# 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 group settings who are part of the private, voluntary and independent sector where there are children up to end of reception year.

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, 2022 (also referred to as the ‘Yellow Book’). The Yellow Book aligns with “**London Safeguarding Children Procedures and Practice Guidance 25th April 2024 edn 7” 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 September 2024)**

| **Ref** |  | **National and local documents and Ealing best practice** | **Evidence** | **Actions** | **Completion review date** |
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| **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 adults 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. | ***Best Practice in Ealing*** |  |  |  |
| **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 adults who have contact with children are suitable.  • Promote good health.  • Support and understand behaviour.  • Maintain records, policies, and procedures. | **Ealing Safeguarding Children Guidance** Policy and Procedures for Voluntary, Community, Faith, and Private Organisations, 2022 (**‘Yellow Book’) All *providers must have a sound knowledge of this guidance*** [**ESCP publications |  Ealing Directory (ealingfamiliesdirectory.org.uk)**](https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/escb_publication.page?id=8_wa0nEs9jA)  [**yellow\_book\_2022\_1.pdf (openobjects.com)**](https://search3.openobjects.com/mediamanager/ealing/directory/files/yellow_book_2022_1.pdf)  **Link to** [**Ealing Safeguarding Children Partnership / ESCP Home |  Ealing Directory (ealingfamiliesdirectory.org.uk)**](https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/escb.page?escbchannel=0) |  |  |  |
| **3.4** | **Safeguarding policies and procedures**  In every setting, a practitioner **must** be designated to take lead responsibility for safeguarding children. The lead practitioner is responsible for liaison with local statutory children's services agencies, and with the LSP (Local Safeguarding Partners). All practitioners **must** be alert to any issues of concern in the child’s life at home or elsewhere. | **“Working Together to Safeguard Children 2018**”  **Last updated 23 February 2024**  [**Working together to safeguard children - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)  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. |  |  |  |
| **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 LSP. |  |  |  |  |
| **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 the member of staff.  • How mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting.  Providers may find it helpful to read '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.  Taking account of any advice from the LSP or local authority on appropriate training courses.  [**https://www.gov.uk/government/collections/female-genital-mutilation**](https://www.gov.uk/government/collections/female-genital-mutilation)  **Updated June 2023**  [**https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2**](https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2)  [**https://www.gov.uk/government/publications/working-together-to-safeguard-children--2**](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)  **Updated 23 February 2024**  Safeguarding children and protecting professionals in early years settings online safety considerations 2019  [**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** | **Concerns about Children’s safety and welfare**  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’.  All schools are required to have regard to the government’s statutory guidance, and other childcare providers may also find it helpful to read this guidance. | 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): [**www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales**](http://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales) Under section 175(4) of the Education Act 2002 **Updated 6 March 2024**  Preparing for terrorism and other major incident. Consider how you will risk assess practice to mitigate potential risk for all stakeholders in your setting.  [**Protective security and preparedness for education settings - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/protective-security-and-preparedness-for-education-settings?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=3ce109f8-80e4-4e60-a258-e657ca2c61d1&utm_content=weekly) **Published 29 April 2024**  [**www.gov.uk/government/publications/keeping-children-safe-in-education--2**](http://www.gov.uk/government/publications/keeping-children-safe-in-education--2)  **Updated 24 May 2024**  Within settings wider safeguarding risk assessments, they must ensure all staff have current and up to date knowledge of the PREVENT duty, attend training specific to PREVENT every two years and ensure their risk assessments are regularly updated, to reflect international risk, inclusive of how it may affect the children, families, staff and community within their demographic. Further guidance on completing risk assessments can be found:  [**https://padlet.com/Ealing\_Early\_Years\_Quality\_Partnership/new-and-existing-settings-s0w0ux4sntbsfeor**](https://padlet.com/Ealing_Early_Years_Quality_Partnership/new-and-existing-settings-s0w0ux4sntbsfeor)**.**  ESCP Information sharing & consent Guidance  [**information\_sharing\_consent\_guidance\_october\_2022.pdf (openobjects.com)**](https://search3.openobjects.com/mediamanager/ealing/directory/files/information_sharing_consent_guidance_october_2022.pdf) |  |  |  |
| **3.8** | Registered providers **must** inform Ofsted, or the agency with which a provider of CoDP is registered, of any allegations of serious harm or abuse by anyone living, working, or looking after 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 agency of the action they have taken in response to the allegations. Ofsted/the agency 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. | (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 Safeguarding Children Procedures 7th edn (Last updated 25 April 2024)**  [**London Safeguarding Children Procedures**](https://www.londonsafeguardingchildrenprocedures.co.uk/index.html)  **Refer to 3.6 above.**  **LADO Contact details.** |  |  |  |
| **3.9** | **Suitable People**  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. | ***Best Practice in Ealing***  At least one member of the recruitment panel **must** of attended an accredited Safer recruitment course. |  |  |  |
| **3.10** | Ofsted, or the agency with which a provider of CoDP is registered, is responsible for checking the suitability of:  • The provider.  • Every other person looking after children on domestic premises for whom the care is being provided.  • Every other person living or working on any domestic premises from which the childcare is being provided, including requiring enhanced criminal records checks and barred list checks. | [**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)**](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006)  **Updated 31 August 2018** |  |  |  |
| **3.11** | Registered group and school based providers, except CoDP providers, **must** obtain an enhanced criminal records check for every person aged 16 and over (including for unsupervised volunteers, and supervised volunteers who provide personal care) 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). | Registered with a DBS (Disclosure and Barring Service) agent for all persons 16 or over as described  [**Keeping children safe in education - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)  **Updated 24 May 2024** |  |  |  |
| **3.12** | An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad. | [**https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants**](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)  **Updated 17 May 2024**  ***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 |  |  |  |
| **3.13** | 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 anyone whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for. | **Must** follow safer recruitment guidance as laid out in:  Keeping Children Safe in Education  [**Keeping children safe in education 2023 (publishing.service.gov.uk)**](https://assets.publishing.service.gov.uk/media/64f0a68ea78c5f000dc6f3b2/Keeping_children_safe_in_education_2023.pdf)  Safer Recruitment pages 56 to 91  **Updated 24 May 2024** |  |  |  |
| **3.14** | Providers **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). | ***Best practice in Ealing***  Single Central Record **must** be in place and include the name date and signature of the person who had original sight of either paper copy of DBS or online via update service and all other vetting documentation.  [Safeguarding vulnerable groups Act 2006](https://www.legislation.gov.uk/ukpga/2006/47/contents) **updated 2024** |  |  |  |
| **3.15** | 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. | [**Making barring referrals to the DBS - GOV.UK (www.gov.uk)**](https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs)  **Updated 23 August 2024** |  |  |  |
| **Disqualification** | | | | | |
| **3.16** | A provider or a practitioner may be disqualified from registration. Providers may find guidance about disqualification under the Childcare Act 2006 helpful. If a provider 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. | [**Check someone's criminal record as an employer: Checks you can make on someone's record - GOV.UK (www.gov.uk)**](https://www.gov.uk/dbs-check-applicant-criminal-record) |  |  |  |
| **3.17** | A registered provider **must** notify Ofsted, or the agency with which the 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 could be an example of a significant event. | ***Best practice in Ealing***  A statement within a robust and regular supervision process **MUST** be included and signed off by the supervisor and employee of continued suitability.  ***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 |  |  |  |
| **3.18** | The registered provider **must** give Ofsted, or the agency 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, 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). | [**Disqualification under the Childcare Act 2006 - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006)  **Updated August 2018** |  |  |  |
| **3.19** | A setting’s registered person **must** provide this information to Ofsted/the agency 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. | **MUST** refer to LADO within 24 hours and seek advice.  **Best practice in Ealing**  Inform Ofsted within 24 hours as soon as advice is sought from LADO as best practice.  Refer to guidance in **3.6** |  |  |  |
| **3.20** | If a provider becomes aware of relevant information that may lead to an employee being disqualified, the provider **must** take appropriate action to ensure the safety of children. | **As above** |  |  |  |
| **Staff taking medication/other substances** | | | | | |
| **3.21** | * 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, 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. |  |  |  |
| **3.22** | **Smoking and vaping**  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 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.  [**Use of e-cigarettes in public places and workplaces - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/use-of-e-cigarettes-in-public-places-and-workplaces)  **Published July 2016** |  |  |  |
|  | **Qualifications, training, support and skills** |  |  |  |  |
| **3.23** | 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. | **Equality Act 2010: guidance - GOV.UK (www.gov.uk)**  **Last updated 16 June 2015** |  |  |  |
| **3.24** | **Safeguarding Training**  Providers **must** train all staff to understand their safeguarding policy and procedures and ensure that all staff have up to date knowledge of safeguarding issues. Training made available by the provider **must** enable staff to identify signs of possible abuse and neglect at the earliest opportunity, and to respond in a timely and appropriate way. 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 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 girl may have been subjected to (or is at risk of) female genital mutilation.  Providers may find it helpful to read ‘What to do if you’re worried a child is being abused: Advice for practitioners’. | ***Best practice in Ealing***  [**yellow\_book\_2022\_1.pdf (openobjects.com)**](https://search3.openobjects.com/mediamanager/ealing/directory/files/yellow_book_2022_1.pdf)  **2022/2023 guidance**  What to do if you a worried a child is being abused.  [**Stat guidance template (publishing.service.gov.uk)**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)  **March 2015**  [**Female genital mutilation - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/collections/female-genital-mutilation)  **Updated June 2023**  Please refer to LADO guidance for ASV in section **3.6** |  |  |  |
| **3.25** | The lead practitioner **must** provide support, advice and guidance to any other staff on an ongoing basis, and on any specific safeguarding issue as required. The lead practitioner **must** attend a child protection training course  that enables them to identify, understand and respond appropriately to signs of possible abuse and neglect (as described at paragraph 3.8). | Refer to guidance in **3.6**  In addition to wider safeguarding courses, providers **must** complete an Ealing Introduction to safeguarding course and a refresher course every 2 years thereafter. In addition, the DSL **must** complete Ealing’s DSL training. |  |  |  |
| **3.26** | **Training and Skills**  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. | ***Best practice in Ealing***  To join the Ealing Quality Partnership to work in partnership towards aspirational education and carefor all children in Ealing and beyond. |  |  |  |
| **3.27** | **Supervision of staff**  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***  Staff supervision should be an integral part of supporting staff well-being and professional development and be embedded in the continuous quality improvement cycle of the setting. |  |  |  |
| 3.28 | 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** | | | | | |
| **3.29** | At least one person who has a current paediatric first aid (PFA) certificate **must** always be 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. PFA training **must** be renewed every three years and be relevant for people caring for young children and babies. | Leaders **must** ensure they are also compliant with the requirements of **3.31** when applying **3.29** |  |  |  |
| **3.30** | 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. |  |  |  |  |
| **3.31** | 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 to be included in the required staff:child ratios at level 2 or level 3 in an early years setting. To continue to be included in the ratio requirement the certificate **must** be renewed every 3 years. |  |  |  |  |
| **3.32** | Providers should display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate. |  |  |  |  |
| **3.33** | **English language skills**  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. |  |  |  |  |
| **3.34** | **Key Person**  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. |  |  |  |  |
| **3.35** | **Staff: Child ratios**  Staffing arrangements **must** meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised, including 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. | ***Best practice in Ealing***  Management should consider if statutory requirements are adequate when considering room layout and individual needs of children. |  |  |  |
| **3.36** | Children **must** usually be within sight and hearing of staff and always within sight or hearing. Whilst eating, children **must** be within sight and hearing of a member of staff. |  |  |  |  |
| **3.37** | In settings on the early years register, the manager of the setting **must** hold an approved qualification of level 3 or above and **at least half** of all other staff **must** hold at least an approved level 2 qualification.  Managers appointed on or after 1 January 2024 **must** have already achieved a suitable level 2 qualification in maths or **must** do so within two years of starting in the position. 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 to take charge in the manager’s absence. | [**Check early years qualifications - GOV.UK (www.gov.uk)**](https://www.gov.uk/guidance/early-years-qualifications-finder?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=a6406d10-f7ab-49fa-ac03-c6e2829291ee&utm_content=weekly)  **Updated 16 May 2024**  [**Early years qualifications achieved in the United Kingdom - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/early-years-qualifications-achieved-in-england?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=f639a164-254f-4da9-a30b-fc6274d8894c&utm_content=weekly)  **Updated 5 August 2024** |  |  |  |
| **3.38** | To count within the ratios at level 3, staff holding an Early Years Educator qualification **must** also have achieved a suitable level 2 qualification in English. 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 will be published on the Early Years Qualifications List published on GOV.UK. | [**Early years qualification requirements and standards - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/early-years-qualification-requirements-and-standards)  **Updated January 2024** |  |  |  |
| **3.39** | The ratio 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. For settings providing overnight care, the relevant ratios continue to apply and at least one member of staff **must** always be awake. | Adult/child ratios are the minimum statutory requirements as laid out by the EYFS 2024. Leaders **must** use their own professional judgement to identify if the needs of all children are being met and if there may be circumstances where ratios need to be increased to enable the well-being and safety of children. |  |  |  |
| **3.40** | 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 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 Ealing specialist baby training or other Baby training specifically addressing the care of babies. |  |  |  |
| **3.41** | For children aged two:  • There **must** be at least one member of staff for every five 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. |  |  |  |  |
| **3.42** | 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, or another approved level 6 qualification is working directly with children:  • 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. |  |  |  |  |
| **3.43** | 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 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.  • At least half of all other staff **must** hold an approved level 2 qualification. |  |  |  |  |
| **3.44** | 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 children:  • 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.  • 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. |  |  |  |  |
| **3.45** | 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 or another approved level 6 qualification, 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.  • At least half of all other staff **must** hold an approved level 2 qualification. |  |  |  |  |
| **3.46** | 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 13 children.  • At least one member of staff **must** be a school teacher as defined by section 122 of the Education Act 2002.  • At least one other member of staff **must** hold an approved level 3 qualification. |  |  |  |  |
| **3.47** | Reception classes in maintained schools and academies are subject to infant class size legislation, which is limited to 30 pupils per school teacher (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. |  |  |  |  |
| **3.48** | Some 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. |  |  |  |  |
| **3.49** | 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 at the level below their level of study, if the provider is satisfied that they are competent and responsible. | Please also refer to:  [**Early years qualification requirements and standards - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/early-years-qualification-requirements-and-standards)  **4 January 2024**  Please note: Guidance on page 6 1:3 appears to differ from the EYFS 2024 as of (26.2.2024). Further clarification being sought from the DfE.  Leaders to please risk assess and make an informed decision when considering applying **3.49.** |  |  |  |
| **3.50** | **Before/afterschool care and holiday provision**  Where the provision is solely before/after school 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 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** | | | | | |
| **3.51** | **Medicine**  Providers **must** promote the good health, including the oral health, of the children they look after. | ***Best practice in Ealing***  Consider participating in the assisted tooth brushing programme.  (Further information can be found on the new and existing providers padlet link) |  |  |  |
| **3.52** | 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. | [**Infectious diseases: education and childcare settings - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/infectious-diseases-schools-and-other-childcare-settings) **Updated 27 April 2022**  [**Guidance\_on\_infection\_control\_in schools\_poster.pdf (hscni.net)**](https://www.publichealth.hscni.net/sites/default/files/Guidance_on_infection_control_in%20schools_poster.pdf#:~:text=Guidance%20on%20infection%20control%20in%20schools%20and%20other,Room%20%28Duty%20Room%29%20on%200300%20555%200119%20or)  **2017 poster** 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  **Health protection in children and young people settings, including education - GOV.UK** **Updated 26 June 2024**  [**Managing outbreaks and incidents - GOV.UK**](https://www.gov.uk/government/publications/health-protection-in-schools-and-other-childcare-facilities/managing-outbreaks-and-incidents)  **Updated 26 June 2024**  Contact details for reporting of notifiable diseases and outbreaks:  North West London Health Protection Team, Public Health England 61 Colindale Avenue, London, NW9 5EQ  Email [phe.nwl@nhs.net](mailto:phe.nwl@nhs.net)  **Telephone 020 3326 1658**  **Out of hours advice 01895 238 282** |  |  |  |
| **3.53** | 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). | [**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)  **Updated 28 June 2024** |  |  |  |
| **3.54** | Medicine (both prescription and non-prescription) **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. | **Ealing best practice**  **Ealing school guidance**  [**https://www.egfl.org.uk/search?fulltext=scools+managings+medical+needs+policy&sort\_order=DESC&sort\_by=search\_api\_relevance&=Search**](https://www.egfl.org.uk/search?fulltext=scools+managings+medical+needs+policy&sort_order=DESC&sort_by=search_api_relevance&=Search)  **Updated June 2024**   * Ensure prescribed medicines have a current, recently prescribed date. * Information is recorded on any medicines prescribed prior to the child attending the setting. * Giving of medication is witnessed by a colleague with person who witnessed and person who administered signing records. |  |  |  |
| **3.55** | **Food and Drink**  Where children are provided with meals, snacks, and drinks, these **must** be healthy, balanced and nutritious. Before a child is admitted to the setting the provider **must** obtain information about any special dietary requirements, preferences, and food allergies that the child has, and any special health requirements. Fresh drinking water **must** always be 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 for Children document for best practice in Early Years Settings  [**Eat Better, Start Better - Foundation Years**](https://foundationyears.org.uk/eat-better-start-better/)  Public 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)  **Updated 15 August 2024**  [**SACN report: feeding young children aged 1 to 5 years - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/sacn-report-feeding-young-children-aged-1-to-5-years?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=de0a41e3-8b2f-440c-a47b-a53050cf2c67&utm_content=weekly)  **Updated 8 May 2024**  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. |  |  |  |
| **3.56** | **Food and drink facilities**  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. Section 4 of ‘  Example menus for early years settings in England’ 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**](https://www.food.gov.uk/business-industry/food-hygiene)  **Last updated August 2023**  Food Standards Agency Allergy Guidance  [**https://www.food.gov.uk/business-industry/allergy-guide/allergen-resources**](https://www.food.gov.uk/business-industry/allergy-guide/allergen-resources)  **Last updated 8 July 2024** |  |  |  |
| **3.57** | Registered providers **must** notify Ofsted, or the agency 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 practical, but, in any event, within 14 days of the incident. A registered provider who, without reasonable excuse, doesn’t meet this requirement **commits an offence**. | North West London Health Protection Team Public Health England 61 Colindale Avenue London, NW9 5EQ  Email [phe.nwl@nhs.net](mailto:phe.nwl@nhs.net)  Telephone 020 3326 1658  Out of hours advice 01895 238 282 |  |  |  |
| **Supporting and understanding children’s behaviour** | | | | | |
| **3.58** | Providers are responsible for supporting, understanding, and 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. |  |  |  |
| **3.59** | 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 was taken to avert immediate danger of personal injury to any person (including the child) or to manage a child’s behaviour if necessary. | Policies and procedures of the setting **must** be followed, inclusive of:   * thorough induction and training regarding supporting and understanding of children’s behaviour and chosen forms of communication. * Appropriate handling of children to avert danger and injury |  |  |  |
| **3.60** | 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. | Parents/carers should be informed on the day of the incident. |  |  |  |
| **3.61** | **Special Educational Needs**  Providers **must** have arrangements in place to support children with Special Education Needs and Disabilities (SEND). Maintained schools, maintained nursery schools and all providers who are funded by the local authority to deliver early education places **must** take into account 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. Providers may find it helpful to familiarise themselves with the early years section of the SEND Code of Practice. | [**SEND code of Practice**](https://www.gov.uk/government/publications/send-guide-for-early-years-settings) **updated 2015**  [**https://www.gov.uk/government/publications/send-code-of-practice-0-to-25**](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)  **Last updated April 2020**  [**Equality Act 2010: guidance - GOV.UK**](https://www.gov.uk/guidance/equality-act-2010-guidance)  **Last updated 16 June 2015**  ***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**](https://www.ealingfamiliesdirectory.org.uk/kb5/ealing/directory/home.page) |  |  |  |
|  | **Safety and suitability of premises, environment, and equipment** |  |  |  |  |
| **3.62** | **Accident and injury**  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. |  |  |  |  |
| **3.63** | Registered providers **must** notify Ofsted, or the agency 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. | **Health and Safety Executive**  **COSHH** [**Control of Substances Hazardous to Health (COSHH) - HSE**](https://www.hse.gov.uk/coshh/)  **RIDDOR** [**RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 - HSE**](https://www.hse.gov.uk/riddor/)  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. |  |  |  |
| **3.64** | **Safety of premises**  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. | [**https://www.gov.uk/government/collections/fire-safety-guidance**](https://www.gov.uk/government/collections/fire-safety-guidance)  **last updated December 2023** |  |  |  |
| **3.65** | 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.  • 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. | Please refer to **3.7** for further guidance on lock down procedures as part of your ongoing risk assessment. |  |  |  |
| **3.66** | **Indoor space requirements**  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: 3.5m2 per child.   * Two-year-olds: 2.5m2 per child. * Children aged three to five years: 2.3m2 per child. | **Please refer to footnote 43 of EYFS 2024**  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**.**  **Ealing Best Practice**  When defining space and considering the minimum space requirements,  there should also be consideration to the layout and shape of the room and the unique needs of your current cohort of children. |  |  |  |
| **3.67** | 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 almost exclusively) outdoor provision 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. |  |  |  |  |
| **3.68** | **Outdoor Access**  Providers **must** provide access to an outdoor play area. If that is not possible, they **must** 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**  [**Equality Act 2010: guidance - GOV.UK (www.gov.uk)**](https://www.gov.uk/guidance/equality-act-2010-guidance)  **Last updated June 2015** |  |  |  |
| **3.69** | **Sleeping arrangements**  Sleeping children **must** be frequently checked to ensure that they are safe. Being safe includes ensuring that cots and bedding are in good condition and suited to the age of the child, and that babies are placed down to sleep safely in line with the latest government safety guidance: Sudden infant death syndrome (SIDS) - NHS (www.nhs.uk). Practitioners may also find it helpful to read NHS advice on safety of sleeping children: Reduce the risk of sudden infant death syndrome (SIDS) - NHS (www.nhs.uk). | ***Best practice in Ealing***  Practitioner/s to be in sight and sound of sleeping children. Frequent checks of sleeping children, particularly babies, must include physical touch to check body heat and breathing.  NHS advice [**on Sudden Infant Death Syndrome**](https://www.nhs.uk/conditions/sudden-infant-death-syndrome-sids/)**: November 2021**  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/) **November 2021** |  |  |  |
| **3.70** | **Baby Room**  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. | Providers to risk assess the safety of the environment and resources if babies are having contact with older children. Under 2’s adult child ratio must be maintained. |  |  |  |
| **3.71** | **Toilets and intimate hygiene**  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.  • There is an adequate supply of clean bedding, towels, spare clothes, and any other necessary items. |  |  |  |  |
| **3.72** | **Organising premises for confidentiality and safeguarding**  . 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 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. |  |  |  |  |
| **3.73** | **Insurance**  Providers **must** carry the appropriate insurance (e.g. public liability insurance) to cover all premises from which they provide childcare. | ***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. |  |  |  |
| **3.74** | **Safety and Outings**  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 adult to child ratios. The risk assessment does not necessarily need to be in writing; this is up to providers. |  |  |  |  |
| **3.75** | Vehicles transporting children, and the driver of those vehicles, **must** be adequately insured. |  |  |  |  |
| **3.76** | **Risk assessments**  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. | **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 ratio requirements as part of your risk assessment)  Further considerations for health and safety needs of building and all users  Health and Safety Executive.  [**Managing risks and risk assessment at work – Overview -HSE**](https://www.hse.gov.uk/simple-health-safety/risk/index.htm) |  |  |  |
| **3.77** | **Information and record keeping**  Providers **must** maintain records, obtain and share relevant information (with parents and 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. 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. | ***Best practice in Ealing***  Ofsted: General records for 2 years.  LA: 7 years for auditing purposes  For 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/)  **Updated September 2023**  Children’s records should not be removed from the setting, unless in secure and lockable carry cases and with prior consent from a manager. |  |  |  |
| **3.79** | 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. | ***Best practice in Ealing***  Expectation of parent /professional verbal/written contract shared and agreed as part of registration and induction process.  [**Guidance on sharing information with relevant services when there are safeguarding concerns**](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice) **Updated May 2024**  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)  **Updated March 2021**  [**For organisations | ICO**](https://ico.org.uk/for-organisations/) |  |  |  |
| **3.80** | Records relating to individual children **must** be retained for a reasonable period after they have left the provision. |  |  |  |  |
| **3.81** | **Information about the child**  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. | ***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. |  |  |  |
| **3.82** | **Information for parents and carers**  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 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. |  |  |  |  |
| **3.83** | 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 agency with which a provider of CoDP is registered, on request. | ***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. |  |  |  |
| **3.84** | Providers **must** make available to parents and/or carers the details about how to contact Ofsted, or the agency with which a provider of CoDP is registered, if they believe the provider is not meeting the EYFS requirements. | Settings should display the current Ofsted complaints poster in a place which is accessible to parents/carers and ensure parents/ carers are aware of the complaints process as part of the induction into the setting at point of registration. |  |  |  |
| **3.85** | **Inspection and quality assurance visits**  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. | If settings receive and Ofsted inspection and are graded as ‘Requires Improvement or ‘Inadequate’ they most contact the Local Authority, Ealing early years team at the earliest opportunity to enable immediate support and guidance. |  |  |  |
| **3.86** | **Information about the provider**  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). |  |  |  |  |
| **3.87** | **Changes that must be notified to Ofsted**  All registered early years providers **must** notify Ofsted 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.  • Any proposal to change the hours during which childcare is to be provided which will entail the provision of overnight care.  • 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. |  |  |  |  |
| **3.88** | Where providers are required to notify Ofsted about a change of person except for managers, as specified in paragraph 3.87 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 made 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. |  |  |  |  |
| **3.89** | Please note that where providers of CoDP are registered with a CMA the above notifications should be given to their CMA, not Ofsted. |  |  |  |  |
| **3.90** | **Other legal duties**  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.  • Duty of care. |  |  |  |  |