



**NATIONAL
CHILDREN'S
BUREAU**

Foundation Years Vodcast:

Early Years Foundation Stage Disapplication & Modification Guidance

Overview

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Presentation by DfE on the early years disapplication guidance and modifications for early years provision open during the coronavirus (COVID 19) outbreak.



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Aims and objectives

Our aims:

- Share the latest information and guidance on the temporary disapplication and modification of parts of the early years foundation stage (EYFS).
- Answer stakeholder questions as best we can.

By the end of the vodcast attendees will have:

- A greater understanding of the early years disapplication guidance.
- Know where to go to for further information.



Introduction

The Early Years Foundation Stage (EYFS) statutory framework sets the standards that all early years providers must meet to ensure that children aged 0 - 5 learn and develop well and are kept healthy and safe.

To support early years providers who remain open to vulnerable children and children of critical workers during the coronavirus (COVID-19) outbreak, the Government has temporarily disapplied and modified certain elements of the EYFS statutory framework. This will allow providers greater flexibility to respond to changes in workforce availability and potential fluctuations in demand, while still providing care that is high quality and safe.



Who is this for ?

All early years providers in England that are opening for vulnerable children and the children of key workers during the COVID-19 period: maintained schools; non-maintained schools; independent schools (including free schools and academies); all providers on Ofsted's Early Years Register; and all providers registered with an early years childminder agency (CMA).



When do these changes apply ?

The guidance note outlines the temporary changes that came into force on **24 April 2020** and will last throughout the COVID-19 outbreak or until government stipulates otherwise.

The long end date of the legislative changes is **25 September 2020**, but these will be reviewed on a monthly basis and disapplications and modifications may be lifted earlier, for instance if government advice on self-isolation and social distancing is amended.

Transitional period

Once the temporary changes are lifted, we realise some providers that remained open during the COVID-19 outbreak may need time to get back to full staffing levels and therefore we have allowed for a transitional period of up to 2 months, following the COVID-19 outbreak, where the disapplications around **staffing qualifications in ratios will still continue**. This is to help if providers face short-term challenges around workforce availability. All other sections of the EYFS will return to normal once the temporary changes have been lifted.

Providers will be notified when the transitional period ends via official government channels.



Terminology used

Reasonable endeavours

The term '*reasonable endeavours*' has been used for the learning and development requirements and welfare requirements relating to staff qualification levels.

Providers should meet these requirements where they are able to.

Best endeavours

For the paediatric first aid (PFA) requirement '*best endeavours*' has been used.

'Best endeavours' is a higher level requirement than 'reasonable endeavours' and is used to ensure that meeting the paediatric first aid requirements takes priority over the other areas of the EYFS framework that have been temporarily changed.

We expect providers to have identified and taken all reasonable steps to meet the requirement on PFA



EYFS Section 1: Learning and development requirements

The change: During the COVID-19 outbreak early years providers should use **reasonable endeavours** to meet the existing learning and development requirements, instead of this being something they ‘must do’.

What this means in practice: The most important thing is that children of critical workers and vulnerable children are cared for safely within settings. As far as possible, children should also benefit from a broad range of educational opportunities.

The EYFS learning and development requirements comprise seven high level areas of learning that ordinarily must shape education programmes in settings, and seventeen Early Learning Goals (ELGs) which summarise the knowledge, skills and understanding that all young children should have gained by the end of the reception year.

Whilst providers should try and meet existing requirements as far as is possible during the COVID-19 outbreak, we recognise that these are extraordinary times and there may be occasions where it will not be possible to provide activities and experience across all seven areas of learning for all children all of the time.



EYFS Section 2: Assessment - progress check at age 2

The change: The progress check at age 2 will not need to be undertaken during the COVID-19 outbreak.

What this means in practice: Providers would normally need to undertake a progress check when a child is aged between two and three; this provides parents/carers with a short, written summary of their child's development in the prime areas.

During the COVID-19 outbreak we do not expect providers to undertake this check, but providers should still remain alert to any emerging concerns about any child in their care and endeavour to provide or seek additional support if needed.

It is expected that the checks will take place once the COVID-19 outbreak ends, so if a child is still between the age of 2 and 3 once the temporary measures are lifted then the progress check should still be completed before the child turns 3.



EYFS Section 2: Assessment – EYFSP

The change: The Early Years Assessment Stage Profile (EYSFP) will not need to be undertaken in the academic year 2019/20. Accordingly there will be no moderation by Local Authorities

What this means in practice: The EYFSP is usually undertaken in the final term of the year in which a child turns 5 and involves teachers assessing each child's level of development against each of the seventeen early learning goals. The results are usually shared with parent/carers, Year 1 teachers and the Local Authority and form national statistics.

There will be no statutory requirement for schools to undertake the EYFSP in 2019/20. Schools are still free to complete EYFSP assessments for children if they are able to, and to share with parents and carers and Year 1 teachers at an appropriate time, but they are not required to.

If they do choose to assess children, they do not need to share data with their Local Authority and Local Authorities will not be required to moderate any assessments carried out in 2019/20.



Q&A break



EYFS Section 3: Staff qualification and ratios

The existing flexibility set out at Paragraph 3.30 of the EYFS remains:

“Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made.”



EYFS Section 3: Staff qualification and ratios

The change: Ratio requirements stay the same in the majority of cases but, during the COVID-19 outbreak, exceptions can be made to the **qualifications** that staff hold in order to be counted in ratio requirements.

Providers should use **reasonable endeavours** to ensure that at least half of staff (excluding the manager) hold at least a full and relevant Level 2 qualification to meet staff: child ratio requirements, but this will not be a legal requirement.

What this means in practice: Ratio requirements remain the same, except for maintained school nursery classes with no school teacher where ratios revert to those where there is no suitably qualified level 6 practitioner (1:8)

Providers still need to ensure that there is always a member of staff in a setting which is open and providing care, who holds at least a full and relevant Level 3 qualification.

We expect providers to try and meet existing requirements for staff at level 2 as far as is possible.

If staff with level 2 qualifications are available, they should work with the children. However, we recognise that there may be occasions where staff absence due to the impacts of COVID-19 means this is not possible.



EYFS Section 3: Paediatric First Aid

Remaining the same: The statutory requirement for at least one person who has a full paediatric first aid (PFA) certificate to be on the premises at all times when children are present **remains in place where there are children below the age of 24 months.** This is in recognition of the greater risk factors for this age bracket. This requirement also remains in place for childminders as they must already have a full PFA certificate.

The changes: However, if there are children aged 2-5 within a setting, providers must use their '**best endeavours**' to ensure one person with a full PFA certificate is on-site when children are present.

If after using best endeavours providers are still unable to secure a member of staff with full PFA to be on site then they **must:**

- carry out a **written risk assessment** and
- ensure that someone with a current **First Aid at Work** or **emergency PFA certification** is on site at all times children are on premises.



EYFS Section 3: Paediatric First Aid

For providers who have children aged 2-5 in their care (and no children aged under 24 months) they must use 'best endeavours' to have one person with full PFA, as set out in the EYFS, onsite. This should include:

- Liaising with their local authority to find a suitable person, this could include identifying and looking to appoint a person with a PFA certificate and Disclosure and Barring Service (DBS) check from a local provider who has closed; or a registered local childminder with a PFA certificate and DBS check who is approved to work on non-domestic premises.
- Looking to secure full PFA training for staff that includes the specific risk factors and techniques required for the care of young children including but not limited to choking, seizures, and issues related to sleeping. Annex A of the EYFS statutory framework sets out the criteria for effective PFA training.



EYFS Section 3: Paediatric First Aid

- New entrants (levels 2 and 3) will not need to hold a Paediatric First Aid (PFA) certificate within their first 3 months in order to be counted in staff: child ratios, during the COVID-19 outbreak.
- Additionally, if PFA certificate requalification training is prevented for reasons associated directly with COVID-19, or by complying with related government advice, the validity of current certificates can be extended by up to 3 months. This applies to certificates expiring on or after 16 March 2020. Providers remain responsible for ensuring all children in their care are kept safe at all times.



EYFS Section 3

All other aspects of the safeguarding and welfare section of the EYFS framework still apply, including requirements relating to child protection arrangements.

Providers will want to consider whether any refresh or review is needed of their child protection arrangements, policy and procedures, in light of the COVID-19 outbreak.

Settings must continue to have a practitioner designated to take lead responsibility for safeguarding.

It is acceptable for the safeguarding lead to not be based on-site if this is not practical, for example they may be working from home, or be based at another setting, as long as they are still available to provide support, advice and guidance to staff.



Q&A break



Links to further information

- [Early years and childcare closures](#)
- [Guidance on vulnerable and young people](#)
- [Implementing social distancing in education and childcare settings](#)
- [Closure of educational settings: information for parents and carers](#)
- [Guidance for schools, childcare providers, colleges and local authorities in England on maintaining educational provision](#)
- [Business rates: nursery \(childcare\) discount 2020 to 2021: coronavirus response – local authority guidance](#)



Final word

Thank you for your time and contributions.

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