Part of
Education and childcare during coronavirus

Department for Education

Statutory guidance

Early years foundation stage: coronavirus disapplications

Updated 26 September 2020

Contents
1. Summary of changes
2. Introduction
3. Timeline
4. When do these changes apply?
5. Coronavirus disapplications
6. Disapplications for the early years foundation stage
7. Staff qualification and training requirements
8. Staff qualifications and training requirements for coronavirus (COVID-19) recovery

Print this page

1. Summary of changes

We have updated this guidance to:

- provide a link to Ofsted's operational notes that set out further detail on how inspections will be carried out during the pandemic
- provide further clarity on the definition of 'reasonable' in relation to the steps that it is not reasonable for providers to do nothing to meet the requirements
- clarify the requirement that staff who do not apply to childminders to the top of the section to give this greater prominence

2. Introduction

This early years foundation stage (EYFS) statutory framework with the coronavirus (COVID-19) disapplications and flexibilities, applies to children aged 0 to 5 years and covers learning and healthy and safe.

To support early years providers during the coronavirus (COVID-19) pandemic the government is proposing to provide temporary disapplications and modifications to certain elements of the EYFS where government impact assessments have been completed. This will ease the burden on the sector, while ensuring that children's safety and welfare is not at risk.

This is also provides greater flexibility to respond to changes in workforce capacity and to ensure that providers can continue to provide high quality and safe childcare. Further details of the proposals will be inspected from January 2021 can be found in Ofsted's operational notes.

2.1 Timeline

April 2020

The original disapplications came into force on 24 April 2020 and ended on 25 September 2020 (with a 3-month transition period to 25 November 2020 for providers to implement the changes to their practice in relation to paediatric first aid (PFA)).

September 2020

Updated arrangements were put in place from 26 September 2020 until 31 August 2021 to allow providers to use the specific disapplications and flexibilities, where they need to, while they adapt their practice in response to high quality and safe. Further details of the proposals will be inspected from January 2021 can be found in Ofsted's operational notes.

2.2 Local or national restrictions

Restrictions or requirements related to coronavirus (COVID-19), for example, local or national lockdowns, will take precedence over the disapplications and with EYFS flexibilities, so providers must continue to follow the rules from 26 September 2020, which allow the disapplications to be used where a provider's circumstances have been affected by the coronavirus (COVID-19) outbreak and business is conducted in ways that have been imposed by regulations or advices.

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

For the disapplications to apply, both of the following conditions must be met:

- there must be government restrictions and requirements in place that mean it is not reasonable for providers to do nothing in order to achieve the EYFS as usual
- a provider would not be able to use the disapplications simply due to an outbreak of coronavirus (COVID-19) in their setting, though it could be if staff are required to self-isolate (under the Public Health (Control of Disease) Act 1984 or the Coronavirus Act 2020) or if there is a local or national ban or restriction that means it is not reasonable to do so.

The provider does not need to be located in the geographical area where the restrictions are in place, but should be able to show that they are not complying with the EYFS, for example, because their staff have in the area where the restrictions apply and are not able to get into work.

2.3 Definitions

These provisions under the latest regulations will be referred to in this guidance as a 'period of intervention'.

'Prescribed requirements' refer to the specific parts of the EYFS that can be disapplied or modified under the latest regulations, and are listed in table 1 of the check at 4 part 1 of the latest regulations. Further details of the proposed qualifications and flexibilities.

'Temporary disapplications' has been used for the learning and development requirements and assessment requirements relating to staff qualification levels. For the PFA requirement, 'best endeavours has been used to describe the steps that providers must take to meet the requirement and is used for those providers that the PFA requirements have currently been in other areas of the EYFS framework that have been changed.

2.4 Further guidance

Details of restrictions or requirements that might be imposed are set out in the Public Health (Control of Disease) Act 1984 and the Coronavirus Act 2020 and transport guidance and guidance relating to the coronavirus (COVID-19) pandemic, requirements to 'stay at home' or restrictions on entering or leaving a certain area.

This guidance note outlines the arrangements in relation to elements of the early years foundation stage (EYFS) statutory framework, the Ofsted inspection framework and Ofsted operational notes, the Coronavirus (COVID-19) business guidance and any guidance from the providers' local authority.

3. Who is this for?

The disapplications and modifications to the EYFS are for all early years providers including:

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

4. When do these changes apply?

4.1 Regulations from 26 September 2020

The updated disapplications cover the period between 26 September 2020 and 31 August 2021. The EYFS provisions that are temporarily disapplied or modified will be subject to coronavirus (COVID-19) related requirements or restrictions (referred to in this as the period of intervention related to coronavirus), and will be in place for a period of 3 months from the date that the relevant requirements or restrictions ceased to be in place. These will begin from 26 September 2020 and will end on 31 August 2021 (unless extended by the regulations or direction). There will be a 2 week transition period once the relevant restrictions are lifted.

5. Disapplications for the early years foundation stage section 1

6. Disapplications for the early years foundation stage section 2

6.1 Assessment - progress check at age 2

The change

Progress check at age 2 will not need to be undertaken during any period of intervention related to coronavirus (COVID-19).

What this means in practice

Providers would normally need to undertake a progress check where a child is aged between 2 and 3 years old and provide a written report, or written summary of their child's development in the prime areas of learning.

Where the criterial at paragraph 2.3 are met, there is no requirement for providers to undertake the 2 year old progress check (old research tool to any emerging concerns about any child in their care, and endeavour to provide or secure appropriate support for the child and family. Providers should use as soon as is practicable once the child is aged 3 years old, the prime areas including where a child has turned 3 if it is considered appropriate and useful in order to support the developmental progress and transition to school with the parents or carers.

6.2 Assessment - early years foundation stage profile

The change

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

During 2020 to 2021, providers must still work towards the EYFSP assessment unless advised differently by their local authority or other commissioner, for disapplication has been made for the EYFSP for 2020 to 2021.

7. Disapplications for the early years foundation stage section 3

7.1 Staff qualification and ratios

The change

Ratio requirements stay the same in the majority of cases (see maintained nursery schools) for the only exceptional but, during any period of intervention related to coronavirus (COVID-19), providers may use staff who are suitable but not qualified to the level specified in the ratio requirements. Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

What this means in practice

Providers should continue the same, except for maintained nursery schools, classes with no school teacher, with the existing flexibility set out at paragraph 3.29 of the EYFS statutory framework, to use staff who are suitable but not qualified to the level specified in the ratio requirements, for example, staff who are:

Providers still need to ensure that there is always a member of staff or a setting manager who is qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1.

We expect providers to try and meet existing requirements for staff at level 3 or above, and to ensure that at least half of staff are qualified to level 3 or above, ensure that persons with a PGCE, QTS, QTLS or Qualified Teacher status (QTS) are deployed in accordance with their qualifications and ensure that no more than 1 member of staff is qualified to level 1.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

7.2 Paediatric first aid

Please note that section 7.2 does not apply for childminders as they must already have a PFA certificate.

The changes

Requirement for at least one person who has a full PFA certificate to be on the premises at all times when children are present remains in place at all times. Providers may use staff who are suitable but not qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

What this means in practice

For providers with children in the age of 24 months or their care, the requirements around PFA remain the same as in the current EYFS framework at section 3.47 and 3.48 of the statutory framework. Providers should use the information in this paragraph, including guidance on the different types of cardiopulmonary resuscitation (CPR) paediatrics for those aged 1 to 8 as set out in the PFA.

During any period of intervention related to coronavirus (COVID-19), children aged 2 to 5 years old, providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

New entrants (levels 2 and 3) will need to hold a PFA certificate when they start work in a setting, providers should use reasonable endeavours to ensure that a period of intervention related to coronavirus (COVID-19) is in place.

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

What this means in practice

For providers with children in the age of 24 months or their care, the requirements around PFA remain the same as in the current EYFS framework at section 3.47 and 3.48 of the statutory framework. Providers should use the information in this paragraph including guidance on the different types of cardiopulmonary resuscitation (CPR) paediatrics for those aged 1 to 8 as set out in the PFA.

During any period of intervention related to coronavirus (COVID-19), children aged 2 to 5 years old, providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

New entrants (levels 2 and 3) will need to hold a PFA certificate when they start work in a setting, providers should use reasonable endeavours to ensure that a period of intervention related to coronavirus (COVID-19) is in place.

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

What this means in practice

For providers with children in the age of 24 months or their care, the requirements around PFA remain the same as in the current EYFS framework at section 3.47 and 3.48 of the statutory framework. Providers should use the information in this paragraph including guidance on the different types of cardiopulmonary resuscitation (CPR) paediatrics for those aged 1 to 8 as set out in the PFA.

During any period of intervention related to coronavirus (COVID-19), children aged 2 to 5 years old, providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

New entrants (levels 2 and 3) will need to hold a PFA certificate when they start work in a setting, providers should use reasonable endeavours to ensure that a period of intervention related to coronavirus (COVID-19) is in place.

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

7.3 Safeguarding and welfare

All other aspects of the safeguarding and welfare section of the EYFS framework will remain in place, including the Ofsted inspection arrangements. Providers will want to consider whether any school or review is needed to ensure that children are kept safe and that staff are suitable to work with children in the EYFS provisions, including any period of intervention related to coronavirus (COVID-19).

Settings must continue to ensure sufficient designated to take lead responsibility for safeguarding. It is acceptable for the safeguarding lead to not be on the premises at all times, for example, if they are ill, self-isolating, on leave, or because of another commitment, as long as they are still available to provide support, advice and guidance for staff.

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

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

8.1 All group settings

Ofsted EYFS paragraph 3.21:

Current requirement

The current requirement says the:

- manager must hold at least a full and relevant level 3 qualification and at least half of other staff must hold at least a full and relevant level 2 qualification (or equivalent). For a minimum period of two 2 years experience of working in an early years setting or have at level 2 years' other suitable experience in a setting with children under 5 years old, and be competent, experienced, capable and qualified to lead the change in the manager's absence

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised.

All other requirements remain.

8.2 All settings

Ofsted EYFS paragraph 3.21:

Current requirement

The current requirement says the:

- 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 any outings
- an newly qualified entrant to the early years workforce who has completed a level 2 or 3 qualification in the last 3 years, and who is in the process of completing PFA training and within 3 months of starting work is to be included in the required staff: child ratios at level 2 or level 3 in early years settings

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

Providers should use their reasonable endeavours to ensure that at least half of staff are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 PFA certificate to be counted in ratios.

New entrants (levels 2 and 3) will need to hold a PFA certificate when they start work in a setting, providers should use reasonable endeavours to ensure that a period of intervention related to coronavirus (COVID-19) is in place.

Providers should use their reasonable endeavours to ensure that at least one other member of staff, including the manager, is competent, experienced, capable and qualified to lead the change in the manager's absence.

All other requirements remain.

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

Ofsted EYFS paragraph 3.21:

Current requirement

The current requirement says:

- there must be at least one member of staff for every 3 children
- at least half of staff must hold a full and relevant level 3 qualification or qualification and suitable for working with children under 2 years old
- at least half of other staff must hold a full and relevant level 2 qualification
- at least one member of staff must have received training that specifically addresses the care of babies
- where there is a room for children under the age of 2, the manager of such a change of that room must, in the judgement of the provider, have suitable experience in caring for children under 2

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least half of other staff, including the manager, are qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff. Unqualified staff should be suitable and supervised. Unqualified staff should be suitable and supervised.

All other requirements remain.

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

Ofsted EYFS paragraph 3.32:

Current requirement

The current requirement says:

- there must be at least one member of staff for every 5 children
- at least half of other staff must hold a full and relevant level 3 qualification
- at least half of all other staff must hold a full and relevant level 2 qualification

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least one other member of staff, including the member of staff who holds a suitable level 3 qualification, is qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff.

All other requirements remain.

8.5 Providers caring for children aged 3 and over in maintained nursery schools, nursery schools, nursery schools, early years teacher status and other suitable level 6 qualification is working directly with the children

Ofsted EYFS paragraph 3.32:

Current requirement

The current requirement says:

- there must be at least one member of staff for every 13 children
- at least half of other staff must hold a full and relevant level 3 qualification

Change for coronavirus (COVID-19)

Providers should use their reasonable endeavours to ensure that at least one other member of staff, including the member of staff who holds a suitable level 6 qualification, is qualified to level 3 or above, and that no more than 1 member of staff is qualified to level 1 staff.

All other requirements remain.

8.6 Providers caring for children aged 3 and over

when a person with qualified teacher status, early years professional status, early years teacher status or another suitable level 6 qualification is not working directly with the children

(See EYFS paragraph 3.34.)

Current requirement

The current requirement says:

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

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff, excluding the member of staff who holds a level 3 qualification, hold at least a full and relevant level 2 qualification but meeting this will not be a legal requirement.

All other requirements remain.

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

(See EYFS paragraph 3.35.)

Current requirement

The current requirement says:

- for classes where the majority of children will reach the age of 5 or older within the school year, there must be at least one member of staff for every 30 children
- for all other classes there must be at least one member of staff for every 13 children
- at least one other member of staff must hold a full and relevant level 3 qualification

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least one other member of staff, excluding the member of staff who holds a suitable level 6 qualification, an instructor, or another suitably qualified overseas trained teacher, holds at least a full and relevant level 3 qualification but meeting this will not be a legal requirement.

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

All other requirements remain.

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

(See EYFS paragraph 3.36.)

Current requirement

The current requirement says:

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

Change for coronavirus (COVID-19)

Providers should use their 'reasonable endeavours' to ensure that at least half of other staff, excluding the member of staff who holds a level 3 qualification, hold at least a full and relevant level 2 qualification but meeting this will not be a legal requirement.

All other requirements remain.

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

(See EYFS paragraph 3.37.)

Current requirement

The current requirement says:

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

Change for coronavirus (COVID-19)

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

In instances where this is not possible, providers should follow the requirements for providers where there is not someone with a suitable level 6 qualification working directly with the children (for example, there must be at least one member of staff for every 8 children, at least one member of staff who holds at least a full and relevant level 3 qualification and providers should use their 'reasonable endeavours' to ensure that at least half of other staff hold at least a full and relevant level 2 qualification).

Where at least one member of staff is a school teacher, providers should use their 'reasonable endeavours' to ensure that at least one other member of staff holds at least a full and relevant level 3 qualification but meeting this will not be a legal requirement.

All other requirements remain.

Is this page useful?

Yes No There is something wrong with this page

Coronavirus (COVID-19)

Coronavirus (COVID-19): guidance and support

Brexit transition

Check the new rules for January 2021

Services and information

Benefits
Births, deaths, marriages and care
Business and self-employed
Childcare and parenting
Citizenship and living in the UK
Crime, justice and the law
Disabled people
Driving and transport
Education and learning
Employing people
Environment and countryside
Housing and local services
Money and tax
Passports, travel and living abroad
Visas and immigration
Working, jobs and pensions

Departments and policy

How government works
Departments
Worldwide
Services
Guidance and regulation
News and communications
Research and statistics
Policy papers and consultations
Transparency and freedom of information releases

Help Privacy Cookies Contact Accessibility statement Terms and conditions
Rhestr o Wasanaethau Cymraeg Built by the Government Digital Service

OGL All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright