childcare settings

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 be interest-free for 12 months, an increase from 6 months
- VAT payments due with VAT returns between now and the end June 2020 were 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 on applying for the Local Authority Discretionary Grants Fund

10.8 Accessing the Coronavirus Job Retention Scheme (CJRS)

Guidance on how to access the CJRS 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, DfE published guidance on the financial support for education, early years and children's social care. It sets out:

- how the CJRS and early entitlement funding interacts
- 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 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.

In July 2020, the Job Retention Bonus was introduced to provide additional support to employers who keep on their furloughed employees in meaningful employment, after the CJRS ends on 31 October 2020. The Job Retention Bonus is a one-off payment of £1,000 to employers for each employee who was ever furloughed, has been continuously employed until 31 January 2021 and is still employed by the same employer as of 31 January 2021.

Employees must have been continuously employed, earn an average of more than £520 per month in November, December and January and have been furloughed and successfully claimed for under the Coronavirus Job Retention Scheme at any point to be eligible.

Further details can be found in the guidance on the Job Retention Bonus.

10.9 Charging parents and carers if they are unable to take up their child's place

The government is working hard to mitigate the impact of the coronavirus (COVID-19) pandemic on all parts of our society, including individuals and businesses. Settings are expected 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.

The CMA guidance can be found in the CMA open letter to the early years sector.

People and businesses who have seen or experienced businesses behaving unfairly during the coronavirus (COVID-19) pandemic 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 Charging for consumables

Settings may charge for consumables, such as nappies, 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 Arrangements for providing meals

In the event a maintained nursery school has to close temporarily, 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. Settings should consider the impact of charges on disadvantaged families.

10.12 Insurance of early years providers during the coronavirus (COVID-19) pandemic

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
- 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
- refer the matter to the Financial Ombudsman Service if they do not feel that their complaint has been dealt with satisfactorily

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.

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