

Section 3 – The safeguarding and welfare requirements

of Role

EYFS Statutory

Framework

2026.

Section 3 2026.

Introduction

- 3.1 Children learn best when they are healthy, safe, secure, when their individual needs are met, and when they have positive relationships with the people caring for them.
- 3.2 This section of the framework sets out the safeguarding and welfare requirements providers must meet. They are designed to help providers create a high-quality, welcoming, and safe setting where children can enjoy learning and grow in confidence.
- 3.3 Providers must take all necessary steps to keep children safe and well. The requirements in this section explain what early years providers must do to:
- Safeguard children.
 - Ensure the people who have contact with children are suitable.
 - Promote good health.
 - Support and understand behaviour.
 - Maintain records, policies, and procedures.

Safeguarding policies and procedures

- 3.4 In every setting, a practitioner must be designated to take lead responsibility for safeguarding children. The designated safeguarding lead (DSL) is responsible for liaison with local statutory children's services agencies, and with the Local Safeguarding Partners. Every person looking after children must be alert to any issues of concern in the child's life at home or elsewhere.
- 3.5 Providers must have and implement policies and procedures to keep children safe and meet EYFS requirements. Schools are not required to have separate policies to cover EYFS requirements provided the requirements are already met through an existing policy. Where providers are required to have policies and procedures as specified below, these policies and procedures should be recorded in writing. Policies and procedures should be in line with the guidance and procedures of the relevant Local Safeguarding Partners.
- 3.6 Safeguarding policies must include:
- The action to be taken when there are safeguarding concerns about a child.
 - The action to be taken in the event of an allegation being made against a member of staff.
 - How mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting.
 - Procedures to follow to check the suitability of new recruits.

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

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

Whistleblowing

- 3.7 Providers must put appropriate whistleblowing procedures in place for all staff (including students and volunteers) to raise concerns about poor or unsafe practice in the setting's provision. This must include when and how to report concerns and the process that will be followed after staff report concerns. Providers must ensure staff are aware of the setting's whistleblowing procedures and must ensure all staff feel able to raise concerns about poor or unsafe practice and know that such concerns will be taken seriously by the senior leadership team.
- 3.8 Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, they should use the other channels open to them:
- NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk. Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.
 - Ofsted provides guidance on how to make complaints about a provider: [Complaints procedure - Ofsted - GOV.UK \(www.gov.uk\)](#).
 - General guidance on whistleblowing can be found via: [Whistleblowing for employees](#).

Concerns about children's safety and welfare

- 3.9 If providers have concerns about children's safety or welfare, they must immediately notify their local authority children's social care team, in line with local reporting procedures, and, in emergencies, the police. Providers must also take into account the government's statutory guidance '[Working Together to Safeguard Children](#)' and '[Prevent duty guidance for England and Wales](#)'¹⁴. All schools are required to have regard¹⁵ to the government's statutory guidance '[Keeping Children Safe in Education](#)', and other childcare providers may also find it helpful to read this guidance.
- 3.10 Registered providers must inform Ofsted, or the CMA with which a provider of CoDP is registered, of any allegations of harm¹⁶ or abuse by anyone living, working, or looking after

¹⁴ The Counter-Terrorism and Security Act 2015 places a duty on early years providers "to have due regard to the need to prevent people from being drawn into terrorism" (the Prevent duty).

¹⁵ Under section 175(4) of the Education Act 2002.

¹⁶ "Harm" is as defined by section 31(9) of the Children Act 1989 and means ill-treatment (including sexual abuse and forms of ill-treatment which are not physical), or impairment of physical or mental health, or impairment of physical, intellectual, emotional, social or behavioural development. It also includes, for example, impairment suffered from seeing or hearing the ill-treatment of another.

children at the premises. This must happen whether the allegations of harm or abuse are alleged to have been committed on the premises or elsewhere, for example, on a visit. Registered providers must also notify Ofsted/their CMA of the action they have taken in response to the allegations. Ofsted/the CMA must be notified as soon as is reasonably practicable, but in any event within 14 days of the allegations being made. A registered provider who, without a reasonable excuse, fails to do this, commits an offence¹⁷.

Child absences

- 3.11 Providers must follow up on absences in a timely manner. If a child is absent for a prolonged period of time, or if a child is absent without notification from the parent and/or carer, attempts must be made to contact the child's parents and/or carers and alternative emergency contacts. Providers must consider patterns and trends in a child's absences and their personal circumstances and use their professional judgement when deciding if the child's absence should be considered as prolonged. Consideration must be given to the child's vulnerability, parent's and/or carer's vulnerability and their home life. Any concerns must be referred to local children's social care services and/or a police welfare check requested.
- 3.12 Providers must have an attendance policy that they share with parents and/or carers. This must include expectations for reporting child absences and the actions providers will take if a child is absent without notification or for a prolonged period of time, for example: implementing the setting's safeguarding procedures, following up with the parents and/or carers and contacting emergency contacts if parents and/or carers are not contactable.

Suitable people

- 3.13 Providers must ensure that people looking after children are suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced. Providers must also ensure that any person who may have regular contact with children (for example, someone living or working on the same premises the early years provision is provided), is suitable¹⁸.
- 3.14 Ofsted, or the CMA with which a provider of CoDP is registered, is responsible for completing suitability checks of:
- The provider.
 - Every other person looking after children on domestic premises for whom the care is being provided. This includes students, who cannot be counted in the ratios until they have been deemed suitable.

¹⁷ Regulation 12 of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012.

¹⁸ To allow Ofsted to make these checks, providers are required to supply information to Ofsted or the relevant CMA, as set out in Schedule 2 of the Childcare (Early Years Register) Regulations 2008.

- Every other person living or working on any domestic premises from which the childcare is being provided, including requiring enhanced criminal records checks¹⁹ and barred list checks.

3.15 Registered group and school-based providers, **except CoDP providers**, must obtain an enhanced criminal records check and barred list check for every person aged 16 and over including all volunteers²⁰ who:

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

3.16 An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad²¹.

3.17 Providers must tell staff and prospective staff that they must disclose any information which may affect their suitability to work with children including, but not limited to, arrests, charges, convictions, cautions, court orders, reprimands and warnings (whether received before or during their employment at the setting)²². Providers must not allow individuals to begin working or volunteering²³ at the setting until they have received the applicant's enhanced criminal records and barred list check. Providers must not allow anyone whose suitability has not been checked, including through a criminal records and barred list check²⁴, to have unsupervised contact with children being cared for.

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

¹⁹ The requirement for a criminal records check will be deemed to have been met in respect of all people living or working in childcare settings, whose suitability was checked by Ofsted or their local authority before October 2005.

²⁰ Except supervised volunteers who only help out occasionally, such as parents or carers helping out on a trip (but not overnight or if providing personal care). The Crime and Policing Act 2026 amended the Safeguarding Vulnerable Groups Act 2006 to remove the previous exemption for supervised unpaid activity. This means that paid and unpaid activities such as teaching, training, instructing, caring for or supervising children are now considered to be regulated activity if carried out frequently, or if carried out on more than 3 days in a 30-day period or overnight. Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing.

²¹ For more information see: www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants.

²² Except convictions or cautions that are protected for the purposes of the Rehabilitation of Offenders Act 1974.

²³ Except supervised volunteers who only help out occasionally as in footnote 20.

²⁴ DBS disclosures and barred list information are only issued to the potential employee; providers must check the disclosure and consider whether it contains any information that would suggest the person was unsuitable for the position, before an individual has unsupervised contact with children. Where a potential or existing employee has subscribed to the online DBS update service, providers should check the status of the disclosure. Where the check identifies there has been a change to the disclosure details, a new enhanced DBS disclosure must be applied for. Before accessing the DBS update service consent to do so must be obtained from the member of staff.

3.19 Providers are required to make a referral to the Disclosure and Barring Service if a member of staff is dismissed (or would have been, had they not left the setting first) because they have harmed a child or put a child at risk of harm²⁵.

References

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

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

3.21 References should be provided for current and previous employees upon request in a timely manner. When asked to provide a reference, providers should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold²⁶. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious.

²⁵ Section 35 Safeguarding Vulnerable Groups Act 2006.

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

Disqualification

3.22 A person may be disqualified from registration. Providers may find [guidance](#) about disqualification under the Childcare Act 2006 helpful. If a person is disqualified, they must not continue as an early years provider or be directly involved in the management of any early years provision. When a person is disqualified, providers must not employ that person in connection with early years provision²⁷.

3.23 A registered provider must notify Ofsted, or the CMA with which a provider of CoDP is registered, of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises where childcare is provided. The disqualification of an employee or a person living or working at domestic premises where childcare is provided is an example of a significant event²⁸.

3.24 A person working at provision in a domestic premises (CoDP) will also be disqualified if they live in the same household as another person who is disqualified, or because they live in the same household where a disqualified person is employed. If a person working in domestic premises becomes disqualified for this reason, they must apply to Ofsted to waive the disqualification if they wish to continue working in domestic childcare provision, and may, in some circumstances, be able to obtain a 'waiver' from Ofsted²⁹.

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

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

3.26 The registered provider must provide this information to Ofsted/the CMA as soon as reasonably practicable, but, in any event within 14 days of the date the provider became aware of the information or should have reasonably become aware of it if they had made reasonable enquiries³⁰.

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

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

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

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

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

Staff taking medication/other substances

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

Smoking and vaping

- 3.29 Providers must not allow smoking in or on the premises when children are present or about to be present. Practitioners should not vape or use e-cigarettes when children are present or about to be present, and providers should consider Public Health England advice on their use³¹

Qualifications, training, support and skills

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

Safeguarding training

- 3.31 Providers must ensure that all practitioners are trained in line with the criteria set out in Annex C. Providers must ensure that practitioners are supported and confident to implement the setting's safeguarding policy and procedures on an ongoing basis. Providers should read 'What to do if you're worried a child is being abused: Advice for practitioners'.
- 3.32 The DSL must provide support, advice and guidance to all practitioners on an ongoing basis, and on any specific safeguarding issue as required. The DSL must attend a training course consistent with the criteria set out in Annex C.
- 3.33 Training must be renewed every two years. Providers may consider whether any staff need to undertake annual refresher training during any two-year period, to help maintain basic skills, keep up to date with any changes to safeguarding procedures or as a result of any safeguarding concerns that occur in the setting.

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

Training and skills

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

Supervision of staff

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

3.36 Supervision should provide opportunities for staff to:

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

Paediatric First Aid

3.37 At least one person who has a current paediatric first aid (PFA) certificate must be on the premises and available at all times when children are present and must accompany children on outings. The certificate must be for a full course consistent with the criteria set out in Annex A. PFA training³² must be renewed every three years and be relevant for people caring for young children and babies.

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

3.39 All staff who obtained a level 2 and/or level 3 qualification since 30 June 2016 must obtain a PFA qualification within three months of starting work in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting³³. All staff who have completed

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

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

the experience-based route must obtain a PFA qualification before they can be included in the staff:child ratios at level 3. To continue to be included in the ratio requirement the certificate must be renewed every 3 years³⁴.

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

English language skills

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

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

Key person

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

Staff:child ratios

3.43 Staffing arrangements must meet the needs of all children and ensure their safety.

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

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

3.45 In settings on the early years register, the manager of the setting must hold an approved qualification at level 3 or above and at least half of all other staff must hold at least an approved level 2 qualification³⁵. An approved qualification is defined by the Department for Education as meeting the criteria set out in the Early Years Qualification Requirements and Standards document. Approved qualifications are published on the Early Years

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

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

Qualifications List ('EYQL') on GOV.UK³⁶ except, as outlined in paragraphs 1.11 and 1.16 of the Early Years Qualification Requirements and Standards document, those which are not individually listed on the EYQL but count as approved qualifications if they meet certain criteria. Managers appointed on or after 4 January 2024 must have already achieved a suitable level 2 qualification in maths³⁷ or must do so within two years of starting in the position. This also applies to existing managers moving to a new managerial role³⁸. 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 qualified³⁹ to take charge in the manager's absence.

3.46 To count within the ratios at level 3, staff holding an Early Years Educator qualification⁴⁰, and those who have received approval to be included in the ratios at level 3 after attaining experience-based route status⁴¹, must also have achieved a suitable level 2 qualification in English.

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

3.48 For children aged under two:

- There must be at least one member of staff for every three children.
- At least one member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status⁴³ and be suitably experienced in working with children under two.
- At least half of all other staff must hold an approved level 2 qualification.
- At least half of all staff must have received training that specifically addresses the care of babies.

³⁶ <https://www.gov.uk/guidance/early-years-qualifications-finder>

³⁷ As defined in the [Early Years Qualification Requirements and Standards](#) document.

³⁸ This requirement does not apply to managers who have moved to a different managerial role with the same provider, or those who have remained in the same role following a TUPE transfer, or where the provider has merged with another.

³⁹ 'Capable and qualified' includes having necessary skills and knowledge to cover for the manager in their absence. A deputy does not have to have any specific qualification.

⁴⁰ As defined in the [Early Years Qualification Requirements and Standards](#) document.

⁴¹ For more information on the experience-based route please refer to the [Early Years Qualifications Requirements and Standards](#) document.

⁴² Ofsted may determine that providers must observe a higher staff:child ratio than outlined here to ensure the safety and welfare of children.

⁴³ No more than 50% of staff included in the ratios at level 3 at a particular premises can be included on the basis of experience-based route status at any one time. The remaining 50% or more of those included in the staff:child ratios at level 3 must have an approved level 3 qualification or higher.

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

3.49 For children aged two:

- There must be at least one member of staff for every five children⁴⁴.
- At least one member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.
- At least half of all other staff must hold an approved level 2 qualification.

3.50 For children aged three and over in registered early years provision, at any time where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status is working directly with children⁴⁵:

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

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

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

3.52 For children aged three and over in independent schools (including in nursery classes in free schools and academies) where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, an instructor⁴⁶, or another suitably qualified overseas trained teacher, is working directly with children:

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

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

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

- For classes where the majority of children will reach the age of five or older within the school year, there must be at least one member of staff for every 30 children⁴⁷.
- For all other classes there must be at least one other member of staff for every 13 children.
- At least one other member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

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

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

3.54 For children aged three and over in maintained nursery schools and nursery classes in maintained schools⁴⁸:

- There must be at least one member of staff for every 13 children⁴⁹.
- At least one member of staff must be a school teacher as defined by section 122 of the Education Act 2002⁵⁰.

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

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

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

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

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

- At least one other member of staff must hold an approved level 3 qualification⁵¹, or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

3.55 Reception classes in maintained schools and academies are subject to infant class size legislation⁵², which is limited to 30 pupils⁵³ per school teacher⁵⁴ (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 teacher⁵⁵.

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

3.57 Providers must not include anyone aged under 17 in ratios, except apprentices who may be included in ratios from the age of 16. Providers must not allow anyone aged under 17 to care for children unsupervised at any time. Providers may count students and long-term volunteers (aged 17 or over) and apprentices (aged 16 or over) in ratios at the level below their level of study⁵⁶ but only if the provider is satisfied they are suitable (as in paragraphs 3.13 to 3.16) competent and responsible, and they hold a valid and current paediatric first aid qualification.

Before/after school care and holiday provision

3.58 Where the provision is solely before/after school⁵⁷ care or holiday provision for children who normally attend reception class (or older) during the school day, there must be sufficient staff as for a class of 30 children. It is for providers to determine how many staff are needed to ensure the safety and welfare of children, bearing in mind the type(s) of

⁵¹ Provided that the person meets all relevant staff qualification requirements as required by The School Staffing (England) Regulations 2009.

⁵² Academies are required by their funding agreements to comply with the School Admissions Code and the law relating to admissions although the Secretary of State has the power to vary this requirement where there is demonstratable need.

⁵³ The School Admissions (Infant Class Size) Regulations 2012 limit the size of infant classes.

⁵⁴ As defined by section 122 of the Education Act 2002.

⁵⁵ The Specified Work Regulations 2012 allow a non-teacher to carry out the work of the teacher (“specified work”) where the non-teacher is assisting or supporting the work of the teacher, is subject to the teacher’s direction and supervision as arranged with the headteacher, and the headteacher is satisfied that that person has the skills, expertise and experience required to carry out the specified work. In an academy a teacher can have whatever qualification the trust regard as appropriate to teach an infant class, in line with admissions law.

⁵⁶ A student or apprentice studying towards an approved Level 3 qualification (including qualifications at levels 4, 5 and 6) may count within the Level 2 ratio. A student or apprentice studying towards an approved Level 6 qualification (one that gives them the status of EYTS or QTS) may count within the Level 3 ratio.

⁵⁷ ‘School’ means maintained schools, non-maintained schools, independent schools and academies.

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

Health

Medicines

- 3.59 Providers must promote the good health, including oral health, of the children they look after.
- 3.60 They must have a procedure, which must be discussed with parents and/or carers, for taking appropriate action if children are ill or infectious. This procedure must also cover the necessary steps to prevent the spread of infection⁵⁸.
- 3.61 Providers must have and implement a policy, and procedures, for administering medicines to children. It must include systems for obtaining information about a child's needs for medicines, and for keeping this information up to date. Staff must have training if the administration of medicine requires medical or technical knowledge. Prescription medicines must not be administered unless they have been prescribed for a child by a doctor, dentist, nurse, or pharmacist (medicines containing aspirin should only be given if prescribed by a doctor).
- 3.62 Medicine (both prescription and non-prescription⁵⁹) must only be administered to a child where written permission for that particular medicine has been obtained from the child's parent and/or carer. Providers must keep a written record each time a medicine is administered to a child and inform the child's parents and/or carers on the same day the medicine has been taken, or as soon as reasonably practicable.

Food and drink

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

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

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

Safer eating

- 3.64 Whilst children are eating there should always be a member of staff in the room with a valid paediatric first aid certificate for a full course consistent with the criteria set out in Annex A.
- 3.65 Before a child is admitted to the setting the provider must obtain information about any special dietary requirements, preferences, food allergies and intolerances that the child has, and any special health requirements. This information must be shared by the provider with all staff involved in the preparing and handling of food. At each mealtime and snack time providers must be clear about who is responsible for checking that the food and drink being provided meets all the requirements for each child.
- 3.66 Providers must have ongoing discussions with parents and/or carers and, where appropriate, health professionals to develop allergy action plans for managing any known allergies and intolerances. This information must be kept up to date by the provider and shared with all staff. Providers should refer to the British Society for Allergy and Clinical Immunology ([BSACI](#)) [allergy action plan](#). Providers must ensure that all staff are aware of the symptoms and treatments for allergies and anaphylaxis, the differences between allergies and intolerances and that children can develop allergies at any time, especially during the introduction of solid foods which is sometimes called complementary feeding or weaning. Providers should refer to the NHS advice on food allergies: [Food allergy - NHS \(www.nhs.uk\)](#) and treatment of anaphylaxis: [Anaphylaxis - NHS \(www.nhs.uk\)](#).
- 3.67 Providers must have ongoing discussions with parents and/or carers about the stage their child is at in regard to introducing solid foods, including to understand the textures the child is familiar with. Assumptions must not be made based on age. Providers must prepare food in a suitable way for each child's individual developmental needs, working with parents and/or carers to help children move on to the next stage at a pace right for the child. The NHS has some advice providers should refer to: [Weaning - Best Start in Life - NHS](#).
- 3.68 Providers must prepare food in a way to prevent choking. This guidance on food safety for young children: [Food safety - Help for early years providers - GOV.UK \(education.gov.uk\)](#) includes advice on food and drink to avoid, how to reduce the risk of choking and links to other useful resources for early years providers.
- 3.69 Babies and young children should be seated safely in a highchair or appropriately sized low chair while eating. Where possible there should be a designated eating space where distractions are minimised.
- 3.70 Children must always be within sight and hearing of a member of staff whilst eating. Choking can be completely silent, therefore, it is important for providers to be alert to when a child may be starting to choke. Where possible, providers should sit facing children whilst they eat, so they can make sure children are eating in a way to prevent choking and so they can prevent food sharing and be aware of any unexpected allergic reactions.
- 3.71 When a child experiences a choking incident that requires intervention, providers should record details of where and how the child choked and ensure parents and/or carers are made aware. The records should be reviewed periodically to identify if there are trends or

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

Food and drink facilities

3.72 There must be an area adequately equipped to provide healthy meals, snacks and drinks for children as necessary. There must be suitable facilities for the hygienic preparation of food for children, if necessary, including suitable sterilisation equipment for babies' food. Providers must be confident that those responsible for preparing and handling food are competent to do so. All staff involved in preparing and handling food must receive training in food hygiene. CoDP providers may wish to refer to the guidance issued by the Food Standards Agency⁶⁰.

Food poisoning

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

Supporting and understanding children's behaviour

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

3.75 Providers must not give or threaten corporal punishment or any punishment which could negatively affect a child's well-being. Providers must take reasonable steps to ensure that corporal punishment is not given by anyone who is caring for or is in regular contact with a child, or by anyone living or working in the premises where care is provided. Any early years provider who does not meet these requirements commits an offence. A person will not be considered to have used corporal punishment (and therefore will not have committed an offence) if physical intervention⁶¹ was taken to avert immediate danger of personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary.

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

Special educational needs

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

⁶⁰ [Safer food, better business for childminders](#)

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

maintained nursery schools are required⁶² to identify a member of staff to act as Special Educational Needs Co-ordinator (SENCO) and other providers (in group provision) are expected to identify a SENCO. Maintained schools, academies and maintained nursery schools and all providers who are funded by the local authority to deliver early education places are required⁶³ to have regard to the SEND code of practice: 0 to 25 years. Other providers may find it helpful to familiarise themselves with the early years section of the 0-25 SEND Code of Practice.

Safety and suitability of premises, environment and equipment

Accident or injury

- 3.78 Providers must ensure a first aid box with appropriate items for use on children is always accessible. Providers must keep a written record of accidents or injuries and first aid treatment. Providers must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, and of any first aid treatment given.
- 3.79 Registered providers must notify Ofsted, or the CMA with which a provider of CoDP is registered, of any serious accident, illness, or injury to, or death of, any child while in their care, and of the action taken. This must be done as soon as is reasonably practicable, but in any event, within 14 days of the incident occurring. A registered provider who, without reasonable excuse, does not meet this requirement commits an offence. Providers must notify local child protection agencies of any serious accident or injury to, or the death of, any child while in their care, and must act on any advice from those agencies.

Safety of premises

- 3.80 Providers must ensure that their premises, including overall floor space and outdoor spaces, are fit for purpose and suitable for the age of children cared for and the activities provided on the premises. Providers must comply with requirements of health and safety legislation, including fire safety and hygiene requirements.
- 3.81 Providers must take reasonable steps to ensure the safety of children, staff, and others on the premises in the case of fire or any other emergency. Providers must have:
- An emergency evacuation procedure⁶⁴.

⁶² See section 67 of the Children and Families Act 2014 and section 83 for the definition of 'mainstream schools'.

⁶³ Section 123 School Standards and Framework Act 1998 requires providers (and others) delivering early years provision funded by the local authority to have regard to the SEND Code of Practice in the provision of early years education. Section 77 of the Children and Families Act 2014 also requires these and other bodies to have regard to the SEND Code of Practice in exercising their functions under Part 3 of the Act.

⁶⁴ Emergency planning and response for education, childcare, and children's social care settings - GOV.UK

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

Banned dog breeds

3.82 Banned dog breeds (meaning dogs to which section 1 of the Dangerous Dogs Act 1991 applies⁶⁵ including the XL Bully type), must not be kept or present on the premises at any time⁶⁶.

Indoor space requirements

3.83 The premises and equipment must be organised in a way that meets the needs of children. Providers must meet the following indoor space requirements⁶⁷ 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.

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

Outdoor access

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

Sleeping arrangements

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

⁶⁵ The types of dogs to which Section 1 of the [Dangerous Dogs Act 1991](#) applies are set out in the guidance at: [Controlling your dog in public: Banned dogs - GOV.UK](#).

⁶⁶ This requirement still applies if the dog's owner has a certificate of exemption issued under the [Dangerous Dogs Act 1991](#).

⁶⁷ These judgements should be based on useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, kitchens and toilets.

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

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

Baby room

3.87 There should be a separate baby room for children under the age of two. However, providers must ensure that children in a baby room have contact with older children and are moved into the older age group when appropriate⁶⁹.

Toilets and intimate hygiene

3.88 Providers must ensure:

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

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

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

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

Organising premises for confidentiality and safeguarding

3.89 Providers must ensure:

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

Insurance

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

Safety on outings

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

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

Risk assessment

3.93 Providers must ensure that they take all reasonable steps to ensure staff and children in their care are not exposed to risks and must be able to demonstrate how they are managing risks⁷⁰. Providers must determine where it is helpful to make some written risk assessments in relation to specific issues, to inform staff practice, and to demonstrate how they are managing risks if asked by parents and/or carers or inspectors. Risk assessments

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

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

Children's screen use

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

Information and record keeping

3.95 Providers must maintain records, obtain and share relevant and accurate information (with parents and/or carers, other professionals working with the child, the police, social services and Ofsted or their CMA, as appropriate). This is to ensure their setting is safe and efficiently managed, and the needs of all children are met⁷¹. Providers must enable a regular two-way flow of information with parents and/or carers (and between other providers, if a child is attending more than one setting). If requested, providers should incorporate parents' and/or carers' comments into children's records.

3.96 Records must be easily accessible and available (these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them⁷². Providers must be aware of their responsibilities under the Data Protection legislation⁷³ and, where relevant, the Freedom of Information Act 2000.

3.97 Providers must ensure that all staff understand the need to protect the privacy of the children in their care, as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act⁷⁴.

3.98 Records relating to individual children must be retained for a reasonable period of time after they have left the provision⁷⁵.

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

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

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

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

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

Information about the child

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

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

Information for parents and carers

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

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

Complaints

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

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

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

Inspections and quality assurance visits

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

Information about the provider

3.104 Providers must hold the following documentation:

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

Changes that must be notified to Ofsted

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

- Any change to the address of the premises (and must obtain prior approval to operate from those premises where appropriate).
- Any change to the premises which may affect the space available to children and the quality of childcare available to them.
- Any change to the name or address of the provider, or the provider's other contact information.
- Any change to the persons aged 16 years or older living or working on any domestic premises from which childcare is provided⁷⁶.
- Any change to the person who is managing the early years provision.
- Any proposal to change the hours during which childcare is to be provided which will entail the provision of overnight care.

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

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

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

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

Other Legal Duties

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

- Employment laws.
- Anti-discriminatory legislation.
- Health and safety legislation.
- Data collection regulations⁷⁷.
- Duty of care.

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