**Table 2.3**

Form for the Statutory Framework – Section 3: The safeguarding and welfare requirements

| **Key issue** | **Securely in place** | **Mostly in place** | **Not yet in place** |
| --- | --- | --- | --- |
| You have and you implement a policy and procedures to safeguard children. Your policy is in line with the guidance and procedures of the relevant Local Safeguarding Children Board (LSCB). Schools are not required to have separate policies to cover EYFS requirements provided the requirements are already met through an existing policy. |  |  |  |
| Your policy clearly states:* Action to be taken when there are safeguarding concerns about a child
* Action to be taken in the event of an allegation being made against a member of staff
* Policy on the use of mobile phones and cameras in the setting.
 |  |  |  |
| You have a designated practitioner who takes lead responsibility for safeguarding, liaising with local statutory children’s services and with the Local Safeguarding Children Board (LSCB). |  |  |  |
| The lead practitioner must provide support, advice and guidance to any staff on an ongoing basis, and on any specific safeguarding issue as required. |  |  |  |
| The lead practitioner must attend an appropriate child protection course. |  |  |  |
| You must train all staff to:* understand the safeguarding policy and procedures
* have up-to-date knowledge of safeguarding issues
* identify signs of potential abuse and neglect, and respond in a timely and appropriate way.

(Full requirements set out in Section 3.6) |  |  |  |
| You must have regard to the government’s statutory guidance ‘Working Together to Safeguard Children’ 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. You must notify agencies with statutory responsibilities without delay if you have concerns about children’s safety or welfare. |  |  |  |
| You must ensure that people looking after children are suitable to fulfil the requirements of their roles, and have effective systems in place to ensure that practitioners and anyone else having regular contact with the children (including those living or working on the premises) are suitable. |  |  |  |
| You obtain Enhanced Criminal Records checks and barred list checks for every person over the age of 16 who works directly with children, lives on the premises on which childcare is provided and/or works on the premises. An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad. |  |  |  |
| You tell staff that they are expected to disclose any convictions, court orders, reprimands and warnings that may affect their suitability to work with children (whether before or during their employment at the setting). |  |  |  |
| You do not allow anyone whose suitability has not been checked to have unsupervised contact with children. |  |  |  |
| You 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). |  |  |  |
| You meet your responsibilities under the Safeguarding Vulnerable Groups Act 2006, including the duty to make a referral to the Disclosure and Barring Service where 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. |  |  |  |
| You comply with the regulations covering disqualification, detailed in sections 3.14 to 3.18. |  |  |  |
| You ensure that practitioners are not under the influence of alcohol or any other substance which may affect their ability to care for children. |  |  |  |
| You ensure that any practitioner taking medication which may affect their ability to care for children:* seeks medical advice
* only works directly with the children if that advice confirms that the medication is unlikely to impair their ability to look after children properly.
 |  |  |  |
| You ensure that staff medication is securely stored and out of the reach of children at all times. |  |  |  |
| You ensure that all staff receive induction training to help them understand their roles and responsibilities, including:* emergency evacuation procedures
* safeguarding
* child protection
* equality policy
* health and safety issues.
 |  |  |  |
| You ensure that all staff undertake appropriate training and professional development opportunities to ensure that they offer quality learning and development experiences for children that continually improve. |  |  |  |
| You have a Supervision System in place for all staff who have contact with children and families, providing support, coaching and training for the practitioner and promoting the interests of children. |  |  |  |
| The manager of the setting holds at least a full and relevant level 3 qualification and at least half of all other staff hold at least a full and relevant level 2 qualification. There is a named deputy who is capable and qualified to take charge in the manager’s absence. |  |  |  |
| At least one person who has a current paediatric first aid (PFA) certificate must be on the premises and available at all times when children are present, and must accompany children on outings. The certificate must be for a full course consistent with the criteria set out in Annex A of the EYFS Statutory Framework.PFA training must be renewed every three years and be relevant for workers caring for young children and, where relevant, babies. Providers should take into account the number of children, staff and layout of premises to ensure that a paediatric first aider is able to respond to emergencies quickly.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 in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting.You display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate. |  |  |  |
| You ensure that staff have sufficient understanding and use of English to ensure the wellbeing of children in their care. |  |  |  |
| Each child is assigned a key person, in order to* help ensure that every child’s care is tailored to suit their individual needs
* help the child become familiar with the setting
* offer a settled relationship for the child and
* build a relationship with their parents.
 |  |  |  |
| Your staffing arrangements meet the needs of all children and ensure their safety:* You ensure that children are adequately supervised and deploy staff to meet children’s needs
* You inform parents about staff deployment and, where relevant and practical, aim to involve them in these decisions
* Children must usually be within sight and hearing of staff
* Children must always be within sight or hearing of staff.
 |  |  |  |
| You calculate the staff:child ratio as follows:* You only include those aged 17 or over in ratios; staff under 17 are supervised at all times
* You can include students on long-term placements, volunteers (aged 17 and over) and staff working as apprentices in early education (aged 16 and over) as long as you are satisfied they are competent and responsible.
 |  |  |  |
| You calculate the ratio and qualification requirements below in respect of staff available to work directly with children. Ofsted may determine that providers must observe a higher staff:child ratio than outlined here to ensure the safety and welfare of children. |  |  |  |
| You meet or exceed the following minimum ratios and requirements –For children aged under two:* At least one member of staff for every three children
* At least one member of staff holds a full and relevant level 3 qualification and is suitably experienced in working with children under two
* At least half of all other staff hold a full and relevant level 2 qualification
* At least half of all staff must have received training that specifically addresses the care of babies
* Where there is an under-twos room, you judge that the member of staff in charge has suitable experience of working with under twos.

For children aged two:* At least one member of staff for every four children
* At least one member of staff holds a full and relevant level 3 qualification
* At least half of all other staff hold a full and relevant level 2 qualification.

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 suitable level 6 qualification is working directly with the children:* At least one member of staff for every 13 children
* At least one member of staff must hold a full and relevant level 3 qualification.
 |  |  |  |
| For children aged three and over in registered early years provision where there is not a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another suitable level 6 qualification is working directly with the children:* At least one member of staff for every eight children
* At least one member of staff must hold a full and relevant level 3 qualification
* At least half of all other staff must hold a full and relevant level 2 qualification.
 |  |  |  |
| For children aged three and over in independent schools (including in nursery classes in free schools and academies) where there is a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another suitable level 6 qualification, an instructor or another suitably qualified overseas-trained teacher working directly with the 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 member of staff for every 13 children and at least one member of staff must hold a full and relevant level 3 qualification.
 |  |  |  |
| For children aged three and over in registered early years independent schools (including in nursery classes in free schools and academies) where there is not a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another suitable level 6 qualification, an instructor or another suitably qualified overseas-trained teacher working directly with the children:* At least one member of staff for every eight children
* At least one member of staff must hold a full and relevant level 3 qualification
* At least half of all other staff must hold a full and relevant level 2 qualification.
 |  |  |  |
| For children aged three and over in maintained nursery schools and nursery classes in maintained schools:* 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, and at least one other member of staff must hold a full and relevant level 3 qualification.
 |  |  |  |
| If you are responsible for a reception class in a maintained school:* You adhere to the infant class size regulations (2012) which limit the size of infant classes to 30 pupils per school teacher while an ordinary teaching session is conducted
* You do not count teaching assistants, higher level teaching assistants or other support staff as ‘school teachers’.
 |  |  |  |
| If you are responsible for a reception class which is mixed with younger children, you determine ratios within mixed groups, guided by the relevant ratio requirements and the needs of individual children in the group. In exercising that discretion, you meet the statutory requirements relating to infant class size. |  |  |  |
| If you are in a school with partner providers, you ensure that they meet the relevant ratio requirements for their provision. |  |  |  |
| If you manage before or after school care or holiday provision for children who normally attend reception class (or older) during the day:* You ensure that there are sufficient staff as for a class of 30 children
* You must determine how many staff are needed to ensure the safety and welfare of the children, bearing in mind the types of activity and the age and needs of the children
* You must determine what qualifications, if any, the manager and/or staff should have.
 |  |  |  |
| You must promote the good health of children attending the setting and have a procedure, discussed with parents, for responding to children who are ill or infectious. You must take necessary steps to prevent the spread of infection and take appropriate action if children are ill. |  |  |  |
| You must have and implement a policy and procedures for administering medicines which includes systems for:* obtaining information about a child’s needs for medicines
* keeping this information up to date
* training staff where administering the medicine requires medical or technical knowledge.
 |  |  |  |
| You must ensure that:* Medicines are not usually administered unless they have been prescribed for a child by a doctor, dentist, nurse or pharmacist
* Medicines containing aspirin are only given if prescribed by a doctor
* Medicine (both prescription and non-prescription) is only administered where written permission for that particular medicine has been obtained from the child’s parent/carer
* You keep a written record each time a medicine is administered to a child. You inform the parent/carer on the same day or as soon as reasonably practicable.
 |  |  |  |
| You must ensure that any meals, snacks and drinks provided are healthy, balanced and nutritious, and:* You obtain information about any special dietary requirements, preferences and food allergies the child has, and any special health requirements
* You ensure that fresh drinking water is available and accessible at all times
* You ensure that you record and act on information from parents/carers about a child’s dietary needs.
 |  |  |  |
| You must ensure that there is an area which is adequately equipped to provide healthy meals, snacks and drinks for children as necessary, and that:* You have suitable facilities for the hygienic preparation of food for children, if necessary including suitable sterilisation equipment for babies’ food
* All staff involved in preparing and handling food receive training in food hygiene.
 |  |  |  |
| You must ensure that there is a First Aid Box accessible at all times with appropriate content for use with children, and:* You keep a written record of accidents or injuries and first aid treatment
* Parents/carers are informed of any accident or injury sustained by the child, and of any first aid treatment given, on the same day or as soon as reasonably practicable.
 |  |  |  |
| If you are a registered provider, you must notify Ofsted of any serious accident, illness or injury to, or death of any child while in your 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
* You must notify local child protection agencies of any serious accident or injury to, or death of, a child in your care and you must act on any advice from those agencies.
 |  |  |  |
| You are aware of your responsibility to manage children’s behaviour in an appropriate way:* You must not give corporal punishment to a child, and must ensure that any person who cares for or is in regular contact with a child does not give corporal punishment. If you fail to meet these requirements, you commit an offence
* You must ensure that corporal punishment is not threatened, and no other punishment is used or threatened which could adversely affect a child’s wellbeing.
 |  |  |  |
| You 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 absolutely necessary.You must keep a record of any occasion where physical intervention is used, and you inform parents/carers on the same day or as soon as reasonably practicable. |  |  |  |
| You must ensure that:* Your premises, including overall floor space and outdoor spaces, are fit for purpose for the age of the children and the activities provided on the premises
* You comply with requirements of health and safety legislation (including fire safety and hygiene requirements).
 |  |  |  |
| You 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
* Have an emergency evacuation procedure
* Have appropriate fire detection and control equipment which is in working order
* Have fire exits which are clearly identifiable and fire doors which are free of obstruction and easily opened from the inside.
 |  |  |  |
| You must not allow smoking in or on the premises when children are present or about to be present. |  |  |  |
| You must organise premises and equipment in a way that meets the needs of children. You meet the following indoor space requirements:* Children under two: 3.5m2 per child
* Two year olds: 2.5m2 per child
* Children aged three to five years: 2.3m2 per child
 |  |  |  |
| You must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). |  |  |  |
| You must follow the legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments). |  |  |  |
| You must ensure that sleeping children are frequently checked. |  |  |  |
| If you care for children under the age of two, you must ensure that there is a separate baby room for them; however, you ensure that children in a baby room have contact with older children and are moved into the older age group when appropriate. |  |  |  |
| In respect to hygiene facilities, you must ensure that:* 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
* You have an adequate supply of clean bedding, towels, spare clothes and any other necessary items are always available.
 |  |  |  |
| You must ensure that there is an area where staff may talk to parents/carers confidentially. There must be an area for staff to take breaks away from areas being used by children. |  |  |  |
| In order to ensure children’s safety:* You must only release children into the care of individuals who have been notified to you by the parent and you ensure that children do not leave the premises unsupervised
* You must take all reasonable steps to prevent unauthorised persons entering the premises and you have an agreed procedure for checking the identity of visitors.
 |  |  |  |
| You must have appropriate insurance (e.g. public liability insurance). |  |  |  |
| You must take all reasonable steps to ensure staff and children in your care are not exposed to risks and you are able to demonstrate how you are managing risks:* You determine whether it is helpful to make some written risk assessments in relation to specific issues, to inform staff practice, and to demonstrate how you are managing risks if asked by parents/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.
 |  |  |  |
| You must keep children safe when on outings:* You must assess the risks or hazards which may arise for the children
* You must identify the steps to be taken to remove, minimise and manage those risks and hazards
* Your risk assessment must include consideration of adult to child ratios.

The risk assessment does not necessarily need to be in writing: this is for you to judge. |  |  |  |
| Vehicles in which children are being transported, and the driver of those vehicles, must be adequately insured. |  |  |  |
| You must have arrangements in place to support children with SEN or disabilities:* Maintained nursery schools and other providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs (SEN) Code of Practice
* Maintained schools and maintained nursery schools must identify a member of staff to act as Special Educational Needs Co-ordinator and other providers are expected to identify a SENCO.
 |  |  |  |
| You must maintain records and obtain and share information (with parents/carers, other professionals working with the child, the police, social services and Ofsted) to:* Ensure the safe and efficient management of the setting
* Help ensure that the needs of all children are met.

You must:* Enable a regular two-way flow of information with parents/carers and between providers if the child attends more than one setting
* Incorporate parents’/carers’ comments into children’s records, if requested.
 |  |  |  |
| You must ensure that records are easily accessible and available. 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. You must be aware of your responsibilities with reference to Data Protection and Freedom of Information. |  |  |  |
| You must ensure that all staff understand the need to protect the privacy of children in their care and are aware of the legal requirements to handle information relating to the child in a way that ensures confidentiality. |  |  |  |
| You must ensure that parents/carers are given access to all records about their child. |  |  |  |
| You must retain records relating to individual children for a reasonable period of time after they have left the provision. |  |  |  |
| You must record the following information about each child in your care:* Full name
* Date of birth
* Name and address of every parent/carer known to you
* Information about any other person who has parental responsibility for the child
* Which parent(s)/carer(s) the child normally lives with
* Emergency contact details for parents/carers.
 |  |  |  |
| You must make the following information available to parents/carers:* How the EYFS is being delivered in your setting, and how parents and/or carers can access more information
* The range and types of activity and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home
* How you support children with special educational needs and disabilities
* Food and drinks provided for children
* Details of your policies and procedures, 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
* A telephone number for parents and/or carers to contact in an emergency.
 |  |  |  |
| You must have a written procedure for dealing with concerns and complaints from parents/carers:* You must keep a written record of any complaints and their outcomes
* You must investigate written complaints relating to your fulfilment of EYFS requirements and notify complainants of the outcome of the investigation with 28 days of receiving the complaints
* You must make the record of complaints available to Ofsted on request.
 |  |  |  |
| You must tell parents/carers how to contact Ofsted if they believe you are not meeting the EYFS requirements. You notify parents/carers if you become aware that you are to be inspected by Ofsted. You must give a copy of the report to parents/carers. |  |  |  |
| You must hold the following information:* The name, home address and telephone number of the provider and any other person living or employed on the premises
* The 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
* Your certificate of registration (if you are a registered provider), which must be displayed and shown to parents/carers on request.
 |  |  |  |
| If you are a registered provider, you make sure that you notify Ofsted of any change:* in the address of the premises
* 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.
 |  |  |  |
| If you are a registered provider, make sure you notify Ofsted of:* any proposal to change the hours during which childcare is provided, or to provide overnight care
* any significant event which is likely to affect your suitability or that of 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.
 |  |  |  |
| If you are a registered provider, you must ensure that Ofsted is notified if there is a change of manager. 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. |  |  |  |
| Where registered providers are required to notify Ofsted about a change of person involved in the management of the setting (e.g. on a management board or where the school governing body is the ‘registered person’) you must give Ofsted the new person’s name, any former names or aliases, date of birth, and home address.(For full details see Section 3.78) |  |  |  |