Department for Education

Early years foundation stage statutory framework

For group and school-based providers

Setting the standards for learning, development and care for children from birth to five

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Summary

About this statutory framework

This Early Years Foundation Stage (EYFS) framework for **group and school-based** early years providers is mandatory[1] for:

- All persons registered in England with Ofsted on the early years register, or with an early years childminder agency (CMA):
    - to provide early years childcare on domestic premises (CoDP)[2]; or
    - to provide early years childcare on non-domestic premises (CoNDP)[3];

    (referred to collectively in this EYFS framework as '**group-based early years providers'**); and
- All schools and independent educational institutions in England who provide early years provision in respect of which they are exempt from registration by section 34(2) of the Childcare Act 2006[4] (referred to in this EYFS framework as **'school-based early years providers'**).

This EYFS framework refers to all of the above collectively as **'providers'**, unless otherwise stated.

The learning and development requirements are in Section 1, the assessment requirements are in Section 2, and the safeguarding and welfare requirements are in Section 3 of this framework. This framework uses the word "must" where the requirement is mandatory. Where the framework uses the word "should", this means that providers must take the guidance into account when delivering the requirements and should follow it, unless there is a good reason not to.

Ofsted and inspectorates of independent schools carry out inspections of how providers meet and deliver the EYFS framework. Providers of CoDP may be registered with a CMA. CMAs

[1] Section 40 of the Childcare Act 2006 (the '2006 Act') requires early years providers, including early years providers of CoDPs and CoNDPs, and school and independent educational institution who are exempt from registration by section 34(2) of the 2006 Act, to secure that the early years provision meets the learning and development requirements and complies with welfare requirements set out in the EYFS.
[2] "Early years childcare on domestic premises" (CoDPs) means early years provision in respect of which a person is required to be registered by section 34(1A) of the 2006 Act. This is early years provision, at least some or all of which is on domestic premises, provided for reward, where at any time the number of persons providing or assisting with the provision exceeds four) (or exceeds three if a person was registered, or had applied to be registered, to provide early years CoDPs before 1 November 2024).
[3] "Early years childcare on non-domestic premises" (CoNDPs) means early years provision provided solely on non-domestic premises in respect of which a person is required to be registered by section 34(1)(a) of the 2006 Act (including where the provision is provided by a person who was registered, or who had applied to be registered, to provide early years CoDPs before 1 November 2024).
[4] Section 34(2) of the 2006 Act exempts certain schools and independent educational institutions from the requirement, in section 34(1) and (1A) of the 2006 Act, to register with Ofsted in the early years register, or with an early years CMA , where the early years provision is made by the school or institution for children aged 2 and over as part of that school or institution's activities.

carry out quality assurance visits of CMA-registered providers of CoDP. For further details on CMAs please see: Childminder agencies: a guide - GOV.UK (www.gov.uk)

Ofsted and CMAs assess how providers meet and deliver the EYFS framework and report on the quality and standards of provision. Ofsted carry out inspections of all providers, including Ofsted-registered providers of CoDP. CMAs carry out quality assurance visits of CMA-registered providers of CoDP. They both assess how those providers meet and deliver the EYFS framework and report on the quality and standards of their early years provision. Ofsted publishes inspection reports at www.gov.uk/ofsted. CMAs are required to produce a written report following a quality assurance visit and to make this available to the provider, who is the subject of the report, and to the parents and/or carers of any child receiving registered childcare provision from them. CMAs can also be asked to make it available to Ofsted upon request for inspection.

Ofsted may issue actions if a provider registered on the Early Years Register fails to meet a requirement set out in this document, and/or may serve a welfare requirements notice if the failure relates to a requirement set out in Section 3. It is an offence for a provider, without reasonable excuse, to fail to comply with a welfare requirements notice[5]. If a provider of CoDP is registered with a CMA, it is for the CMA to determine the shape and content of their quality assurance arrangements. They will consider how to support CoDP providers to comply with requirements set out in this document, and what action to take against CoDP providers who fail to comply. For further details on CMAs please see: Childminder agencies: a guide - GOV.UK (www.gov.uk)

This framework remains in force until further notice.

What legislation is this framework based on?

- The learning and development requirements and the assessment arrangements are given legal force by an Order[6] made under section 39(1)(a) of the Childcare Act 2006.
- The safeguarding and welfare requirements are given legal force by Regulations[7] made under section 39(1)(b) of the Childcare Act 2006.

Providers can apply for exemptions from the learning and development requirements and assessment arrangements in certain circumstances, such as where their established principles are in conflict with the EYFS requirements[8]. Further information can be found on GOV.UK.

Who is this framework for?

[5] Regulation 12 of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012
[6] The Early Years Foundation Stage (Learning and Development Requirements) Order 2007
[7] The Early Years Foundation Stage (Welfare Requirements) Regulations 2012
[8] Section 46 of the Childcare Act 2006 allows the Secretary of State to give exemptions from the learning and development requirements in certain prescribed circumstances, set out in the Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008.

This framework is for all school-based early years providers in England (including maintained schools; non-maintained schools; independent schools; free schools; and academies) and all group-based providers who are registered on the Early Years Register[9] or with an early years CMA (for providers of CoDP) and caring for early years children (aged from 0 until the 31 August after their 5th birthday[10]).

This framework "for group and school-based early years providers" only applies to group and school-based early years providers in England. Persons who are registered in England as an early years childminder with Ofsted on the early years register, or with an early years CMA should refer to the statutory framework for childminders.

Before/after school care and holiday provision

Settings that only provide care before and after school, or during the school holidays, for children who normally attend reception (or older) class during the school day do not need to meet or be guided by the learning and development and assessment requirements set out in Sections 1 and 2.

However, settings providing this type of wraparound care for children younger than those in the reception class age range should continue to be guided by, but do not have to meet, the learning and development and assessment requirements. All such providers should discuss with parents and/or carers (and other practitioners/providers as appropriate, including school staff/teachers) the support they intend to offer.

All settings that provide care for children aged 0-5 must meet safeguarding and welfare requirements as set out in Section 3.

[9] The Childcare (Exemptions from Registration) Order 2008 specifies the circumstances in which providers are not required to register.

[10] Section 20 Childcare Act 2006 defines "early years provision" as the provision of childcare for a young child. Section 19 of that Act defines a "young child" as a child from birth until immediately before 1st September after the child reaches the age of 5.

Introduction

1. All children deserve the care and support they need to have the best start in life. Children learn and develop at a faster rate from birth to five years old than at any other time in their lives, so their experiences in early years have a major impact on their future life chances. A secure, safe, and happy childhood is important in its own right. Good parenting and high-quality early learning provide the foundation children need to fulfil their potential.

2. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes teaching and learning to ensure children's 'school readiness' and gives children the right foundation for good future progress through school and life.

3. The EYFS is about what children learn, as well as how they learn. Effective practice is a mix of different approaches. Children learn through play, by adults modelling, by observing each other and through adult-guided learning.

4. The EYFS seeks to provide:

    - **Quality and consistency** in all early years settings, so that every child makes good progress, and no child gets left behind.
    - **A secure foundation** through planning for the learning and development of each individual child and assessing and reviewing what they have learned regularly.
    - **Partnership working** between practitioners and with parents and/or carers.
    - **Equality of opportunity** and anti-discriminatory practice, ensuring that every child is included and supported.

Overarching principles

5. Four guiding principles should shape practice in early years. These are:

    - Every child is a **unique child**, who is constantly learning and can be resilient, capable, confident, and self-assured.
    - Children learn to be strong and independent through **positive relationships.**
    - Children learn and develop well in **enabling environments with teaching and support from adults,** who respond to their individual interests and needs and help them to build their learning over time. Children benefit from a strong partnership between practitioners and parents and/or carers.
    - Importance of learning and development. Children develop and learn at different rates. (See "the characteristics of effective teaching and learning" at paragraph 1.18). The framework covers the education and care of all children, including children with special educational needs and disabilities (SEND).

Section 1 – The learning and development requirements

1.1 This section sets out what providers must do, working in partnership with parents and/or carers, to promote the learning and development of all children in their care, and to ensure their entire early years' experience contributes positively to their brain development and readiness for Key Stage 1. The learning and development requirements are informed by the best available evidence on how children learn. They also reflect the broad range of skills, knowledge, and attitudes children need as foundations for life now and in the future. Early years providers must guide the development of children's capabilities to help ensure that children in their care will fully benefit from future opportunities.

1.2 The EYFS learning and development requirements for group and school-based providers are made up of the seven areas of learning and development, as set out in the educational programmes described below.

1.3 In reception year, teachers and practitioners will also utilise the early learning goals which summarise the knowledge, skills and understanding that all young children should have gained by the end of the EYFS.

The areas of learning and development

1.4 There are seven areas of learning and development that set out what providers must teach the children in their settings. All areas of learning and development are important and inter-connected.

1.5 Three prime areas are particularly important for learning and forming relationships. They build a foundation for children to thrive and provide the basis for learning in all areas.

These are the **prime areas:**

- Communication and language
- Physical development
- Personal, social and emotional development

1.6 Providers must also support children in four specific areas, which help strengthen and develop the three prime areas, and ignite children's curiosity and enthusiasm.

The **specific** areas are:

- Literacy
- Mathematics
- Understanding the world
- Expressive arts and design

Educational Programmes

The educational programmes are high level curriculum summaries which set out what should be taught in settings for each area. They must involve activities and experiences that enable children to learn and develop, as set out under each of the seven areas of learning.

Communication and Language

The development of children's spoken language underpins all seven areas of learning and development. Children's back-and-forth interactions from an early age form the foundations for language and cognitive development. The number and quality of the conversations they have with adults and peers throughout the day in a language-rich environment is crucial. By commenting on what children are interested in or doing, and echoing back what they say with new vocabulary added, practitioners will build children's language effectively. Reading frequently to children, and engaging them actively in stories, non-fiction, rhymes and poems, and then providing them with extensive opportunities to use and embed new words in a range of contexts, will give children the opportunity to thrive. Through conversation, storytelling and role play, where children share their ideas with support and modelling from their teacher, and sensitive questioning that invites them to elaborate, children become comfortable using a rich range of vocabulary and language structures.

Personal, Social and Emotional Development

Children's personal, social and emotional development (PSED) is crucial for children to lead healthy and happy lives and is fundamental to their cognitive development. Underpinning their personal development are the important attachments that shape their social world. Strong, warm and supportive relationships with adults enable children to learn how to understand their own feelings and those of others. Children should be supported to manage emotions, develop a positive sense of self, set themselves simple goals, have confidence in their own abilities, to persist and wait for what they want and direct attention as necessary. Through adult modelling and guidance, they will learn how to look after their bodies, including healthy eating, and manage personal needs independently. Through supported interaction with other children, they learn how to make good friendships, co-operate and resolve conflicts peaceably. These attributes will provide a secure platform from which children can achieve at school and in later life.

Physical Development

Physical activity is vital in children's all-round development, enabling them to pursue happy, healthy and active lives[11]. Gross and fine motor experiences develop incrementally throughout early childhood, starting with sensory explorations and the development of a child's strength, co-ordination and positional awareness through tummy time, crawling and play movement with both objects and adults. By creating games and providing opportunities for play both indoors and outdoors, adults can support children to develop their core strength, stability, balance,

[11] Guidance on physical activity from the Chief Medical Officer is available at: https://www.gov.uk/government/publications/physical-activity-guidelines-uk-chief-medical-officers-report.

spatial awareness, co-ordination and agility. Gross motor skills provide the foundation for developing healthy bodies and social and emotional well-being. Fine motor control and precision helps with hand-eye co-ordination, which is later linked to early literacy. Repeated and varied opportunities to explore and play with small world activities, puzzles, arts and crafts and the practice of using small tools, with feedback and support from adults, allow children to develop proficiency, control and confidence.

Literacy

It is crucial for children to develop a life-long love of reading. Reading consists of two dimensions: language comprehension and word reading. Language comprehension (necessary for both reading and writing) starts from birth. It only develops when adults talk with children about the world around them and the books (stories and non-fiction) they read with them, and enjoy rhymes, poems and songs together. Skilled word reading, taught later, involves both the speedy working out of the pronunciation of unfamiliar printed words (decoding) and the speedy recognition of familiar printed words. Writing involves transcription (spelling and handwriting) and composition (articulating ideas and structuring them in speech, before writing).

Mathematics

Developing a strong grounding in number is essential so that all children develop the necessary building blocks to excel mathematically. Children should be able to count confidently, develop a deep understanding of the numbers to 10, the relationships between them and the patterns within those numbers. By providing frequent and varied opportunities to build and apply this understanding - such as using manipulatives, including small pebbles and tens frames for organising counting - children will develop a secure base of knowledge and vocabulary from which mastery of mathematics is built. In addition, it is important that the curriculum includes rich opportunities for children to develop their spatial reasoning skills across all areas of mathematics including shape, space and measures. It is important that children develop positive attitudes and interests in mathematics, look for patterns and relationships, spot connections, ‘have a go’, talk to adults and peers about what they notice and not be afraid to make mistakes.

Understanding the World

Understanding the world involves guiding children to make sense of their physical world and their community. The frequency and range of children’s personal experiences increases their knowledge and sense of the world around them – from visiting parks, libraries and museums to meeting important members of society such as police officers, nurses and firefighters. In addition, listening to a broad selection of stories, non-fiction, rhymes and poems will foster their understanding of our culturally, socially, technologically and ecologically diverse world. As well as building important knowledge, this extends their familiarity with words that support understanding across domains. Enriching and widening children’s vocabulary will support later reading comprehension.

Expressive Arts and Design

The development of children's artistic and cultural awareness supports their imagination and creativity. It is important that children have regular opportunities to engage with the arts, enabling them to explore and play with a wide range of media and materials. The quality and variety of what children see, hear and participate in is crucial for developing their understanding, self-expression, vocabulary and ability to communicate through the arts. The frequency, repetition and depth of their experiences are fundamental to their progress in interpreting and appreciating what they hear, respond to and observe.

Early Learning Goals

1.7 The level of development children should be expected to have reached by the end of the EYFS is defined by the early learning goals (ELGs) as set out below.

1.8 The ELGs should not be used as a curriculum or in any way to limit the wide variety of rich experiences that are crucial to child development.

1.9 Instead, the ELGs should support practitioners to make a holistic, best-fit judgement about a child's development at the end of the EYFS, and their readiness for year 1.

1.10 Practitioners working with children below reception age do not need to use the ELGs as, for the vast majority of children, the EYFS Profile will be carried out by their school teacher at the end of the reception year. A group-based provider may need to use the ELGs to complete the EYFS Profile assessment for children aged 4-5 if this is not being done in reception year at school, however this is very rare (please see paragraph 2.13 below).

1.11 When forming a judgement about whether an individual child is at the expected level of development, teachers should draw on their knowledge of the child and their own expert professional judgement. This is enough evidence to assess a child's individual level of development in relation to each of the ELGs. Recorded, written or photographic evidence is not required.

Communication and Language

ELG: Listening, Attention and Understanding

Children at the expected level of development will:

- Listen attentively and respond to what they hear with relevant questions, comments and actions when being read to and during whole class discussions and small group interactions.
- Make comments about what they have heard and ask questions to clarify their understanding.
- Hold conversation when engaged in back-and-forth exchanges with their teacher and peers.

ELG: Speaking

Children at the expected level of development will:

- Participate in small group, class and one-to-one discussions, offering their own ideas, using recently introduced vocabulary.
- Offer explanations for why things might happen, making use of recently introduced vocabulary from stories, non-fiction, rhymes and poems when appropriate.
- Express their ideas and feelings about their experiences using full sentences, including use of past, present and future tenses and making use of conjunctions, with modelling and support from their teacher.

Personal, Social and Emotional Development

ELG: Self-Regulation

Children at the expected level of development will:

- Show an understanding of their own feelings and those of others and begin to regulate their behaviour accordingly.
- Set and work towards simple goals, being able to wait for what they want and control their immediate impulses when appropriate.
- Give focused attention to what the teacher says, responding appropriately even when engaged in activity, and show an ability to follow instructions involving several ideas or actions.

ELG: Managing Self

Children at the expected level of development will:

- Be confident to try new activities and show independence, resilience and perseverance in the face of challenge.
- Explain the reasons for rules, know right from wrong and try to behave accordingly.
- Manage their own basic hygiene and personal needs, including dressing, going to the toilet and understanding the importance of healthy food choices.

ELG: Building Relationships

Children at the expected level of development will:

- Work and play cooperatively and take turns with others.
- Form positive attachments to adults and friendships with peers.
- Show sensitivity to their own and to others' needs.

Physical Development

ELG: Gross Motor Skills

Children at the expected level of development will:

- Negotiate space and obstacles safely, with consideration for themselves and others.
- Demonstrate strength, balance and coordination when playing.
- Move energetically, such as running, jumping, dancing, hopping, skipping and climbing.

ELG: Fine Motor Skills

Children at the expected level of development will:

- Hold a pencil effectively in preparation for fluent writing – using the tripod grip in almost all cases.
- Use a range of small tools, including scissors, paint brushes and cutlery.
- Begin to show accuracy and care when drawing.

Literacy

ELG: Comprehension

Children at the expected level of development will:

- Demonstrate understanding of what has been read to them by retelling stories and narratives using their own words and recently introduced vocabulary.
- Anticipate – where appropriate – key events in stories.
- Use and understand recently introduced vocabulary during discussions about stories, non-fiction, rhymes and poems and during role-play.

ELG: Word Reading

Children at the expected level of development will:

- Say a sound for each letter in the alphabet and at least 10 digraphs.
- Read words consistent with their phonic knowledge by sound-blending.
- Read aloud simple sentences and books that are consistent with their phonic knowledge, including some common exception words.

ELG: Writing

Children at the expected level of development will:

- Write recognisable letters, most of which are correctly formed.
- Spell words by identifying sounds in them and representing the sounds with a letter or letters.
- Write simple phrases and sentences that can be read by others.

Mathematics

ELG: Number

Children at the expected level of development will:

- Have a deep understanding of numbers to 10, including the composition of each number.
- Subitise (recognise quantities without counting) up to 5.
- Automatically recall (without reference to rhymes, counting or other aids) number bonds up to 5 (including subtraction facts) and some number bonds to 10, including double facts.

ELG: Numerical Patterns

Children at the expected level of development will:

- Verbally count beyond 20, recognising the pattern of the counting system.
- Compare quantities up to 10 in different contexts, recognising when one quantity is greater than, less than or the same as the other quantity.
- Explore and represent patterns within numbers up to 10, including evens and odds, double facts and how quantities can be distributed equally.

Understanding the World

ELG: Past and Present

Children at the expected level of development will:

- Talk about the lives of the people around them and their roles in society.
- Know some similarities and differences between things in the past and now, drawing on their experiences and what has been read in class.
- Understand the past through settings, characters and events encountered in books read in class and storytelling.

ELG: People, Culture and Communities

Children at the expected level of development will:

- Describe their immediate environment using knowledge from observation, discussion, stories, non-fiction texts and maps.
- Know some similarities and differences between different religious and cultural communities in this country, drawing on their experiences and what has been read in class.
- Explain some similarities and differences between life in this country and life in other countries, drawing on knowledge from stories, non-fiction texts and – when appropriate – maps.

ELG: The Natural World

Children at the expected level of development will:

- Explore the natural world around them, making observations and drawing pictures of animals and plants.
- Know some similarities and differences between the natural world around them and contrasting environments, drawing on their experiences and what has been read in class.
- Understand some important processes and changes in the natural world around them, including the seasons and changing states of matter.

Expressive Arts and Design

ELG: Creating with Materials

Children at the expected level of development will:

- Safely use and explore a variety of materials, tools and techniques, experimenting with colour, design, texture, form and function.
- Share their creations, explaining the process they have used.
- Make use of props and materials when role playing characters in narratives and stories.

ELG: Being Imaginative and Expressive

Children at the expected level of development will:

- Invent, adapt and recount narratives and stories with peers and their teacher.
- Sing a range of well-known nursery rhymes and songs.
- Perform songs, rhymes, poems and stories with others, and – when appropriate – try to move in time with music.

Learning and Development Considerations

1.12 Practitioners should be ambitious for all children. To do this they must consider the individual needs, interests, and development of each child in their care. They must use this information to plan a challenging and enjoyable experience for each child in all areas of learning and development. Practitioners working with the youngest children are expected to ensure a strong foundation for children's development in the three prime areas. The specific areas of learning provide children with a broad curriculum and with opportunities to strengthen and apply the prime areas of learning. This is particularly important in developing language and extending vocabulary.

Acting on concerns

1.13 Throughout the early years, if a provider is worried about a child's progress in any prime area, practitioners must discuss this with the child's parents and/or carers and agree how to support the child. Practitioners must consider whether a child needs any additional support, including whether they may have a special educational need or disability which requires specialist support.

English as an Additional Language

1.14 For children whose home language is not English, providers may take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.

1.15 Providers must ensure that children have sufficient opportunities to learn and reach a good standard in English language during the EYFS, ensuring children are ready to benefit from the opportunities available to them when they begin Key Stage 1. When assessing communication, language, and literacy skills, practitioners must assess children's skills in English. If a child does not have a strong grasp of English language, practitioners must explore the child's skills in the home language with parents and/or carers, to establish whether there is cause for concern about language delay.

Approaches to teaching and learning

1.16 This framework does not prescribe a particular teaching approach. Play is essential for children's development, building their confidence as they learn to explore, relate to others, set their own goals, and solve problems. Children learn by leading their own play, and by taking part in play and learning that is guided by adults. Practitioners need to decide what they want children in their setting to learn, and the most effective ways to teach it. Practitioners must stimulate children's interests, responding to each child's emerging needs and guiding their development through warm, positive interactions coupled with secure routines for play and learning.

1.17 As children grow older and move into the reception year, there should be a greater focus on teaching the essential skills and knowledge in the specific areas of learning. This will help children to prepare for Key Stage 1.

1.18 In planning and guiding what children learn, practitioners must reflect on the different rates at which children are developing and adjust their practice appropriately. Three characteristics of effective teaching and learning are:

- **Playing and exploring** - children investigate and experience things, and 'have a go'.
- **Active learning** - children concentrate and keep on trying if they encounter difficulties and enjoy achievements.
- **Creating and thinking critically** - children have and develop their own ideas, make links between ideas, and develop strategies for doing things.

A quality workforce focused on learning and development and health and safety

1.19 All children deserve high quality early education and care. This requires a quality workforce. A well-trained, skilled team of practitioners can help every child achieve the best possible educational outcomes. Children need to build an attachment with their key person for their confidence and well-being. The key person also promotes children's learning by developing a deep understanding of their individual needs and children can particularly benefit from their modelling and support. The requirements in relation to workforce training and responsibilities, including that of the key person, are outlined in Section 3, but they are equally important for children's learning and development as they are for their safety and welfare.

Curriculum Guidance

1.20 Development Matters, government curriculum guidance for the EYFS, can support providers to deliver the EYFS learning and development requirements. It can be used to design an effective early years curriculum. This guidance is non-statutory, so Ofsted, CMAs, and inspectorates of independent schools will **not** take this into account when carrying out inspections or quality assurance visits. It is up to providers to decide how they deliver the learning and development requirements.

Section 2 – Assessment

2.1 Assessment plays an important part in helping parents, carers, and practitioners to recognise children's progress, understand their needs, and to plan activities and support. This section sets out the assessment requirements group and school-based providers must meet, as well as guidance on assessment.

2.2 Assessment should not involve long breaks from interaction with children or require excessive paperwork. When assessing whether an individual child is at the expected level of development, practitioners should draw on their knowledge of the child and their own expert professional judgement. Practitioners are not required to prove this through collection of any physical evidence.

2.3 Practitioners should keep parents and/or carers up to date with their child's progress and development. Practitioners should address any learning and development needs in partnership with parents and/or carers, and any relevant professionals.

2.4 Assessment should inform an ongoing dialogue between practitioners and year 1 teachers about each child's learning and development, to support a successful transition to Key Stage 1.

Ongoing assessment

2.5 Ongoing assessment (also known as formative assessment) is an integral part of the learning and development process. It involves practitioners understanding children's interests, what they know and can do, and then shaping teaching and learning experiences for each child reflecting that knowledge. In their interactions with children, practitioners should make and act on their own day-to-day observations about children's progress and observations that parents and/or carers share. However, there is no requirement to keep written records in relation to this.

Progress check at age two

2.6 When a child is aged between two and three, practitioners must review their progress and provide parents and/or carers with a short, written summary of their child's development in the prime areas.

2.7 Beyond the prime areas, it is for practitioners to decide what the written summary should include, reflecting the development level and needs of the individual child.

2.8 The summary must:

- Highlight areas in which a child is progressing well.
- Highlight areas in which some additional support might be needed.
- Focus particularly on any areas where there is a concern that a child may have a developmental delay, which may indicate a special educational need or disability.

- Describe the activities and strategies the provider intends to adopt to address any issues or concerns. This plan should involve parents and/or carers and other professionals (for example, the provider's Special Educational Needs Co-ordinator (SENCO) or health professionals) as appropriate.

2.9 If a child moves settings between the ages of two and three, it is expected that the progress check would usually be undertaken by the setting where the child has spent most time. Practitioners must discuss with parents and/or carers how the summary of development can be used to support learning at home. Non-statutory guidance, Progress check at age 2, is available to support practitioners in completing the progress check.

2.10 Practitioners should encourage parents and/or carers to share information from the progress check with other relevant professionals, including their health visitor and the staff of any new provision the child may move to. Practitioners must agree with parents and/or carers when will be the most useful point to provide a summary. Where possible, the progress check and the Healthy Child Programme health and development review at age two (when health visitors gather information on a child's health and development) should inform each other and support integrated working. This will allow health and education professionals to identify strengths as well as any developmental delay and any particular support from which they think the child/family might benefit. Providers must have the consent of parents and/or carers to share information directly with other relevant professionals.

Assessment at the start of the reception year – the Reception Baseline Assessment (RBA)

2.11 The Reception Baseline Assessment (RBA) is a short assessment, taken in the first six weeks in which a child starts reception. This information is therefore only relevant to reception teachers in school-based provision.

2.12 Requirements for the administration of the RBA are set out in Annex B. That Annex covers all intakes in reception within an academic year including during autumn, spring and summer terms.

Assessment at the end of the EYFS – the Early Years Foundation Stage Profile (EYFSP)

2.13 In the final term of the academic year in which the child reaches age five, and no later than 30 June in that term, the EYFS Profile must be completed for each child (except where paragraph 2.18 applies). This is therefore usually undertaken by reception teachers, but on rare occasions it could be undertaken in other settings too. A provider other than a reception teacher must complete the EYFS Profile only where a child they are caring for has not started school by the final term of the year in which the child reaches age 5 and will complete the EYFS in their setting.

2.14 The Profile provides parents and/or carers, practitioners and teachers with a well-rounded picture of a child's knowledge, understanding and abilities, their attainment against expected levels, and their readiness for year 1. The Profile must reflect practitioners' own knowledge and professional judgement of a child to inform discussions with parents and/or carers, and any other person whom the teacher, parent and/or carer judges can offer a useful contribution.

2.15 Each child's level of development must be assessed against the early learning goals. Practitioners must note whether children are meeting expected levels of development, or if they are not yet reaching expected levels ("emerging").

2.16 Year 1 teachers must be given a copy of the Profile report. Reception teachers, or early years practitioners where the Profile has been completed for a child who has remained in registered early years provision, may choose to provide a short commentary on each child's skills and abilities in relation to the three key characteristics of effective teaching and learning (see paragraph 1.18). These should help inform a discussion between reception and year 1 teachers about each child's stage of development and learning needs and assist with the planning of activities in year 1.

2.17 Relevant providers must share the results of the Profile with parents and/or carers and explain to them when and how they can discuss the Profile with the practitioner who completed it. For children attending more than one setting, the Profile must be completed by the setting where the child spends most time. If a child moves to a new setting during the academic year, the original setting must send their assessment of the child's level of development against the early learning goals to the relevant school within 15 days of receiving a request. If a child moves during the summer term, relevant providers must agree which of them will complete the Profile.

2.18 In exceptional circumstances, after discussion and only in agreement with parents and/or carers, a child might remain in EYFS provision beyond the end of the academic year in which they reach age 5[12]. In these exceptional cases, assessment should continue throughout the child's time within EYFS provision and the Profile should be completed once only, at the end of the year before the child moves into year 1. If the child is only continuing in EYFS provision for part of the following year, the Profile should be completed at the end of the child's time in the EYFS before they move into year 1. The data should then be submitted at the end of that academic year with the rest of the cohort. We recommend the decision for the child to remain in the EYFS is made before starting the Profile for the cohort. However, if the decision is made after the Profile has already been completed, then a new assessment will need to be made and submitted the following year with the new cohort.

2.19 The school should discuss their intention to defer the child's statutory assessment with their local authority. This will ensure the child's data is not considered missing when the school submits Profile outcomes for the current cohort.

[12] This does not alter compulsory school age, which remains whichever of 31 December, 31 March or 31 August comes first after the child's 5th birthday: School admissions: School starting age - GOV.UK

2.20 The Profile must be completed for all children, including those with special educational needs or disabilities (SEND). Reasonable adjustments to the assessment process for children with SEND must be made as appropriate. Providers should consider whether they may need to seek specialist assistance to help with this. Children will have differing levels of knowledge, skills and abilities across the Profile, and it is important that there is a full assessment of all areas of their development, to inform plans for future activities and to identify any additional support needs.

Information to be provided to the local authority

2.21 Early years providers must report EYFS Profile results to local authorities, upon request[13]. Local authorities are under a duty to return this data to the relevant government department.

[13] The Childcare (Provision of Information About Young Children) (England) Regulations 2009

Section 3 – The safeguarding and welfare requirements

Introduction

3.1 Children learn best when they are healthy, safe, secure, when their individual needs are met, and when they have positive relationships with the people caring for them.

3.2 This section of the framework sets out the safeguarding and welfare requirements providers must meet. They are designed to help providers create a high-quality, welcoming, and safe setting where children can enjoy learning and grow in confidence.

3.3 Providers must take all necessary steps to keep children safe and well. The requirements in this section explain what early years providers must do to:

- Safeguard children.
- Ensure the people who have contact with children are suitable.
- Promote good health.
- Support and understand behaviour.
- Maintain records, policies, and procedures.

Safeguarding policies and procedures

3.4 In every setting, a practitioner must be designated to take lead responsibility for safeguarding children. The designated safeguarding lead (DSL) is responsible for liaison with local statutory children's services agencies, and with the Local Safeguarding Partners. Every person looking after children must be alert to any issues of concern in the child's life at home or elsewhere.

3.5 Providers must have and implement policies and procedures to keep children safe and meet EYFS requirements. Schools are not required to have separate policies to cover EYFS requirements provided the requirements are already met through an existing policy. Where providers are required to have policies and procedures as specified below, these policies and procedures should be recorded in writing. Policies and procedures should be in line with the guidance and procedures of the relevant Local Safeguarding Partners.

3.6 Safeguarding policies must include:

- The action to be taken when there are safeguarding concerns about a child.
- The action to be taken in the event of an allegation being made against a member of staff.
- How mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting.
- Procedures to follow to check the suitability of new recruits.

- Detail of how safeguarding training is delivered and how practitioners are supported to put this into practice.

Providers may find it helpful to read 'Safeguarding children and protecting professionals in early years settings: online safety considerations'.

Whistleblowing

3.7 Providers must put appropriate whistleblowing procedures in place for all staff (including students and volunteers) to raise concerns about poor or unsafe practice in the setting's provision. This must include when and how to report concerns and the process that will be followed after staff report concerns. Providers must ensure staff are aware of the setting's whistleblowing procedures and must ensure all staff feel able to raise concerns about poor or unsafe practice and know that such concerns will be taken seriously by the senior leadership team.

3.8 Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, they should use the other channels open to them:

- NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk. Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.
- Ofsted provides guidance on how to make complaints about a provider: Complaints procedure - Ofsted - GOV.UK (www.gov.uk).
- General guidance on whistleblowing can be found via: Whistleblowing for employees.

Concerns about children's safety and welfare

3.9 If providers have concerns about children's safety or welfare, they must immediately notify their local authority children's social care team, in line with local reporting procedures, and, in emergencies, the police. Providers must also take into account the government's statutory guidance 'Working Together to Safeguard Children' and 'Prevent duty guidance for England and Wales'[14]. All schools are required to have regard[15] to the government's statutory guidance 'Keeping Children Safe in Education', and other childcare providers may also find it helpful to read this guidance.

3.10 Registered providers must inform Ofsted, or the CMA with which a provider of CoDP is registered, of any allegations of harm[16] or abuse by anyone living, working, or looking after

[14] The Counter-Terrorism and Security Act 2015 places a duty on early years providers "to have due regard to the need to prevent people from being drawn into terrorism" (the Prevent duty).
[15] Under section 175(4) of the Education Act 2002.
[16] "Harm" is as defined by section 31(9) of the Children Act 1989 and means ill-treatment (including sexual abuse and forms of ill-treatment which are not physical), or impairment of physical or mental health, or impairment of physical, intellectual, emotional, social or behavioural development. It also includes, for example, impairment suffered from seeing or hearing the ill-treatment of another.

children at the premises. This must happen whether the allegations of harm or abuse are alleged to have been committed on the premises or elsewhere, for example, on a visit. Registered providers must also notify Ofsted/their CMA of the action they have taken in response to the allegations. Ofsted/the CMA must be notified as soon as is reasonably practicable, but in any event within 14 days of the allegations being made. A registered provider who, without a reasonable excuse, fails to do this, commits an offence[17].

Child absences

3.11 Providers must follow up on absences in a timely manner. If a child is absent for a prolonged period of time, or if a child is absent without notification from the parent and/or carer, attempts must be made to contact the child's parents and/or carers and alternative emergency contacts. Providers must consider patterns and trends in a child's absences and their personal circumstances and use their professional judgement when deciding if the child's absence should be considered as prolonged. Consideration must be given to the child's vulnerability, parent's and/or carer's vulnerability and their home life. Any concerns must be referred to local children's social care services and/or a police welfare check requested.

3.12 Providers must have an attendance policy that they share with parents and/or carers. This must include expectations for reporting child absences and the actions providers will take if a child is absent without notification or for a prolonged period of time, for example: implementing the setting's safeguarding procedures, following up with the parents and/or carers and contacting emergency contacts if parents and/or carers are not contactable.

Suitable people

3.13 Providers must ensure that people looking after children are suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced. Providers must also ensure that any person who may have regular contact with children (for example, someone living or working on the same premises the early years provision is provided), is suitable[18].

3.14 Ofsted, or the CMA with which a provider of CoDP is registered, is responsible for completing suitability checks of:

- The provider.
- Every other person looking after children on domestic premises for whom the care is being provided. This includes students, who cannot be counted in the ratios until they have been deemed suitable.

[17] Regulation 12 of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012.
[18] To allow Ofsted to make these checks, providers are required to supply information to Ofsted or the relevant CMA, as set out in Schedule 2 of the Childcare (Early Years Register) Regulations 2008.

- Every other person living or working on any domestic premises from which the childcare is being provided, including requiring enhanced criminal records checks[19] and barred list checks.

3.15 Registered group and school-based providers, **except CoDP providers**, must obtain an enhanced criminal records check and barred list check for every person aged 16 and over including all volunteers[20] who:

- Works directly with children.
- Lives on the premises on which the childcare is provided (unless there is no access to the part of the premises when and where children are cared for) and/or
- Works on the premises on which the childcare is provided (unless they do not work on the part of the premises where the childcare takes place, or do not work there at times when children are present).

3.16 An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad[21].

3.17 Providers must tell staff and prospective staff that they must disclose any information which may affect their suitability to work with children including, but not limited to, arrests, charges, convictions, cautions, court orders, reprimands and warnings (whether received before or during their employment at the setting)[22]. Providers must not allow individuals to begin working or volunteering[23] at the setting until they have received the applicant's enhanced criminal records and barred list check. Providers must not allow anyone whose suitability has not been checked, including through a criminal records and barred list check[24], to have unsupervised contact with children being cared for.

3.18 Providers must record information about staff qualifications and the identity checks, vetting processes and references that have been completed (including the criminal records check reference number, the date a check was obtained and details of who at the setting obtained it).

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[19] The requirement for a criminal records check will be deemed to have been met in respect of all people living or working in childcare settings, whose suitability was checked by Ofsted or their local authority before October 2005.
[20] Except supervised volunteers who only help out occasionally, such as parents or carers helping out on a trip (but not overnight or if providing personal care). The Crime and Policing Act 2026 amended the Safeguarding Vulnerable Groups Act 2006 to remove the previous exemption for supervised unpaid activity. This means that paid and unpaid activities such as teaching, training, instructing, caring for or supervising children are now considered to be regulated activity if carried out frequently, or if carried out on more than 3 days in a 30-day period or overnight. Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing.
[21] For more information see: www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants.
[22] Except convictions or cautions that are protected for the purposes of the Rehabilitation of Offenders Act 1974.
[23] Except supervised volunteers who only help out occasionally as in footnote 20.
[24] DBS disclosures and barred list information are only issued to the potential employee; providers must check the disclosure and consider whether it contains any information that would suggest the person was unsuitable for the position, before an individual has unsupervised contact with children. Where a potential or existing employee has subscribed to the online DBS update service, providers should check the status of the disclosure. Where the check identifies there has been a change to the disclosure details, a new enhanced DBS disclosure must be applied for. Before accessing the DBS update service consent to do so must be obtained from the member of staff.

3.19 Providers are required to make a referral to the Disclosure and Barring Service if a member of staff is dismissed (or would have been, had they not left the setting first) because they have harmed a child or put a child at risk of harm[25].

References

3.20 Providers must obtain at least one written reference for any member of staff (including students and volunteers) before they are recruited. Providers should:

- Not accept open references e.g. to whom it may concern.
- Not rely on applicants to obtain their reference.
- Ensure any references are from the applicant's current employer, training provider or education setting and have been completed by a senior person with appropriate authority.
- Not accept references from a family member.
- Obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.
- Secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children). If the applicant has never worked with children, then ensure a reference is from their current employer, training provider or education setting.
- Ensure electronic references originate from a legitimate source.
- Contact referees to clarify content where information is vague or insufficient information is provided.
- Compare the information on the application form with that in the reference and take up any discrepancies with the applicant.
- Establish the reason for the applicant leaving their current or most recent post, and ensure any concerns are resolved satisfactorily before appointment is confirmed.

3.21 References should be provided for current and previous employees upon request in a timely manner. When asked to provide a reference, providers should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold[26]. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious.

[25] Section 35 Safeguarding Vulnerable Groups Act 2006.

[26] The harm test is explained in the Disclosure and Barring service Guidance: Making barring referrals to the DBS and section 35(4) Safeguarding Vulnerable Groups Act 2006 and the harm test is satisfied if a person may (a) harm a child or vulnerable adult, (b) cause a child or vulnerable adult to be harmed, (c) put a child or vulnerable adult at risk of harm, (d) attempt to harm a child or vulnerable adult, or (e) incite another to harm a child or vulnerable adult.

Disqualification

3.22 A person may be disqualified from registration. Providers may find guidance about disqualification under the Childcare Act 2006 helpful. If a person is disqualified, they must not continue as an early years provider or be directly involved in the management of any early years provision. When a person is disqualified, providers must not employ that person in connection with early years provision[27].

3.23 A registered provider must notify Ofsted, or the CMA with which a provider of CoDP is registered, of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises where childcare is provided. The disqualification of an employee or a person living or working at domestic premises where childcare is provided is an example of a significant event[28].

3.24 A person working at provision in a domestic premises (CoDP) will also be disqualified if they live in the same household as another person who is disqualified, or because they live in the same household where a disqualified person is employed. If a person working in domestic premises becomes disqualified for this reason, they must apply to Ofsted to waive the disqualification if they wish to continue working in domestic childcare provision, and may, in some circumstances, be able to obtain a 'waiver' from Ofsted[29].

3.25 The registered provider must give Ofsted, or the CMA with which a provider of CoDP is registered, the following information about themselves or about any person who lives or is employed in the same household as the registered provider:

- Details of any order, determination, conviction, caution, or other ground for disqualification from registration under regulations made under section 75 of the Childcare Act 2006.
- The date of the order, determination or conviction, or the date when the other ground for disqualification arose.
- The body or court which made the order, determination or conviction, and the sentence (if any) imposed.
- A certified copy of the relevant order (in relation to an order or conviction).

3.26 The registered provider must provide this information to Ofsted/the CMA as soon as reasonably practicable, but, in any event within 14 days of the date the provider became aware of the information or should have reasonably become aware of it if they had made reasonable enquiries[30].

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[27] Section 76(3) and (4) of the Childcare Act 2006 provides that it is an offence to employ a person who is disqualified from registration by regulations under section 75 in connection with the provision of early years provision.

[28] Providers may find it helpful to read the Ofsted guidance on significant events: Childcare: significant events to notify Ofsted about

[29] Applying to waive disqualification: early years and childcare providers - GOV.UK

[30] This requirement is set out in regulation 9 of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012.

3.27 If a provider becomes aware of relevant information that may lead to an employee or a person living or working at domestic premises where childcare is provided being disqualified, the provider must take appropriate action to ensure the safety of children.

Staff taking medication/other substances

3.28 Staff members must not be under the influence of alcohol or any other substance which may affect their ability to care for children. If a practitioner is taking medication which may affect their ability to care for children, they should seek medical advice. Practitioners must only work directly with children if the medical advice received confirms that the medication is unlikely to impair that person's ability to look after children properly. All medication on the premises must be stored securely, and out of reach of children, at all times.

Smoking and vaping

3.29 Providers must not allow smoking in or on the premises when children are present or about to be present. Practitioners should not vape or use e-cigarettes when children are present or about to be present, and providers should consider Public Health England advice on their use[31]

Qualifications, training, support and skills

3.30 Providers must follow their legal responsibilities under the Equality Act 2010 including the fair and equal treatment of practitioners regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Safeguarding training

3.31 Providers must ensure that all practitioners are trained in line with the criteria set out in Annex C. Providers must ensure that practitioners are supported and confident to implement the setting's safeguarding policy and procedures on an ongoing basis. Providers should read 'What to do if you're worried a child is being abused: Advice for practitioners'.

3.32 The DSL must provide support, advice and guidance to all practitioners on an ongoing basis, and on any specific safeguarding issue as required. The DSL must attend a training course consistent with the criteria set out in Annex C.

3.33 Training must be renewed every two years. Providers may consider whether any staff need to undertake annual refresher training during any two-year period, to help maintain basic skills, keep up to date with any changes to safeguarding procedures or as a result of any safeguarding concerns that occur in the setting.

[31] Providers should also note that smoking in a vehicle with someone under the age of 18 present is prohibited under section 5 and section 8 of the Health Act 2006.

Training and skills

3.34 What practitioners know, plan for, and do matters for children's learning, development, safety, and happiness in settings. Providers must ensure that all staff receive induction training to help them understand their roles and responsibilities. Induction training must include information about emergency evacuation procedures, safeguarding, child protection, and health and safety issues. Providers must support staff to undertake appropriate training and professional development opportunities to ensure they offer quality learning and development experiences for children that continually improves.

Supervision of staff

3.35 Providers must put appropriate arrangements in place for the supervision of staff who have contact with children and families. Effective supervision provides support, coaching, and training for the practitioner and promotes the interests of children. Supervision should foster a culture of mutual support, teamwork, and continuous improvement, which encourages the confidential discussion of sensitive issues.

3.36 Supervision should provide opportunities for staff to:

- Discuss any issues – particularly concerning children's development or well-being, including child protection concerns.
- Identify solutions to address issues as they arise.
- Receive coaching to improve their personal effectiveness.

Paediatric First Aid

3.37 At least one person who has a current paediatric first aid (PFA) certificate must be on the premises and available at all times when children are present and must accompany children on outings. The certificate must be for a full course consistent with the criteria set out in Annex A. PFA training[32] must be renewed every three years and be relevant for people caring for young children and babies.

3.38 Providers should take into account the number of children, staff, and layout of premises to ensure that a paediatric first aider is able to respond to emergencies quickly.

3.39 All staff who obtained a level 2 and/or level 3 qualification since 30 June 2016 must obtain a PFA qualification within three months of starting work in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting[33]. All staff who have completed

[32] Providers are responsible for identifying and selecting a competent training provider to deliver their PFA training. There are a range of Training Providers who offer Paediatric First Aid training, however you may want to consider one of the following: one that is a member of a Trade Body with an approval and monitoring scheme, the Voluntary Aid Societies and those who are accredited by an Ofqual Awarding Organisation to provide nationally regulated first aid qualifications. It may also be helpful to refer to HSE's guidance about choosing a first aid training provider, which can be found at: www.hse.gov.uk/pubns/geis3.htm

[33] Providers can make an exception to this requirement where a staff member who obtained a level 2 and/or level 3 qualification since 30 June 2016 is unable to gain a PFA certificate due to a disability. Such a member of staff can still be included in the staff:child ratios if otherwise competent to carry out their childcare duties. Where possible, such staff should attend a relevant PFA training course and obtain written evidence of attendance.

the experience-based route must obtain a PFA qualification before they can be included in the staff:child ratios at level 3. To continue to be included in the ratio requirement the certificate must be renewed every 3 years[34].

3.40 Providers should display (or make available to parents and/or carers) staff PFA certificates or a list of staff who have a current PFA certificate.

English language skills

3.41 Providers must ensure that staff have sufficient understanding and use of English to ensure the well-being of children in their care. For example, settings must be able to:

- Keep records in English.
- Liaise with other agencies in English.
- Summon emergency help.
- Understand instructions. For example, about the safety of medicines or food hygiene.

Key person

3.42 Each child must be assigned a key person. Their role is to help ensure that every child's care is tailored to meet their individual needs, to help the child become familiar with the setting, offer a settled relationship for the child and build a relationship with their parents and/or carers. They should also help families engage with more specialist support if appropriate.

Staff:child ratios

3.43 Staffing arrangements must meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised, especially whilst eating, and decide how to use staff to ensure children's needs are met. Providers must inform parents and/or carers about how staff are organised, and, when relevant and practical, aim to involve them in these decisions.

3.44 Children must usually be within sight and hearing of staff and always within sight or hearing. See paragraph 3.70 which applies when children are eating.

3.45 In settings on the early years register, the manager of the setting must hold an approved qualification at level 3 or above and at least half of all other staff must hold at least an approved level 2 qualification[35]. An approved qualification is defined by the Department for Education as meeting the criteria set out in the Early Years Qualification Requirements and Standards document. Approved qualifications are published on the Early Years

[34] Staff who obtained a level 2 and/or level 3 qualification before 30 June 2016 are not required to obtain a PFA qualification in order to be included in the required staff:child ratios. However, the requirements of 3.37 and 3.38 still apply regardless of when qualifications were obtained.

[35] These qualification requirements do not apply to out-of-school provision for reception age children (see paragraph 3.58).

Qualifications List ('EYQL') on GOV.UK[36] except, as outlined in paragraphs 1.11 and 1.16 of the Early Years Qualification Requirements and Standards document, those which are not individually listed on the EYQL but count as approved qualifications if they meet certain criteria. Managers appointed on or after 4 January 2024 must have already achieved a suitable level 2 qualification in maths[37] or must do so within two years of starting in the position. This also applies to existing managers moving to a new managerial role[38]. Managers are responsible for ensuring staff have the right level of maths knowledge to effectively deliver the EYFS curriculum. Managers should have at least two years' experience of working in an early years setting or have at least two years' other suitable experience. The provider must ensure there is a named deputy who, in their judgement, is capable and qualified[39] to take charge in the manager's absence.

3.46 To count within the ratios at level 3, staff holding an Early Years Educator qualification[40], and those who have received approval to be included in the ratios at level 3 after attaining experience-based route status[41], must also have achieved a suitable level 2 qualification in English.

3.47 The ratio requirements below apply to the total number of staff available to work directly with children, across the whole provision, not just each room.[42] Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made. For settings providing overnight care, the relevant ratios continue to apply and at least one member of staff must be awake at all times.

3.48 For children aged under two:

- There must be at least one member of staff for every three children.
- At least one member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status[43] and be suitably experienced in working with children under two.
- At least half of all other staff must hold an approved level 2 qualification.
- At least half of all staff must have received training that specifically addresses the care of babies.

[36] https://www.gov.uk/guidance/early-years-qualifications-finder
[37] As defined in the Early Years Qualification Requirements and Standards document.
[38] This requirement does not apply to managers who have moved to a different managerial role with the same provider, or those who have remained in the same role following a TUPE transfer, or where the provider has merged with another.
[39] 'Capable and qualified' includes having necessary skills and knowledge to cover for the manager in their absence. A deputy does not have to have any specific qualification.
[40] As defined in the Early Years Qualification Requirements and Standards document.
[41] For more information on the experience-based route please refer to the Early Years Qualifications Requirements and Standards document.
[42] Ofsted may determine that providers must observe a higher staff:child ratio than outlined here to ensure the safety and welfare of children.
[43] No more than 50% of staff included in the ratios at level 3 at a particular premises can be included on the basis of experience-based route status at any one time. The remaining 50% or more of those included in the staff:child ratios at level 3 must have an approved level 3 qualification or higher.

- Where there is a room for under two-year-olds, the member of staff in charge of that room must, in the judgement of the provider, have suitable experience of working with under twos.

3.49 For children aged two:

- There must be at least one member of staff for every five children[44].
- At least one member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.
- At least half of all other staff must hold an approved level 2 qualification.

3.50 For children aged three and over in registered early years provision, at any time where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status is working directly with children[45]:

- There must be at least one member of staff for every 13 children.
- At least one other member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

3.51 For children aged three and over in registered early years provision where a person with Qualified Teacher Status, Early Years Professional Status, or Early Years Teacher Status is not working directly with children:

- There must be at least one member of staff for every eight children.
- At least one other member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.
- At least half of all other staff must hold an approved level 2 qualification.

3.52 For children aged three and over in independent schools (including in nursery classes in free schools and academies) where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, an instructor[46], or another suitably qualified overseas trained teacher, is working directly with children:

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[44] In a maintained school or non-maintained special school, where the two-year-olds are pupils, staff must additionally be under the direction and supervision of a qualified or nominated teacher when carrying out specified work (as laid out in the Education (Specified Work) (England) Regulations 2012). Specified work broadly encompasses lesson (or curriculum) planning, delivering lessons, assessing the development, progress and attainment of pupils and reporting on the latter. The headteacher must be satisfied that the staff have the skills, expertise and experience needed to carry out the work and determine the appropriate level of direction and supervision.

[45] We expect the teacher (or equivalent) to be working with children for the vast majority of the time. Where they need to be absent for short periods of time, the provider will need to ensure that quality and safety is maintained.

[46] An instructor is a person at the school who provides education which consists of instruction in any art or skill, or in any subject or group of subjects, in circumstances where: (a) special qualifications or experience or both are

- For classes where the majority of children will reach the age of five or older within the school year, there must be at least one member of staff for every 30 children[47].

- For all other classes there must be at least one other member of staff for every 13 children.

- At least one other member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

3.53 For children aged three and over in independent schools (including in nursery classes in free schools and academies) where there is no person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status no instructor, and no suitably qualified overseas trained teacher, working directly with children:

- There must be at least one member of staff for every eight children.

- At least one member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

- At least half of all other staff must hold an approved level 2 qualification.

3.54 For children aged three and over in maintained nursery schools and nursery classes in maintained schools[48]:

- There must be at least one member of staff for every 13 children[49].

- At least one member of staff must be a school teacher as defined by section 122 of the Education Act 2002[50].

required for such instruction; and (b) the person or body of persons responsible for the management of the school is satisfied as to the qualifications or experience (or both) of the person providing education.

[47] Subject to any permitted exceptions under The Schools Admissions (Infant Class Sizes) Regulations 2012.

[48] Where schools have provision run by the governing body (under section 27 of the Education Act 2002) for three- and four-year-olds who are not pupils of the school, they can apply: a 1:13 ratio where a person with a suitable level 6 qualification is working directly with the children; or a 1:8 ratio where a person with a suitable level 6 qualification is not working directly with children but at least one member of staff present holds a level 3 qualification, or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

[49] Where children in nursery classes attend school for longer than the school day or in the school holidays, in provision run directly by the governing body or the proprietor, with no teacher present, a ratio of one member of staff to every eight children can be applied if at least one member of staff holds a full and relevant level 3 qualification, or have received approval to be included in the ratios at level 3 after attaining experience-based route status, and at least half of all other staff hold a full and relevant level 2 qualification.

[50] See also the Education (School Teachers' Prescribed Qualifications, etc) Order 2003 and the Education (School Teachers' Qualifications) (England) Regulations 2003.

- At least one other member of staff must hold an approved level 3 qualification[51], or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

3.55 Reception classes in maintained schools and academies are subject to infant class size legislation[52], which is limited to 30 pupils[53] per school teacher[54] (subject to permitted exceptions) while an ordinary teaching session is conducted. 'School teachers' do not include teaching assistants, higher level teaching assistants, or other support staff. Consequently, in an ordinary teaching session, a school must employ sufficient school teachers to enable it to teach its infant classes in groups of no more than 30 per school teacher[55].

3.56 Schools may choose to mix their reception classes with groups of younger children (for example, nursery pupils, non-pupils, or younger children from a registered provider). In such cases they must determine ratios within mixed groups, guided by all relevant ratio requirements and by the needs of individual children within the group. In exercising this discretion, the school must comply with the statutory requirements relating to the education of children of compulsory school age and infant class sizes. Schools' partner providers must meet the relevant ratio requirements for their provision.

3.57 Providers must not include anyone aged under 17 in ratios, except apprentices who may be included in ratios from the age of 16. Providers must not allow anyone aged under 17 to care for children unsupervised at any time. Providers may count students and long-term volunteers (aged 17 or over) and apprentices (aged 16 or over) in ratios at the level below their level of study[56] but only if the provider is satisfied they are suitable (as in paragraphs 3.13 to 3.16) competent and responsible, and they hold a valid and current paediatric first aid qualification.

Before/after school care and holiday provision

3.58 Where the provision is solely before/after school[57] care or holiday provision for children who normally attend reception class (or older) during the school day, there must be sufficient staff as for a class of 30 children. It is for providers to determine how many staff are needed to ensure the safety and welfare of children, bearing in mind the type(s) of

[51] Provided that the person meets all relevant staff qualification requirements as required by The School Staffing (England) Regulations 2009.
[52] Academies are required by their funding agreements to comply with the School Admissions Code and the law relating to admissions although the Secretary of State has the power to vary this requirement where there is demonstratable need.
[53] The School Admissions (Infant Class Size) Regulations 2012 limit the size of infant classes.
[54] As defined by section 122 of the Education Act 2002.
[55] The Specified Work Regulations 2012 allow a non-teacher to carry out the work of the teacher ("specified work") where the non-teacher is assisting or supporting the work of the teacher, is subject to the teacher's direction and supervision as arranged with the headteacher, and the headteacher is satisfied that that person has the skills, expertise and experience required to carry out the specified work. In an academy a teacher can have whatever qualification the trust regard as appropriate to teach an infant class, in line with admissions law.
[56] A student or apprentice studying towards an approved Level 3 qualification (including qualifications at levels 4, 5 and 6) may count within the Level 2 ratio. A student or apprentice studying towards an approved Level 6 qualification (one that gives them the status of EYTS or QTS) may count within the Level 3 ratio.
[57] 'School' means maintained schools, non-maintained schools, independent schools and academies.

activity and the age and needs of the children. It is also for providers to determine what qualifications, if any, the manager and/or staff should have. See details on page 6 for the learning and development requirements for providers offering care exclusively before/after school or during the school holidays.

Health

Medicines

3.59 Providers must promote the good health, including oral health, of the children they look after.

3.60 They must have a procedure, which must be discussed with parents and/or carers, for taking appropriate action if children are ill or infectious. This procedure must also cover the necessary steps to prevent the spread of infection[58].

3.61 Providers must have and implement a policy, and procedures, for administering medicines to children. It must include systems for obtaining information about a child's needs for medicines, and for keeping this information up to date. Staff must have training if the administration of medicine requires medical or technical knowledge. Prescription medicines must not be administered unless they have been prescribed for a child by a doctor, dentist, nurse, or pharmacist (medicines containing aspirin should only be given if prescribed by a doctor).

3.62 Medicine (both prescription and non-prescription[59]) must only be administered to a child where written permission for that particular medicine has been obtained from the child's parent and/or carer. Providers must keep a written record each time a medicine is administered to a child and inform the child's parents and/or carers on the same day the medicine has been taken, or as soon as reasonably practicable.

Food and drink

3.63 Where children are provided with meals, snacks, and drinks, these must be healthy, balanced and nutritious. To understand how to meet this requirement, providers must have regard to the Early Years Foundation Stage nutrition guidance. Fresh drinking water must always be available and accessible to children.

[58] Guidance on health protection in children and young people settings which sets out when and for how long children need to be excluded from settings, when treatment/medication is required and where to get further advice can be found at Health protection in children and young people settings, including education - GOV.UK. Guidance on Significant public health incidents can also be found at Emergency planning and response for education, childcare, and children's social care settings - GOV.UK

[59] Non-prescription medicines can include those that can be purchased from pharmacies (including some over the counter medicines which can only be purchased from a pharmacy), health shops and supermarkets. See also BMA advice: Prescribing over-the-counter medicines in nurseries and schools (bma.org.uk)

Safer eating

3.64 Whilst children are eating there should always be a member of staff in the room with a valid paediatric first aid certificate for a full course consistent with the criteria set out in Annex A.

3.65 Before a child is admitted to the setting the provider must obtain information about any special dietary requirements, preferences, food allergies and intolerances that the child has, and any special health requirements. This information must be shared by the provider with all staff involved in the preparing and handling of food. At each mealtime and snack time providers must be clear about who is responsible for checking that the food and drink being provided meets all the requirements for each child.

3.66 Providers must have ongoing discussions with parents and/or carers and, where appropriate, health professionals to develop allergy action plans for managing any known allergies and intolerances. This information must be kept up to date by the provider and shared with all staff. Providers should refer to the British Society for Allergy and Clinical Immunology (BSACI) allergy action plan. Providers must ensure that all staff are aware of the symptoms and treatments for allergies and anaphylaxis, the differences between allergies and intolerances and that children can develop allergies at any time, especially during the introduction of solid foods which is sometimes called complementary feeding or weaning. Providers should refer to the NHS advice on food allergies: Food allergy - NHS (www.nhs.uk) and treatment of anaphylaxis: Anaphylaxis - NHS (www.nhs.uk).

3.67 Providers must have ongoing discussions with parents and/or carers about the stage their child is at in regard to introducing solid foods, including to understand the textures the child is familiar with. Assumptions must not be made based on age. Providers must prepare food in a suitable way for each child's individual developmental needs, working with parents and/or carers to help children move on to the next stage at a pace right for the child. The NHS has some advice providers should refer to: Weaning - Best Start in Life - NHS.

3.68 Providers must prepare food in a way to prevent choking. This guidance on food safety for young children: Food safety - Help for early years providers - GOV.UK (education.gov.uk) includes advice on food and drink to avoid, how to reduce the risk of choking and links to other useful resources for early years providers.

3.69 Babies and young children should be seated safely in a highchair or appropriately sized low chair while eating. Where possible there should be a designated eating space where distractions are minimised.

3.70 Children must always be within sight and hearing of a member of staff whilst eating. Choking can be completely silent, therefore, it is important for providers to be alert to when a child may be starting to choke. Where possible, providers should sit facing children whilst they eat, so they can make sure children are eating in a way to prevent choking and so they can prevent food sharing and be aware of any unexpected allergic reactions.

3.71 When a child experiences a choking incident that requires intervention, providers should record details of where and how the child choked and ensure parents and/or carers are made aware. The records should be reviewed periodically to identify if there are trends or

common features of incidents that could be addressed to reduce the risk of choking. Appropriate action should be taken to address any identified concerns.

Food and drink facilities

3.72 There must be an area adequately equipped to provide healthy meals, snacks and drinks for children as necessary. There must be suitable facilities for the hygienic preparation of food for children, if necessary, including suitable sterilisation equipment for babies' food. Providers must be confident that those responsible for preparing and handling food are competent to do so. All staff involved in preparing and handling food must receive training in food hygiene. CoDP providers may wish to refer to the guidance issued by the Food Standards Agency[60].

Food poisoning

3.73 Registered providers must notify Ofsted, or the CMA with which a provider of CoDP is registered, of any food poisoning affecting two or more children cared for on the premises. This must be done as soon as is reasonably practicable, but, in any event, within 14 days of the incident. A registered provider who, without reasonable excuse, does not meet this requirement commits an offence.

Supporting and understanding children's behaviour

3.74 Providers are responsible for supporting, understanding, and managing children's behaviour in an appropriate way.

3.75 Providers must not give or threaten corporal punishment or any punishment which could negatively affect a child's well-being. Providers must take reasonable steps to ensure that corporal punishment is not given by anyone who is caring for or is in regular contact with a child, or by anyone living or working in the premises where care is provided. Any early years provider who does not meet these requirements commits an offence. A person will not be considered to have used corporal punishment (and therefore will not have committed an offence) if physical intervention[61] was taken to avert immediate danger of personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary.

3.76 Providers must keep a record of any occasion where physical intervention is used, and parents and/or carers must be informed on the same day, or as soon as reasonably practicable.

Special educational needs

3.77 Early years providers must have arrangements in place to support children with Special Educational Needs and Disabilities (SEND). Maintained schools, academies and

[60] Safer food, better business for childminders

[61] Physical intervention is where practitioners use reasonable force to prevent children from injuring themselves or others or damaging property.

maintained nursery schools are required[62] to identify a member of staff to act as Special Educational Needs Co-ordinator (SENCO) and other providers (in group provision) are expected to identify a SENCO. Maintained schools, academies and maintained nursery schools and all providers who are funded by the local authority to deliver early education places are required[63] to have regard to the SEND code of practice: 0 to 25 years. Other providers may find it helpful to familiarise themselves with the early years section of the 0-25 SEND Code of Practice.

Safety and suitability of premises, environment and equipment

Accident or injury

3.78 Providers must ensure a first aid box with appropriate items for use on children is always accessible. Providers must keep a written record of accidents or injuries and first aid treatment. Providers must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, and of any first aid treatment given.

3.79 Registered providers must notify Ofsted, or the CMA with which a provider of CoDP is registered, of any serious accident, illness, or injury to, or death of, any child while in their care, and of the action taken. This must be done as soon as is reasonably practicable, but in any event, within 14 days of the incident occurring. A registered provider who, without reasonable excuse, does not meet this requirement commits an offence. Providers must notify local child protection agencies of any serious accident or injury to, or the death of, any child while in their care, and must act on any advice from those agencies.

Safety of premises

3.80 Providers must ensure that their premises, including overall floor space and outdoor spaces, are fit for purpose and suitable for the age of children cared for and the activities provided on the premises. Providers must comply with requirements of health and safety legislation, including fire safety and hygiene requirements.

3.81 Providers must take reasonable steps to ensure the safety of children, staff, and others on the premises in the case of fire or any other emergency. Providers must have:

- An emergency evacuation procedure[64].

[62] See section 67 of the Children and Families Act 2014 and section 83 for the definition of 'mainstream schools'.
[63] Section 123 School Standards and Framework Act 1998 requires providers (and others) delivering early years provision funded by the local authority to have regard to the SEND Code of Practice in the provision of early years education. Section 77 of the Children and Families Act 2014 also requires these and other bodies to have regard to the SEND Code of Practice in exercising their functions under Part 3 of the Act.
[64] Emergency planning and response for education, childcare, and children's social care settings - GOV.UK

- Appropriate fire detection and control equipment (for example, fire alarms, smoke detectors, fire blankets and/or fire extinguishers) which is in working order.
- Fire exits must be clearly identifiable, and fire doors free of obstruction and easily opened from the inside.

Banned dog breeds

3.82 Banned dog breeds (meaning dogs to which section 1 of the Dangerous Dogs Act 1991 applies[65] including the XL Bully type), must not be kept or present on the premises at any time[66].

Indoor space requirements

3.83 The premises and equipment must be organised in a way that meets the needs of children. Providers must meet the following indoor space requirements[67] where indoor activity in a building(s) forms the main part of (or is integral) to the provision:

- Children under two years: 3.5m^2 per child.
- Two-year-olds: 2.5m^2 per child.
- Children aged three to five years: 2.3m^2 per child.

3.84 Where the space standards are applied, providers cannot increase the number of children on roll because they additionally use an outside area. Forest and other exclusively outdoor provision (where children are outside all of or almost all of the time) is not required to meet the space standards above, as long as children's needs can be met. For this kind of provision, indoor space requirements can be used as a guide for the minimum area needed.

Outdoor access

3.85 Providers must provide all children with daily access to an outdoor play area. If that is not possible, they must ensure that outdoor activities are planned and taken for all children on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments).

Sleeping arrangements

3.86 Babies and children must be placed down to sleep safely. For children under 2 years old, the following requirements apply:

[65] The types of dogs to which Section 1 of the Dangerous Dogs Act 1991 applies are set out in the guidance at: Controlling your dog in public: Banned dogs - GOV.UK.
[66] This requirement still applies if the dog's owner has a certificate of exemption issued under the Dangerous Dogs Act 1991.
[67] These judgements should be based on useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, kitchens and toilets.

- Children must be placed down on their back in their own separate sleep space on a firm flat surface such as a cot, bed or mattress on the floor. Babies aged 12 months and under must only be placed to sleep in a cot.[68]
- Sleep spaces must only contain a firm, flat, waterproof mattress and lightweight bedding which is firmly tucked in around the child below their shoulders to prevent head covering. Alternatively, a well fitted baby sleep bag may be used. Check the manufacturer recommendations before using a baby sleep bag.
- Where blankets are used, the child must be placed feet-to-foot at the bottom of the cot, with blankets tucked in.
- Cots must not contain extra items such as toys, pillows, extra blankets, bumpers, wedges or straps.
- Children should not get too hot or cold. The recommended room temperature for babies is 16 – 20˚C.
- Children's heads must not be covered.
- Babies under six months of age must always have an adult with them in the same room for every sleep. All children must be frequently checked when sleeping.
- Children must always be within sight and hearing of staff when sleeping.

Practitioners must read NHS advice on Sudden infant death syndrome (SIDS) – NHS. More information on safer sleep guidance is available from The Lullaby Trust.

Baby room

3.87 There should be a separate baby room for children under the age of two. However, providers must ensure that children in a baby room have contact with older children and are moved into the older age group when appropriate[69].

Toilets and intimate hygiene

3.88 Providers must ensure:

- There is an adequate number of toilets and hand basins available - there should usually be separate toilet facilities for adults.
- There are suitable hygienic changing facilities for changing any children who are in nappies.

[68] Cots refer to: cots, carrycots, moses baskets, travel cots. Providers may find it useful to refer to the British Standards.

[69] As forest and other exclusively outdoor provision (where children are outside all or almost all of the time) do not have 'rooms', there is no requirement for this kind of provision to have a separate baby room. However, the specific needs of babies still need to be taken into consideration by providers which will mean that a separate area should be provided for babies. This includes providing them with adequate space and suitable equipment for their physical development to allow them to learn how to roll, crawl and walk. Babies' safe sleeping arrangements also need to be taken into account.

- Children's privacy is considered and balanced with safeguarding and support needs when changing nappies and toileting.
- There is an adequate supply of clean bedding, towels, spare clothes, and any other necessary items.

Organising premises for confidentiality and safeguarding

3.89 Providers must ensure:

- There is an area where staff may talk to parents and/or carers confidentially.
- There is an area for staff to take breaks away from areas being used by children.
- Children are only released into the care of individuals of whom the parent and/or carer has explicitly notified the provider.
- Children do not leave the premises unsupervised.
- They take all reasonable steps to prevent unauthorised persons entering the premises and have an agreed procedure for checking the identity of visitors.
- They consider what additional measures are necessary when children stay overnight.

Insurance

3.90 Providers must carry the appropriate insurance (e.g. public liability insurance) to cover all premises from which they provide childcare.

Safety on outings

3.91 Children must be kept safe while on outings. Providers must assess potential risks or hazards for the children and must identify the steps to be taken to remove, minimise and manage those risks and hazards. The assessment must include consideration of staff to child ratios. The risk assessment does not necessarily need to be in writing; this is up to providers. Providers should also have regard for the paediatric first aid requirements set out in sections 3.37 - 3.39 while on outings with children.

3.92 Vehicles transporting children, and the driver of those vehicles, must be adequately insured.

Risk assessment

3.93 Providers must ensure that they take all reasonable steps to ensure staff and children in their care are not exposed to risks and must be able to demonstrate how they are managing risks [70]. Providers must determine where it is helpful to make some written risk assessments in relation to specific issues, to inform staff practice, and to demonstrate how they are managing risks if asked by parents and/or carers or inspectors. Risk assessments

[70] Guidance on risk assessments, including where written ones may be required where five or more staff are employed, can be obtained from the Health and Safety Executive: Managing risks and risk assessment at work – Overview -HSE

should identify aspects of the environment that need to be checked on a regular basis, when and by whom those aspects will be checked, and how the risk will be removed or minimised.

Children's screen use

3.94 Providers must have regard to the following guidance on children's screen use in early years settings: Help for early years providers: Screen use.

Information and record keeping

3.95 Providers must maintain records, obtain and share relevant and accurate information (with parents and/or carers, other professionals working with the child, the police, social services and Ofsted or their CMA, as appropriate). This is to ensure their setting is safe and efficiently managed, and the needs of all children are met[71]. Providers must enable a regular two-way flow of information with parents and/or carers (and between other providers, if a child is attending more than one setting). If requested, providers should incorporate parents' and/or carers' comments into children's records.

3.96 Records must be easily accessible and available (these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them[72]. Providers must be aware of their responsibilities under the Data Protection legislation[73] and, where relevant, the Freedom of Information Act 2000.

3.97 Providers must ensure that all staff understand the need to protect the privacy of the children in their care, as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act[74].

3.98 Records relating to individual children must be retained for a reasonable period of time after they have left the provision[75].

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[71] Guidance on sharing information with relevant services when there are safeguarding concerns is available via: Information sharing advice for safeguarding practitioners - GOV.UK (www.gov.uk). Refer also to: Victims and Prisoners Act 2024 (legislation.gov.uk)

[72] The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security: https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings

[73] This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see: Data protection: The Data Protection Act - GOV.UK (www.gov.uk)

[74] The Data Protection Act 2018 (DPA) gives parents and carers the right to access information about their child that a provider holds. However, the DPA also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release. For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual. It is therefore essential that all providers/staff in early years settings have an understanding of how data protection laws operate. Further guidance can be found on the website of the Information Commissioner's Office at: https://ico.org.uk/fororganisations/guide-to-the-general-data-protection-regulation-gdpr/

[75] Individual providers should determine how long to retain records relating to individual children.

Information about the child

3.99 Providers must record the following information for each child in their care:

- Full name.
- Date of birth.
- Name and address of every parent and/or carer who is known to the provider.
- Information about any other person who has parental responsibility for the child.
- Which parent(s) and/or carer(s) the child normally lives with.
- Emergency contact details for parents and/or carers. Where possible, settings should hold more than two emergency contact numbers for each child.

Information for parents and carers

3.100 Providers must share the following information with parents and/or carers:

- How the EYFS is being delivered in the setting, and how parents and/or carers can access more information.
- The range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and/or carers can share learning at home.
- How the setting supports children with special educational needs and disabilities.
- Food and drinks provided for children.
- Details of the provider's policies and procedures - making copies available on request. This includes the procedure to be followed in the event of a parent and/or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting.
- How staffing in the setting is organised.
- The name of their child's key person and their role.
- A telephone number for parents and/or carers to contact the provider in an emergency.

Complaints

3.101 Providers must put in place a written procedure for dealing with concerns and complaints from parents and/or carers, and must keep a written record of any complaints, and their outcome. All providers must:

- Investigate written complaints relating to how they are fulfilling the EYFS requirements.
- Notify the person who made the complaint of the outcome of the investigation within 28 days of having received the complaint.
- Make a record of complaints available to Ofsted, or the CMA with which a provider of CoDP is registered, on request.

3.102 Providers must make available to parents and/or carers the details about how to contact Ofsted, or the CMA with which a provider of CoDP is registered, if they believe the provider is not meeting the EYFS requirements.

Inspections and quality assurance visits

3.103 If providers become aware that they are to be inspected by Ofsted or have a quality assurance visit by the CMA, they must notify parents and/or carers. After an inspection by Ofsted or a quality assurance visit by their CMA, providers must supply a copy of the report to parents and/or carers of children attending on a regular basis.

Information about the provider

3.104 Providers must hold the following documentation:

- Name, home address and telephone number of the provider and any other person living or employed on the premises.
- Name, home address and telephone number of anyone else who will regularly be in unsupervised contact with the children attending the early years provision.
- A daily record of the names of the children being cared for on the premises, their hours of attendance and the names of each child's key person.
- Their certificate of registration (which must be displayed at the setting and shown to parents and/or carers on request).

Changes that must be notified to Ofsted

3.105 All registered early years providers must notify Ofsted (but see paragraph 3.107) of:

- Any change to the address of the premises (and must obtain prior approval to operate from those premises where appropriate).
- Any change to the premises which may affect the space available to children and the quality of childcare available to them.
- Any change to the name or address of the provider, or the provider's other contact information.
- Any change to the persons aged 16 years or older living or working on any domestic premises from which childcare is provided[76].
- Any change to the person who is managing the early years provision.
- Any proposal to change the hours during which childcare is to be provided which will entail the provision of overnight care.

[76] A person is not considered to be working on the premises if none of their work is done in the part of the premises in which children are cared for, or if they do not work on the premises at times when children are there.

- Any significant event which is likely to affect the suitability of the early years provider to look after children.
- Any significant event which is likely to affect the suitability of any person who cares for/is in regular contact with children on the premises.
- Where the early years provision is provided by a company, any change in the name or registered number of the company.
- Where the early years provision is provided by a charity, any change in the name or registration number of the charity.
- Where the childcare is provided by a partnership, body corporate or unincorporated association, any change to the "nominated individual".
- Where the childcare is provided by a partnership, body corporate or unincorporated association whose sole or main purpose is the provision of childcare, any change to the individuals who are partners in, or a director, secretary or other officer or members of its governing body.

3.106 Where providers are required to notify Ofsted about a change of person except for managers, as specified in paragraph 3.105 above, providers must give Ofsted the new person's name, any former names or aliases, date of birth, and home address. If there is a change of manager, providers must notify Ofsted that a new manager has been appointed. Where it is reasonably practical to do so, this must be done in advance of the change happening. In other cases, this must be done as soon as is reasonably practical but, in any event, within 14 days. A registered provider who, without reasonable excuse, fails to comply with these requirements commits an offence.

3.107 Please note that where providers of CoDP are registered with a CMA the above notifications should be given to their CMA, not Ofsted.

Other Legal Duties

3.108 The EYFS requirements sit alongside other legal obligations and do not supersede or replace any other legislation which providers must still meet. For example, where provision is taking place in maintained schools there is other legislation in place with which headteachers, teachers and other practitioners must comply with. Other duties on providers include:

- Employment laws.
- Anti-discriminatory legislation.
- Health and safety legislation.
- Data collection regulations[77].
- Duty of care.

[77] Refer also to: Victims and Prisoners Act 2024 (legislation.gov.uk)

Annex A: Criteria for effective Paediatric First Aid (PFA) training

1. Training is designed for workers caring for young children in the absence of their parents and is appropriate to the age of the children being cared for.
2. Following training, an assessment of competence leads to the award of a certificate.
3. The certificate must be renewed every three years.
4. Adequate resuscitation and other equipment including baby and junior models must be provided, so that all trainees are able to practice and demonstrate techniques.
5. The **emergency PFA** course should be undertaken face-to-face[78] and last for a minimum of 6 hours (excluding breaks) and cover the following areas:

    - Be able to assess an emergency situation and prioritise what action to take.
    - Help a baby/child who is unresponsive and breathing normally.
    - Help a baby/child who is unresponsive and not breathing normally.
    - Help a baby/child who is having a seizure.
    - Help a baby/child who is choking.
    - Help a baby/child who is bleeding.
    - Help a baby/child who is suffering from shock caused by severe blood loss (hypovolemic shock).

6. The **full PFA** course should last for a minimum of 12 hours (excluding breaks) and cover the elements listed below in addition to the areas set out in paragraph 5 (the emergency PFA training elements outlined in paragraph 5 should be delivered face-to-face).

    - Help a baby/child who is suffering from anaphylactic shock.
    - Help a baby/child who has had an electric shock.
    - Help a baby/child who has burns or scalds.
    - Help a baby/child who has a suspected fracture.
    - Help a baby/child with head, neck or back injuries.
    - Help a baby/child who is suspected of being poisoned.
    - Help a baby/child with a foreign body in eyes, ears or nose.
    - Help a baby/child with an eye injury.
    - Help a baby/child with a bite or sting.
    - Help a baby/child who is suffering from the effects of extreme heat or cold.
    - Help a baby/child having: a diabetic emergency; an asthma attack; an allergic reaction; meningitis; and/or febrile convulsions.
    - Understand the role and responsibilities of the paediatric first aider (including appropriate contents of a first aid box and how to record accidents and incidents).

[78] Face-to-face means trainers are physically present with their trainees. This excludes the use of online platforms.

7. Providers should consider whether paediatric first aiders need to undertake annual refresher training, during any three-year certification period to help maintain basic skills and keep up to date with any changes to PFA procedures.

Annex B: Statutory guidance for the Reception Baseline Assessment

Summary

About this Annex

This is a statutory document from the Department for Education. The statutory requirements that providers must comply with when administering the Reception Baseline Assessment (RBA), are indicated in this Annex by the use of the word “must”.

Additionally, providers must take into account other provisions in this Annex and should not depart from them unless there is good reason for doing so. These provisions are indicated by the use of the word “should”.

This Annex covers all intakes in reception within an academic year, including during autumn, spring, and summer terms.

Review date

This Annex will be reviewed on a rolling basis and will remain in force until further notice.

Schools must also administer the assessment in accordance with administration guidance and the assessment and reporting arrangements published annually on behalf of the Secretary of State on gov.uk.

What legislation does this Annex refer to?

- The Childcare Act 2006.
- The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 underpins the requirement for schools to administer the RBA.

Who must administer the RBA?

- School leaders, school staff and governing bodies in all maintained schools (including maintained special schools), infant and first schools, academies and free schools with a reception cohort.
- Ministry of Defence (MoD) schools

Who does this Annex not apply to?

- Independent schools or nurseries
- Overseas schools that are not Ministry of Defence schools
- Maintained nursery schools, even those with a reception cohort
- Home educated pupils
- Childminders

Introduction and Purpose

The RBA is a short assessment, taken within the first six weeks of a child starting reception.

Accountability and Progress

1. The RBA assesses a child in early mathematics, literacy, communication and language. The purpose of the RBA is to form the starting point for primary progress measures. Data from the RBA is compared to Key Stage 2 outcomes 7 years later to form the overall progress measure for a school.

2. The RBA is not used to make judgements about early years provision, either current or retrospective. It is solely intended for use within the primary progress measure.

Assessment Data

3. The RBA and its data should not be used for any other purpose apart from creating primary progress measures. Data collected and produced from the assessment will be stored in the National Pupil Database (NPD). The data, including numerical scores, is not shared with external bodies, including schools, teachers, pupils or parents/carers.

4. The RBA is not suitable as a formative or diagnostic assessment. Scores are not shared or published to prevent any labelling and streaming of children or judgement of early years providers. Instead, teachers receive a series of narrative statements informing them of how the child performed on the day. There is no expected standard and children cannot pass or fail.

Assessment administration

Timing

5. Schools have a window of six weeks in which they must administer the assessment. This begins as soon as each child starts reception. The six-week period applies for autumn, winter and summer intakes, or any pupil that joins a school mid-term and has not previously taken the RBA.

6. The assessment can be carried out at any time within those six weeks, within the school day. The assessment must be administered within this window. The RBA does not have to be completed in one sitting and practitioners may pause the assessment at any time they feel is appropriate.

Administration of the RBA

7. Schools must administer the assessment in accordance with administration guidance and assessment, and reporting arrangements published annually on gov.uk.

8. The RBA is a short, interactive assessment. Although the assessment is not timed, it has been designed to take around 20 minutes. The assessment must be carried out by a teacher, teaching assistant, early years practitioner or any other trained education

professional. Whoever carries out the RBA should be familiar with the child taking the assessment.

Security of assessment materials

9. Headteachers must ensure the assessment is administered securely and continue to keep any materials used as part of the RBA administration secure and ensure that confidentiality is maintained at all times.

10. Schools must not use assessment materials for any purpose other than administering the assessment.

11. Headteachers must ensure teachers and all other staff who may handle the materials understand the need to maintain the integrity, security and confidentiality of the assessment.

Inclusion and participation

Schools for Inclusion

12. All maintained schools and academies with a reception cohort must participate in the assessment. This includes, but is not limited to:

    - infant and first schools; and
    - special schools.

13. The RBA must be administered to all pupils registered in a reception class in the schools specified, except in circumstances where a headteacher decides it is not appropriate for a pupil to participate in the RBA. See “Pupils for Inclusion” for more information.

14. The reception to Key Stage 2 progress measure will be applicable to the vast majority of schools in the primary phase - those where pupils enter in reception and leave in year 6. Other school types - infant, first, junior, and middle schools - will be expected to ensure their pupils make good progress and, like all schools, to be able to explain to Ofsted how they have planned and implemented their curriculum and what impact that is having for pupils. Key Stage 2 attainment information will continue to be available for middle and junior schools.

Pupils for Inclusion

15. All assessments are required to meet Ofqual’s regulatory framework which states ‘assessment should minimise bias, differentiating only on the basis of each pupil’s level of attainment. A pupil should not be disadvantaged by factors that do not relate to what is being tested.’

16. The RBA has been developed to be an inclusive assessment and to be accessible to a majority of pupils. It has been designed so that pupils with SEND and those learning English as an additional language can participate.

17. Modifications are available for pupils with specific needs. Schools should consider applying accessibility settings to the standard assessment where appropriate.

18. Headteachers must make the final decision about whether it is appropriate for a pupil to participate in the RBA. In exceptional circumstances, headteachers may decide that a pupil is unable to access both assessment components, even when making appropriate adaptations. In these circumstances headteachers should discuss the decision with parents and teachers.

Pupil mobility

19. All pupil's RBA scores will be associated with their Unique Pupil Number (UPN) and stored in the National Pupil Database (NPD). The score will therefore remain with a pupil, even if they move schools. Because scores are not shared with schools, there is no requirement to include any RBA result on a pupil's common transfer file (CTF).

Maladministration and monitoring

20. Maladministration is monitored via the RBA digital system, and the Secretary of State reserves the right to amend or annul results should a school or individual be found to be administering the assessment incorrectly. Further information regarding maladministration of the RBA can be found in the RBA assessment and reporting arrangements, published annually on gov.uk.

Responsibilities

Headteachers' responsibilities

21. Headteachers must sign a Headteacher Declaration Form (HDF). This must be completed once each academic year, as is currently the case for all statutory National Curriculum assessments in Key Stages 1 and 2. All requirements of the HDF must be adhered to.

22. Headteachers must ensure that the RBA is being delivered in accordance with this Annex, the assessment and reporting arrangements and administration guidance which are published annually on gov.uk. Investigations of maladministration may result from not following these statutory obligations for the RBA.

Local authority responsibilities

23. There are no routine Local Authority (LA) monitoring arrangements for this assessment.

Ofqual responsibilities

24. This assessment falls under Ofqual's regulatory framework for national assessments.

Ofsted responsibilities

25. Ofsted does not have routine access to the numerical data produced by the assessment, but individual circumstances will be considered to grant access if required for a specific

purpose. The RBA should not form a part of any Ofsted inspection.

26. Ofsted will have access to individual schools' progress scores, when the progress measure is released at the end of Key Stage 2.

Interaction with other assessments

Early Years Foundation Stage Profile

27. The EYFSP and RBA are enforced by the same legislation, however they are distinct and serve different purposes. There will be no interaction between the two assessments in practice. Schools must continue to carry out both statutory assessments.

Statutory Trialing

28. For the purpose of developing assessments in reception, a sample of schools are asked to take part in statutory trialing to inform the development of the RBA. Selected schools are contacted in advance and must administer the assessment according to the trialing instructions provided.

29. Pupils who are unable to access the RBA should not take part in statutory trials.

Further information

Useful resources

- Reception baseline assessment framework

Annex C: Criteria for effective safeguarding training

1. Training is designed for staff caring for 0-5 year olds and is appropriate to the age of the children being cared for.

2. The safeguarding training for all practitioners must cover the following areas:
   - What is meant by the term safeguarding.
   - The main categories of abuse, harm and neglect.
   - The factors, situation and actions that could lead or contribute to abuse, harm or neglect.
   - How to work in ways that safeguard children from abuse, harm and neglect.
   - How to identify signs of possible abuse, harm and neglect at the earliest opportunity. These may include:
     - Significant changes in children's behaviour.
     - A decline in children's general well-being.
     - Unexplained bruising, marks or signs of possible abuse or neglect.
     - Concerning comments or behaviour from children.
     - Inappropriate behaviour from practitioners, or any other person working with the children. This could include inappropriate sexual comments; excessive one-to-one attention beyond what is required through their role; or inappropriate sharing of images.
     - Any reasons to suspect neglect or abuse outside the setting, for example in the child's home or that a child may experience emotional abuse or physical abuse because of witnessing domestic abuse or coercive control or that a girl may have been subjected to (or is at risk of) female genital mutilation.
   - How to respond, record and effectively refer concerns or allegations related to safeguarding in a timely and appropriate way.
   - The setting's safeguarding policy and procedures.
   - Legislation, national policies, codes of conduct and professional practice in relation to safeguarding.
   - Roles and responsibilities of practitioners and other relevant professionals involved in safeguarding.

3. Training for the designated safeguarding lead (DSL) should take account of any advice from the local safeguarding partners or local authority on appropriate training courses. In addition to the areas set out in paragraph 2, training for the DSL must cover the elements listed below:
   - How to build a safe organisational culture.
   - How to ensure safe recruitment.
   - How to develop and implement safeguarding policies and procedures.
   - If applicable, how to support and work with other practitioners to safeguard children.
   - Local child protection procedures and how to liaise with local statutory children's services agencies and with the local safeguarding partners to safeguard children.

- How to refer and escalate concerns (including as described at paragraph 3.9 of the EYFS).
- How to manage and monitor allegations of abuse against other staff.
- How to ensure internet safety**.**

4. The Department's early years safeguarding training package can be accessed via the following page: Early years foundation stage (EYFS) statutory framework - GOV.UK.

Department for Education

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