# Statutory framework for the early years’ foundation stage

The safeguarding and welfare requirements audit

The statutory requirements contain things you ‘must’ and ‘should’ be doing to meet the needs of children. This audit relates to pre-schools, nurseries, childminding settings, out of school settings where there are children up to end of reception year and maintained and independent schools.

Please also be mindful that there are additional documents that you should use alongside your framework to strengthen your statutory expectations such as the: Ealing Safeguarding Children Guidance Policy and Procedures for Voluntary, Community, Faith, and Private Organisations, 2014 (also referred to as the ‘Yellow Book’). The Yellow Book aligns with “**London Safeguarding Children Procedures and Practice Guidance 31 March 2022” This is updated twice a year so please check to ensure you have the most up to date version.**

Where the requirements are for ‘registered providers’ this refers only to private and voluntary settings on the Early Years Register. Where the requirements are for ‘providers,’ this refers to all settings, private, voluntary, independent, and maintained.

The statutory welfare requirements (relevant to this document) have been listed in the attached document for you to use as an audit tool and action plan within your setting to ensure you are meeting minimum statutory requirements of the EYFS (Early Years Foundation Stage).

All documentation relating to current best practice and procedures within Ealing Early Years, can be accessed on Ealing Grid for Learning. [www.egfl.org.uk/early-years](https://www.egfl.org.uk/topics/early-years) and [Ealing Safeguarding Children Partnership / ESCP Home |  Ealing Directory (ealingfamiliesdirectory.org.uk)](https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/escb.page?escbchannel=0)

Please remember it is the responsibility of the provider to comply with all relevant statutory requirements.

Many settings will recognise the requirements and will already be meeting them – use the document as a way of evaluating the extent to which you meet the requirements and as an action plan for any gaps identified or ways you can improve upon what you already do.

**Please note: The Safeguarding and Welfare Requirements audit will be updated on an annual basis to reflect local and national current guidance. However; it is the responsibility of the provider to check all references to documents within the audit are the most current editions.**

**(revised May 2022)**

| **Ref** | **Statutory requirement**  | **National, local documents, Ealing best practice**  | **Evidence**  | **Actions**  | **Completion review date**  |
| --- | --- | --- | --- | --- | --- |
| **3.1** | Children learn best when they are healthy, safe, and secure, when their individual needs are met, and when they have positive relationships with the adults caring for them. The safeguarding and welfare requirements, specified in this section, are designed to help providers create high quality settings which are welcoming, safe, and stimulating, and where children can enjoy learning and grow in confidence.  |  |  |  |  |
| **3.2** | 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 suitability of adults who have contact with children; promote good health; manage behaviour; and maintain records, policies, and procedures.  | ***Best Practice in Ealing*****Ealing Safeguarding Children Guidance** Policy and Procedures for Voluntary, Community, Faith, and Private Organisations, 2014 (**‘Yellow Book’) All *providers must have a sound knowledge of this guidance*****Link to** [Ealing Safeguarding Children Partnership](https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/escb.page?escbchannel=0) |  |  |  |
| **3.3** | * Schools are not required to have separate policies to cover EYFS requirements provided the requirements are already met through an existing policy. Where providers other than childminders are required to have policies and procedures as specified below, these policies and procedures should be recorded in writing.
* Childminders are not required to have written policies and procedures. However, they **must** be able to explain their policies and procedures to parents, carers, and others (for example Ofsted inspectors or the childminder agency with which they are registered) and ensure any assistants follow them.
 | **“Working Together to Safeguard Children 2018**” [Working Together to Safeguard Children 2018 (GOV.UK)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf)What to do if you are worried a child is being abused.2015[Child abuse concerns: guide for practitioners - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2)***Best Practice in Ealing*** Providers **must** have **written** policies and procedures in relation to safeguarding and child protection. |  |  |  |
|  | **Child Protection (Pg.21 – Pg.24 of Statutory Framework)** | **National and local documents and Ealing best practice**  | **Evidence**  | **Actions**  | **Completion review date**  |
| **3.4** | * Providers **must** be alert to any issues of concern in the child’s life at home or elsewhere. Providers **must** have and implement a policy, and procedures, to safeguard children. These should be in line with the guidance and procedures of the relevant local safeguarding partners (LSP).
* The safeguarding policy and procedures **must** include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff and cover the use of mobile phones and cameras in the setting. To safeguard children and practitioners online, providers will find it helpful to refer to 'Safeguarding children and protecting professionals in early years settings: online safety considerations.’
 | For referrals around concerns: Ealing’s Children’s Integrated Response Service ECIRS: **0208 825 8000**For referrals around concerns around a professional of volunteer:Your Local Authority Designated Officer (LADO) for Allegation Against staff or volunteers (ASV)LADO: **020 8825 8930**Child Protection Advisor line: **020 8825 8930**Please review contact details to ensure you have the correct named people and ensure documentation reflects up to date details.[**Online Safety Considerations**](https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations) **(GOV.UK)** |  |  |  |
| **3.7** | * Providers **must** have regard to the government's statutory guidance ‘Working Together to Safeguard Children’17 and to the ‘Prevent duty guidance for England and Wales’.
* All schools are required to have regard to the government’s ‘Keeping Children Safe in Education’ statutory guidance, and other childcare providers may also find it helpful to refer to this guidance.
* If providers have concerns about children's safety or welfare, they **must** notify agencies with statutory responsibilities without delay. This means the local children's social care services and, in emergencies, the police.
 | Taking account of any advice from the LSP or local authority on appropriate training courses. [Female genital mutilation - GOV.UK (www.gov.uk)](https://www.gov.uk/government/collections/female-genital-mutilation) [Child abuse concerns: guide for practitioners - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2) [Working together to safeguard children - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)The 2015 Counter Terrorism and Security Act 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](http://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales)): Under section 175(4) of [Education Act 2002](http://www.gov.uk/government/publications/keeping-children-safe-in-education--2) |  |  |  |
| **3.8** | * Registered providers **must** inform Ofsted or their childminder agency of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere).
* Registered providers **must** also notify Ofsted or their childminder agency of the action taken in respect of the allegations. These notifications **must** be made as soon as is reasonably practicable, but at the latest within 14 days of the allegations being made. **A registered provider who, without reasonable excuse, fails to comply with this requirement, commits an offence.**
 | (This would include if an employee’s child became subject to a Child Protection or Child in Need Plan)The designated safeguarding lead **must** **inform their LADO within one working day when an allegation is made and prior to any further investigation taking place.** A failure to report an allegation in accordance with procedures is a potential disciplinary matter. [*London Child Protection Procedures (2022*](http://www.londoncp.co.uk/index.html)*)* Refer to 3.4 above. LADO Contact details. |  |  |  |
|  **Suitable Person (Pg.18 – Pg. 20 of Statutory Framework)** |
| **3.9** | * Providers **must** ensure that people looking after children are suitable to fulfil the requirements of their roles.
* Providers **must** have effective systems in place to ensure that practitioners, and any other person who may have regular contact with children (including those living or working on the premises), are suitable.
 | [**https://www.gov.uk/government/organisations/disclosure-and-barring-service**](https://www.gov.uk/government/organisations/disclosure-and-barring-service)Disqualification under the Childcare Act 2006 - GOV.UK (www.gov.uk) |  |  |  |
| **3.10** | Ofsted or the agency with which the childminder is registered is responsible for checking the suitability of childminders, of every other person looking after children for whom the childminding is being provided, and of every other person living or working on any domestic premises from which the childminding is being provided, including requiring enhanced criminal records checks and barred list checks. Registered providers other than childminders and childcare on domestic premises **must** obtain an enhanced criminal records check in respect of every person aged 16 and over (including for unsupervised volunteers, and supervised volunteers who provide personal care22) 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)

An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad. | Registered with a DBS (Disclosure and Barring Service) agent for all persons 16 or over as described [Keeping children safe in education (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954314/Keeping_children_safe_in_education_2020_-_Update_-_January_2021.pdf) updated 2020<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>  |  |  |  |
| **3.11** | * Providers **must** tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children (whether received before or during their employment at the setting).
* Providers **must not** allow people, whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for.
 | ***Best practice in Ealing***Suitability regularly reviewed and recorded during supervision.***Best practice in Ealing***If decision is made to commence employment prior to DBS clearance. A written Risk Assessment **must** be in place, evidencing that there will be no unsupervised access to children as a minimum requirement  |  |  |  |
| **3.12** | Providers other than childminders **must** record information about staff qualifications and the identity checks and vetting processes that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it). For childminders, the relevant information will be kept by Ofsted or the agency with which the childminder is registered.  | **Must** follow safer recruitment guidance as laid out in: London Child Protection Procedures ( 2021) section 6.1 [6. Safer Recruitment (londoncp.co.uk)](https://www.londoncp.co.uk/safer_recruit.html?zoom_highlight=safe+recruitment)***Best practice in Ealing***Single Central Record **must** be in place and include the name of the person who had original sight of vetting documents  |  |  |  |
| **3.13** | Providers **must** also meet their responsibilities under the Safeguarding Vulnerable Groups Act 2006, which includes a duty to make a referral to the Disclosure and Barring Service where a member of staff is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm.  | [Safeguarding vulnerable groups Act 2006](https://www.legislation.gov.uk/ukpga/2006/47/contents) updated 2021**You must also contact the LADO**  |  |  |  |
| **Disqualification (all registered providers)** |
| **3.14** | * A provider or a childcare worker may be disqualified from registration. In the event of the disqualification of a provider, the provider **must not** continue as an early years provider – nor be directly concerned in the management of such provision.
* Where a person is disqualified, the provider **must not** employ that person in connection with early years provision. Where an employer becomes aware of relevant information that may lead to disqualification of an employee, the provider **mus**t take appropriate action to ensure the safety of children.
 |  |  |  |  |
| **3.15** | A childminder, childminder assistant or a childcare practitioner working on domestic premises may also be disqualified because 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 childminder, childminder assistant or childcare practitioner is disqualified they may, in some circumstances, be able to obtain a ‘waiver’ from Ofsted.  | ***Best practice in Ealing***A statement within the supervision process **MUST** be included and signed off by the supervisor and employee of continued suitability |  |  |  |
| **3.16** | A registered provider **must** notify Ofsted or the agency with which the childminder 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 could be an instance of a significant event.  | ***Best practice in Ealing***Follow procedures for ASV if employer becomes aware of any social care involvement within the practitioner’s household. For example, a practitioners own child becoming the subject of a child protection plan  |  |  |  |
| **3.17** | The registered provider **must** give Ofsted or the childminder agency with which they are registered, the following information about themselves or about any person who lives in the same household as the registered provider or who is employed in the household: * details of any order, determination, conviction, 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)
 | [The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2018/794/contents/made) |  |  |  |
| **3.18** | The information **must** be provided to Ofsted or the childminder agency with which they are registered as soon as reasonably practicable**, but at the latest within 14 days of the date the provider became aware of the information** or ought to have become aware of it if they had made reasonable enquiries. | **MUST** refer to LADO within 24 hours Best practice in EalingInform Ofsted within 24 hours as soon as advice is sought from LADO. |  |  |  |
| **Staff taking medication/other substances**  |
| **3.19** | * Staff members mu**st not** be under the influence of alcohol or any other substance which may affect their ability to care for children. If a staff member is taking medication which may affect their ability to care for children, the staff member should seek medical advice.
* Providers **must** ensure that staff members only work directly with children if medical advice confirms that the medication is unlikely to impair that staff member’s ability to look after children properly.
* All medication on the premises **must** be securely stored, and out of reach of children, always.
 | ***Best practice in Ealing***Comprehensive induction including medical checks, health declarations and staff code of conduct must be in place with appropriate paperwork showing timeline and accountability. |  |  |  |
| **Staff qualification, training, support, and skills** |
| **3.20** | 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.  | ***Best practice in Ealing*** |  |  |  |
| **3.21** | * The daily experience of children in early years settings and the overall quality of provision depends on all practitioners having appropriate qualifications, training, skills, knowledge, and a clear understanding of their roles and responsibilities. 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.
 | ***Best practice in Ealing***Safer recruitment training accessed for all interviewers on recruitment panel.Checking and recording validity of qualifications during recruitment processOngoing cycle of continued professional development and training |  |  |  |
| **3.22** | * 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.
 | ***Best practice in Ealing***Supervision meetings include SMART targets to further develop practice to improve outcomes for childrenSupervision should take place at least on a termly/3 monthly cycle or more frequently if needed. |  |  |  |
| **3.23** | 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
 | Supervision should be a two-way process which all so focuses on the well-being of staff and their continual professional development. |  |  |  |
| **3.24** | Childminders m**ust** have completed training which helps them to understand and implement the EYFS before they can register with Ofsted or a childminder agency. Childminders are accountable for the quality of the work of any assistants and **must** be satisfied those assistants are competent in the areas of work they undertake.  | Ealing Early Years do provide training, however, training can be accessed from other recognised training providers. |  |  |  |
| **3.25** | * At least one person who has a current paediatric first aid (PFA) certificate must be always on the premises and available 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. Childminders, and any assistant who might be in sole charge of the children for any period, must hold a full current PFA certificate.
* PFA training must be renewed every three years and be relevant for workers caring for young children and where relevant, babies.
* Providers should consider the number of children, staff, and layout of premises to ensure that a paediatric first aider is able to respond to emergencies quickly.
* All newly qualified entrants to the early years workforce who have completed a level 2 and/or level 3 qualification on or after 30 June 2016, must also have either a full PFA or an emergency PFA certificate within three months of starting work to be included in the required staff: child ratios at level 2 or level 3 in an early years setting.
* Providers should display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate.
 | ***Best practice in Ealing***Settings **must** consider the number of children and layout of the setting when risk assessing the number of staff with PFA to ensure qualified PFA’s are always readily available.  |  |  |  |
| 3.26 | 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, to liaise with other agencies in English, to summon emergency help, and to understand instructions such as those for the safety of medicines or food hygiene.  | Refer to your recruitment processes |  |  |  |
| **Key Person** |
| **3.27** | * Each child **must** be assigned a key person
* Their role is to help ensure every child’s care is tailored to meet their individual needs (in accordance with paragraph 1.10 - Section 1 - The Learning and Development Requirements) to help the child become familiar with the setting, offer a settled relationship for the child, and build a relationship with their parents.
 |  |  |  |  |
| **Staff: child ratios – all providers including childminders** |
| **3.28**  | * In settings on the early years register, the manager **must** hold an approved level 3 qualification or above and at least half of all other staff **mus**t hold at least an approved level 2 qualification.
* The manager 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 to take charge in the manager’s absence.
 | ***Best practice in Ealing***Management should consider if statutory requirements are adequate when considering room layout and individual needs of children.Government Qualification Checker for early years including those from overseas.[Check early years qualifications - GOV.UK](https://www.gov.uk/guidance/early-years-qualifications-finder) |  |  |  |
| **3.29**  | * Staffing arrangements **must** meet the needs of all children and ensure their safety. Providers **must** ensure that children are supervised, including whilst eating, and decide how to deploy staff to ensure children’s needs are met.
* Providers must inform parents and/or carers about staff deployment, and, when relevant and practical, aim to involve them in these decisions. Children **must** usually be within sight and hearing of staff and always within sight or hearing.
 | Settings **must** consider the supervision of children whilst they are eating in relation to ratio/qualification requirements and risk assessments to identify if additional staff are required to ensure children’s safety. |  |  |  |
| **3.30**  | * Only those aged 17 or over may be included in ratios if they are suitable, as in paragraphs 3.9 to 3.11 (and staff under 17 should be always supervised).
* Suitable students on long term placements and volunteers (aged 17 or over) and staff working as apprentices in early education (aged 16 or over) may be included in the ratios if the provider is satisfied that they are competent and responsible.
 |  |  |  |  |
| **3.31** | * The ratio and qualification requirements below apply to the total number of staff available to work directly with children. Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made.
* This applies to all settings, but childminders cannot have more than six children under the age of eight per adult providing care. For group settings providing overnight care, the relevant ratios continue to apply and at least one member of staff **must** be always awake.
 |  |  |  |  |
| **Early years providers (other than childminders)** |
| **3.32**  | 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, and must 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
* 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
 | ***Best practice in Ealing***Baby room leader and at least half of all other baby room staff to have attended Birth and Beyond specialist baby training or other Baby training specifically addressing the care of babies.Includes qualifications from overseas[Check early years qualifications - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/early-years-qualifications-finder) |  |  |  |
| **3.33** | For children aged two: * there **must** be at least one member of staff for every four children
* at least one member of staff **must** hold an approved level 3 qualification
* at least half of all other staff **must** hold an approved level 2 qualification
 |  |  |  |  |
| **3.34** | * For children aged three and over in registered early years provision where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, or another approved level 6 qualification, is working directly with the children39:
	+ 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
 |  |  |  |  |
| **3.35**   | For children aged three and over at any time in registered early years provision when a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, or another approved level 6 qualification is not working directly with the 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
* at least half of all other staff **must** hold an approved level 2 qualification
 |  |  |  |  |
| **3.36** | 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 or another approved level 6 qualification, an instructor, or another suitably qualified overseas trained teacher, is working directly with the children: * for classes where most 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 children41
* for all other classes there **must** be at least one member of staff for every 13 children
* at least one other member of staff **must** hold an approved level 3 qualification

Footnote:39We expect the teacher (or equivalent) to be working with children for **most 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  |  |  |  |  |
| **3.37** | For children aged three and over in independent schools (including in nursery classes in academies), where there is no person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another approved level 6 qualification, no instructor, and no suitably qualified overseas trained teacher, working directly with the 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
* at least half of all other staff **must** hold an approved level 2 qualification
 | Includes qualifications from overseas[Check early years qualifications - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/early-years-qualifications-finder) |  |  |  |
| **3.38** | For children aged three and over in maintained nursery schools and nursery classes in maintained schools * there **must** be at least one member of staff for every children
* at least one member of staff **must** be a school teacher as defined by section 122 of the Education Act 2002
* at least one other member of staff **must** hold an approved level 3 qualification
 |  |  |  |  |
| **3.41** | For before/after school care and holiday provision – see 3.41 page 31 EYFS Statutory Framework for the EYFS 2021.See footnote 5 at paragraph 1.1 for the learning and development requirements for providers offering care exclusively before/after school or during school holidays. (Page 7) |  |  |  |  |
| **3.42** | **Childminders*** At any one time, childminders (whether providing the childminding on domestic or non-domestic premises) may care for a maximum of six children under the age of eight. Of these six children, a maximum of three may be young children, and there should only be one child under the age of one.
* A child is a young child up until 1st September following his or her fifth birthday. Any care provided for older children **must not** adversely affect the care of children receiving early years provision.
 |  |  |  |  |
| **3.43** | If a childminder can demonstrate to parents and/or carers and Ofsted inspectors or their childminder agency that the individual needs of all the children are being met, exceptions to the usual ratios can be made for example: * when childminders are caring for sibling babies, or
* when caring for their own baby, or
* to maintain continuity of care, or
* if children aged three to five only attend the childminding setting before and/or after a normal school day, and/or during school holidays, they may be cared for at the same time as three other young children.

In all circumstances, the total number of children under the age of eight being cared for **must not** exceed six per adult. |  |  |  |  |
| **3.44** | * If a childminder employs an assistant or works with another childminder, each childminder (or assistant) may care for the number of children permitted by the ratios specified above. Children may be left in the sole care of childminders’ assistants for two hours at most in a single day.
* Childminders must obtain parents and/or carers’ permission to leave children with an assistant, including for short periods of time.
* For childminders providing overnight care, the ratios continue to apply and the childminder must always be able to hear the children (this may be via a monitor).
 |  |  |  |  |
| **Health medicines** |
| **3.45** | * The provider **must** promote the good health, including the oral health, of children attending the setting.
* They **must** have a procedure, discussed with parents and/or carers, for responding to children who are ill or infectious, take necessary steps to prevent the spread of infection, and take appropriate action if children are ill
 | [Guidance on Infection Control in Schools and other Childcare Settings](https://www.publichealth.hscni.net/publications/guidance-infection-control-schools-and-other-childcare-settings-0) 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<https://www.gov.uk/government/publications/health-protection-in-schools-and-other-childcare-facilities> Contact details for reporting of notifiable diseases and outbreaksNorth West London Health Protection TeamPublic Health England, 61 Colindale AvenueLondon, NW9 5EQ Email phe.nwl@nhs.netTelephone 020 3326 1658Out of hours advice 01895 238 282 |  |  |  |
| **3.46** | * Providers **must** have and implement a policy, and procedures, for administering medicines. It must include systems for obtaining information about a child’s needs for medicines, and for keeping this information up-to-date.
* Training **must** be provided for staff where 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).
 | Current guidance for schools\*Early years specific guidance for Ealing due to be published shortly[Managing medical conditions in schools | Ealing Grid for Learning (egfl.org.uk)](https://www.egfl.org.uk/facilities/health-and-safety/managing-medical-conditions-schools)[DfE Clarification on medicines in early years settings | From pregnancy to children aged 5 (foundationyears.org.uk)](https://foundationyears.org.uk/2016/10/dfe-clarification-on-medicines-in-early-years-settings/)  |  |  |  |
| **3.47** | * Medicine (both prescription and non-prescription) **must** only be administered to a child where written permission for that 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, or as soon as reasonably practicable
 | [Prescribing over-the-counter medicines in nurseries and schools (bma.org.uk)](https://www.bma.org.uk/advice-and-support/gp-practices/managing-workload/prescribing-over-the-counter-medicines-in-nurseries-and-schools) |  |  |  |
| **Food and drink** |
| **3.48** | * Where children are provided with meals, snacks, and drinks, they **must** be healthy, balanced, and nutritious.
* Before a child is admitted to the setting the provider **must** also obtain information about any special dietary requirements, preferences, and food allergies that the child has, and any special health requirements.
* Fresh drinking water **must** be always available and accessible to children. Providers **must** record and act on information from parents and carers about a child's dietary needs.
 | [Eat Better Start Better Guidance Action](https://www.foundationyears.org.uk/wp-content/uploads/2017/11/Eat-Better-Start-Better1.pdf) for Children document for best practice in Early Years SettingsPublic Health England 2017 guidance on [Menus in Early Years Settings](https://www.gov.uk/government/publications/example-menus-for-early-years-settings-in-england?utm_source=Foundation+Years&utm_campaign=581138ac79-EMAIL_CAMPAIGN_2017_11_13&utm_medium=email&utm_term=0_e05004a334-581138ac79-295950237) |  |  |  |
| **3.49**  | * There **must** be an area which is 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.
* In group provision, all staff involved in preparing and handling food **must** receive training in food hygiene. In addition, section 4 of ‘Example menus for early years settings in England’ (see footnote 56) includes guidance on menu planning, food safety, managing food allergies and reading food labels, which staff preparing food will find helpful in ensuring that children are kept safe.
 | <https://www.food.gov.uk/business-industry/food-hygiene> [Food Standards Agency Allergy Guidance](https://www.food.gov.uk/business-industry/allergy-guide/allergen-resources) |  |  |  |
| **3.50** | Registered providers **must** notify Ofsted or the childminder agency with which they are registered of any food poisoning affecting two or more children cared for on the premises. Notification must be made as soon as is reasonably practicable, but in any event within 14 days of the incident. **A registered provider, who, without reasonable excuse, fails to comply with this requirement, commits an offence.**  | Contact details for reporting of notifiable diseases and outbreaksNorth West London Health Protection Team Public Health England, 61 Colindale AvenueLondon,NW9 5EQEmail phe.nwl@nhs.netTelephone 020 3326 1658Out of hours advice 01895 238 282 |  |  |  |
| **Accident or injury**  |
| **3.51** | * Providers **must** ensure there is always a first aid box accessible with appropriate content for use with children.
* 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.
 | ***Best practice in Ealing*** |  |  |  |
| **3.52** | * Registered providers **must** notify Ofsted or the childminder agency with which they are registered of any serious accident, illness, or injury to, or death of, any child while in their care, and of the action taken.
* Notification **must** be made as soon as is reasonably practicable, but in any event within 14 days of the incident occurring. **A registered provider, who, without reasonable excuse, fails to comply with 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.
 | Health and Safety Executive [**COSHH**](http://www.hse.gov.uk/coshh/basics.htm)[**RIDDOR**](http://www.hse.gov.uk/riddor/R) Ealing best practice would strongly advise notification is made to the LADO or Child Protection Advisors on the day of the incident or within 24 hours.LADO : **020 8825 8930**Child Protection Advisor line: **020 8825 8930** |  |  |  |
| **Managing behaviour** |
| **3.53** | Providers are responsible for managing children’s behaviour in an appropriate way.  | ***Best practice in Ealing***Understanding children’s behaviour training completed by all practitioners, or key staff to cascade to wider team. |  |  |  |
| **3.53** | * Providers **must not** give or threaten corporal punishment to a child and must not use or threaten any punishment which could adversely affect a child's well-being.
* Providers **must** take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided. **Any early years provider who fails to meet these requirements commits an offence**.
* A person will not be taken to have used corporal punishment (and therefore will not have committed an offence), where physical intervention was taken for the purposes of averting immediate danger of personal injury to any person (including the child) or to manage a child’s behaviour if necessary.
* Providers, including childminders, **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.
 |  |  |  |  |
| **Safety and Suitability of premises, environment, and equipment** |
| **3.55** | * 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).
 |  |  |  |  |
| **3.56** | * 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 and must have an emergency evacuation procedure.
* Providers **must** have 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 must be free of obstruction and easily opened from the inside.
 | <https://www.gov.uk/government/collections/fire-safety-guidance> last updated June 2021 |  |  |  |
| **Smoking and vaping** |
| **3.57** | Providers **must not** allow smoking in or on the premises when children are present or about to be present. Staff should not vape or use e-cigarettes when children are present and providers should consider Public Health England advice on their use in public places and workplaces.  | ***Best practice in Ealing***Consideration needs to be given to smoke residue on staff clothing and body.Vape and e-cigarettes **must not** be used in or on the premises when children are present or about to be present.<https://www.gov.uk/government/publications/use-of-e-cigarettes-in-public-places-and-workplaces>  |  |  |  |
| **Premises** |
| **3.58** | The premises and equipment **must** be organised in a way that meets the needs of children. Providers **must** meet the following indoor space requirements where indoor activity in a building(s) forms the main part of (or is integral) to the provision: * Children under two years: 3.5 m2 per child
* Two year olds: 2.5 m2 per child
* Children aged three to five years: 2.3 m2 per child
* 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 (or exclusively) outdoor provision is not required to meet the space standards above if 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.
 |  |  |  |  |
| **3.59** | * Providers **must** provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken daily (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).
 | **Equality Act 2010**<https://www.legislation.gov.uk/ukpga/2010/15/contents>  |  |  |  |
| **3.60** | * Sleeping children **must** be frequently checked to ensure that they are safe. Being safe includes ensuring that cots/bedding are in good condition and suited to the age of the child, and that infants are placed down to sleep safely in line with latest government safety guidance.
* Except in childminding settings, 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.
 | ***Best practice in Ealing***Practitioner/s to be in sight and sound of sleeping children.NHS advice [on Sudden Infant Death Syndrome](https://www.nhs.uk/conditions/sudden-infant-death-syndrome-sids/): NHS advice for further information on [safety of sleeping children](https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/) |  |  |  |
| **3.61** | * Providers **must** ensure there is an adequate number of toilets and hand basins available. Except in childminding settings, there should usually be separate toilet facilities for adults.
* Providers **must** ensure there are suitable hygienic changing facilities for changing any children who are in nappies and providers should ensure that an adequate supply of clean bedding, towels, spare clothes, and any other necessary items is always available.
 |  |  |  |  |
| **3.62** | * Providers **must** also ensure that there is an area where staff may talk to parents and/or carers confidentially, as well as an area in group settings for staff to take breaks away from areas being used by children.
 |  |  |  |  |
| **3.63** | * Providers **must** only release children into the care of individuals who have been notified to the provider by the parent and **must** ensure that children do not leave the premises unsupervised.
* Providers **must** take all reasonable steps to prevent unauthorised persons entering the premises and have an agreed procedure for checking the identity of visitors.
* Providers **must** consider what additional measures are necessary when children stay overnight.
 | ***Best practice in Ealing***Daily registers record the time a child is handed over to a practitioner at the beginning of the session and by whom and who is expected to collect the child at the end of the session/day.Regular head counts are taken throughout the day in addition to formal register to have accurate information of current number of children on site and ensure at least minimum ratio requirements are met. |  |  |  |
| **3.64** | Providers **must** carry the appropriate insurance (e.g. public liability insurance) to cover all premises from which they provide childcare or childminding.  | ***Best practice in Ealing***Public liability insurance displayed with OFSTED registration certificate and other safeguarding documentation visible or available to parents and other service users. |  |  |  |
| **Risk Assessment** |
| **3.65** | * 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.
* 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 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.
 |  |  |  |  |
| **Outings** |
| **3.66** | * Children **must** be kept safe while on outings. Providers must assess the risks or hazards which may arise 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 adult to child ratios. The risk assessment does not necessarily need to be in writing; this is for providers to judge.
 | ***Best practice in Ealing***Written risk assessments further support consistency of practice and accountability for all practitioners/service providers and service users.Please note: For all providers other than childminders, qualification requirements **must** be met in addition to ratio requirements when on visits. (This may include enhanced ration requirements as part of your risk assessment)[Health and Safety Executive](https://www.hse.gov.uk/simple-health-safety/risk/index.htm).  |  |  |  |
| **3.67** | Vehicles in which children are being transported, and the driver of those vehicles, **must** be insured. |  |  |  |  |
| **Special Educational Needs (SEN)** |
| **3.68** | * Providers **must** have arrangements in place to support children with SEN or disabilities.
* Maintained schools, maintained nursery schools and all providers who are funded by the local authority to deliver early education places **must** have regard to the Special Educational Needs Code of Practice.
* Maintained schools and maintained nursery schools **must** 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.
* Childminders are encouraged to identify a person to act as a SENCO and childminders who are registered with a childminder agency or who are part of a network may wish to share the role between them.
 | **SEND code of Practice updated 2015**<https://www.gov.uk/government/publications/send-guide-for-early-years-settings> <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>***Best practice in Ealing***An appointed SENCO and deputy in the setting who has attended Ealing SEND leadership training and actively leads on upskilling practitioners within the setting on all aspects of high quality SEND practice.Attended EHAP (Early Help Assessment and Plan) training. Regularly attends SEND network groups to keep updated on local and national legislation and messages.<https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/home.page> |  |  |  |
| **Information and records** |
| **3.69** | * Providers **must** maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.
* Providers **must** enable a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. If requested, providers should incorporate parents’ and/or carers’ comments into children’s records.
 | [Guidance on sharing information with relevant services when there are safeguarding concerns](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice)Guidance on Cyber Security[Early Years practitioners: using cyber security to protect... - NCSC.GOV.UK](https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings)[Data protection regulations 2018](https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation).  |  |  |  |
| **3.70** | * 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.
* Providers **must** be aware of their responsibilities under the Data Protection Legislation and where relevant the Freedom of Information Act 2000.
 | ***Best practice in Ealing***Children’s records should not be removed from the setting, unless in secure and lockable carry cases and with prior consent from a manager. |  |  |  |
| **3.71** | * Providers **must** ensure that all staff understand the need to protect the privacy of the children in their care as well 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.
 | [Information Commissioners Office](https://ico.org.uk/for-organisations/education/) [Registering under the data Protection Act.](https://ico.org.uk/for-organisations/education/) |  |  |  |
| **3.72** | Records relating to individual children **must** be retained for a reasonable period after they have left the provision  | Ofsted: General records for 2 years.LA: 7 years for auditing purposesFor guidance for retention of records for children subject to Child Protection plans/Children in need plans and looked after children please refer to NSPCC guidance below.[NSPCC Guidance on child protection records retention and storage](https://learning.nspcc.org.uk/research-resources/briefings/child-protection-records-retention-storage-guidance/)(2022) |  |  |  |
| **Information about the child** |
| **3.73** | 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 (and information about any other person who has parental responsibility for the child); which parent(s) and/or carer(s) the child normally lives with; and emergency contact details for parents and/or carers.  |  |  |  |  |
| **Information for parents and carers** |
| **3.74** | Providers **must** make the following information available to 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 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 (all providers except childminders (see paragraph 3.3) must make copies available on request) including 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
* staffing in the setting; the name of their child’s key person and their role; and a telephone number for parents and/or carers to contact in an emergency
 | ***Best practice in Ealing***Expectation of parent /professional verbal/written contract shared and agreed as part of registration and induction process. |  |  |  |
| **Complaints**  |
| **3.75** | * 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. Childminders are not required to have a written procedure for handling complaints, but they **must** keep a record of any complaints they receive and their outcome.
* All providers **must** investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint.
* The record of complaints **must** be made available to Ofsted or the relevant childminder agency on request.
 |  |  |  |  |
| **3.76** | * Providers **must** make available to parents and/or carers details about how to contact Ofsted or the childminder agency with which the provider is registered as appropriate, if they believe the provider is not meeting the EYFS requirements.
* If providers become aware that they are to be inspected by Ofsted or have a quality assurance visit by the childminder agency, they **must** notify parents and/or carers.
* After an inspection by Ofsted or a quality assurance visit by their childminder agency, providers **must** supply a copy of the report to parents and/or carers of children attending on a regular basis.
 |  |  |  |  |
| **Information about the provider** |
| **3.77** | 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 (this requirement does not apply to childminders)
* 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 or the relevant childminder agencies** |
| **3.78** | All registered early years providers **must** notify Ofsted or the CMA with which they are registered of any change: * in the address of the premises (and seek approval to operate from those premises where appropriate); to the premises which may affect the space available to children and the quality of childcare available to them; in the name or address of the provider, or the provider’s other contact information; to the person who is managing the early years provision; in the persons aged 16 years or older living or working on any domestic premises from which childminding is provided; or to the persons caring for children on any premises where childminding is provided
* any proposal to change the hours during which childcare is provided; or to provide overnight care
* any significant event which is likely to affect the suitability of the early years provider or any person who cares for, or is in regular contact with, children on the premises to look after children
* 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
 |  |  |  |  |
| **3.79**  | * Where providers are required to notify Ofsted or their CMA about a change of person except for managers, as specified in paragraph 3.78 above, providers must give Ofsted or their CMA 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 or their CMA that a new manager has been appointed. Where it is reasonably practicable to do so, notification must be made in advance. In other cases, notification must be made as soon as is reasonably practicable, but always within 14 days. **A registered provider who, without reasonable excuse, fails to comply with these requirements commits an offence.**
 |  |  |  |  |
| **3.78** | Where providers are required to notify Ofsted or the childminder agency with which they are registered, about a change of person except for managers, as specified in paragraph 3.77 above, providers **must** give Ofsted or their CMA 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 practicable to do so, notification **must** be made in advance.
* In other cases, notification **must** be made as soon as is reasonably practicable, but always within 14 days.

**A registered provider who, without reasonable excuse, fails to comply with these requirements commits an offence.** | ***Best practice in Ealing***Providers to inform local authority of any significant changes which may impact on quality, such as changes to management or significantly high turnover of staff. |  |  |  |