

EYFS Statutory Framework

“Musts” and “Shoulds” and how we meet them

Section 1 – The learning and development requirements

Section	Must / should	How we meet it	Where to find it
1.1	Early years providers must guide the development of children’s capabilities with a view to ensuring that children in their care complete the EYFS ready to benefit fully from the opportunities ahead of them.		
1.3	There are seven areas of learning and development that must shape educational programmes in early years settings		
1.6	Practitioners must consider the individual needs, interests, and stage of development of each child in their care, and must use this information to plan a challenging and enjoyable experience for each child in all of the areas of learning and development		
1.7	<p>For children whose home language is not English, providers must take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home. Providers must also ensure that children have sufficient opportunities to learn and reach a good standard in English language during the EYFS: ensuring children are ready to benefit from the opportunities available to them when they begin Year 1. When assessing communication, language and literacy skills, practitioners must assess children’s skills in English.</p> <p>If a child does not have a strong grasp of English language, practitioners must explore the child’s skills in the home language with parents and/or carers, to establish whether there is cause for concern about language delay. 1</p>		

1.8	Each area of learning and development must be implemented through planned, purposeful play and through a mix of adult-led and child-initiated activity. Practitioners must respond to each child's emerging needs and interests, guiding their development through warm, positive interaction.		
1.9	In planning and guiding children's activities, practitioners must reflect on the different ways that children learn and reflect these in their practice.		
1.10	Each child must be assigned a key person ⁷ (also a safeguarding and welfare requirement - see paragraph 3.27). Providers must inform parents and/or carers of the name of the key person, and explain their role, when a child starts attending a setting. The key person must help ensure that every child's learning and care is tailored to meet their individual needs. The key person must seek to engage and support parents and/or carers in guiding their child's development at home. They should also help families engage with more specialist support if appropriate.		

Section 2 – Assessment

Section	Must / should	How we meet it	Where to find it
2.1	In their interactions with children, practitioners should respond to their own day-to-day observations about children's progress and observations that parents and carers share		
2.2	Assessment should not entail prolonged breaks from interaction with children, nor require excessive paperwork. Paperwork should be limited to that which is absolutely necessary to promote children's successful learning and development. Parents and/or carers should be kept up-to-date with their child's progress and development. Practitioners should address any learning and development needs in partnership with parents and/or carers, and any relevant professionals.		

2.3	<p>When a child is aged between two and three, practitioners must review their progress, and provide parents and/or carers with a short written summary of their child's development in the prime areas. This progress check must identify the child's strengths, and any areas where the child's progress is less than expected. If there are significant emerging concerns, or an identified special educational need or disability, practitioners should develop a targeted plan to support the child's future learning and development involving parents and/or carers and other professionals (for example, the provider's Special Educational Needs Co-ordinator (SENCO) or health professionals) as appropriate</p>		
2.4	<p>Progress check at age 2</p> <p>The summary must highlight: areas in which a child is progressing well; areas in which some additional support might be needed; and focus particularly on any areas where there is a concern that a child may have a developmental delay (which may indicate a special educational need or disability). It must describe the activities and strategies the provider intends to adopt to address any issues or concerns.</p> <p>Practitioners must discuss with parents and/or carers how the summary of development can be used to support learning at home.</p>		
2.5	<p>Practitioners should encourage parents and/or carers to share information from the progress check with other relevant professionals, including their health visitor and the staff of any new provision the child may transfer to. Practitioners must agree with parents and/or carers when will be the most useful point to provide a summary</p> <p>Providers must have the consent of parents and/or carers to share information directly with other relevant professionals</p>		
2.6	<p>In the final term of the year in which the child reaches age five, and no later than 30 June in that term, the EYFS Profile must be completed for each child</p>		

Section 3– The Safeguarding and Welfare requirements

Section	Must / should	How we meet it	Where to find it
3.4	<p>Child protection Providers must be alert to any issues of concern in the child’s life at home or elsewhere. Providers must have and implement a policy, and procedures, to safeguard children. These should be in line with the guidance and procedures of the relevant Local Safeguarding Children Board (LSCB). The safeguarding policy and procedures must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff, and cover the use of mobile phones and cameras in the setting.</p>		
3.5	<p>A practitioner must be designated to take lead responsibility for safeguarding children in every setting. They must provide support, advice and guidance to any other staff on an ongoing basis, and on any specific safeguarding issue as required. The lead practitioner must attend a child protection training course that enables them to identify, understand and respond appropriately to signs of possible abuse and neglect (as described at paragraph 3.6).</p>		
3.6	<p>Providers must train all staff to understand their safeguarding policy and procedures, and ensure that all staff have up to date knowledge of safeguarding issues. Training made available by the provider must enable staff to identify signs of possible abuse and neglect at the earliest opportunity, and to respond in a timely and appropriate way</p>		
3.7	<p>Providers must have regard to the government's statutory guidance ‘Working Together to Safeguard Children 2015’15 and to the ‘Prevent duty guidance for England and Wales 2015’16. All schools are required to have regard¹⁷ to the government’s ‘Keeping Children Safe in Education’¹⁸ statutory guidance, and other childcare providers may also find it helpful to refer to this guidance. If providers have concerns about children's safety or welfare, they must notify agencies with statutory responsibilities without delay. This means the local children's social care services and, in emergencies, the police</p>		

3.8	Registered providers must inform Ofsted or their childminder agency of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers must also notify Ofsted or their childminder agency of the action taken in respect of the allegations. These notifications must be made as soon as is reasonably practicable, but at the latest within 14 days of the allegations being made. A registered provider who, without reasonable excuse, fails to comply with this requirement, commits an offence.	What to do is explained in the Safeguarding policy	On cloud and policy folder.
3.9	Suitable people Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles. Providers must have effective systems in place to ensure that practitioners, and any other person who is likely to have regular contact with children (including those living or working on the premises), are suitable ¹⁹ .		
3.11	Providers must tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children (whether received before or during their employment at the setting). Providers must not allow people, whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for		
3.12	Providers other than childminders must record information about staff qualifications and the identity checks and vetting processes that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it).		
3.13	Providers must also meet their responsibilities under the Safeguarding Vulnerable Groups Act 2006, which includes a duty to make a referral to the Disclosure and Barring Service where a member of staff is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm ²⁵		

3.14	<p>Disqualification</p> <p>A provider or a childcare worker may be disqualified from registration. In the event of the disqualification of a provider, the provider must not continue as an early years provider – nor be directly concerned in the management of such provision. Where a person is disqualified, the provider must not employ that person in connection with early years provision. Where an employer becomes aware of relevant information that may lead to disqualification of an employee, the provider must take appropriate action to ensure the safety of children.</p>		
3.16	<p>A registered provider must notify Ofsted or the agency with which the childminder is registered of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises where childcare is provided.</p>		
3.17	<p>The registered provider must give Ofsted or the childminder agency with which they are registered, the following information about themselves or about any person who lives in the same household as the registered provider or who is employed in the household:</p> <ul style="list-style-type: none"> • details of any order, determination, conviction, or other ground for disqualification from registration under regulations made under section 75 of the Childcare Act 2006 • the date of the order, determination or conviction, or the date when the other ground for disqualification arose • the body or court which made the order, determination or conviction, and the sentence (if any) imposed • a certified copy of the relevant order (in relation to an order or conviction) 		
3.19	<p>Staff taking medication / other substances</p> <p>Practitioners must not be under the influence of alcohol or any other substance which may affect their ability to care for children. If practitioners are taking medication which may affect their ability to care for children, those practitioners should seek medical advice. Providers must ensure that those practitioners only work directly with children if medical advice confirms that the medication is unlikely to impair that staff member’s ability to look after children properly. Staff medication on the premises must be securely stored, and out of reach of children, at all times.</p>		

3.20	<p>Staff qualifications, training, support and skills</p> <p>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.</p>		
3.21	<p>Providers must put appropriate arrangements in place for the supervision of staff who have contact with children and families.</p> <p>Supervision should foster a culture of mutual support, teamwork and continuous improvement, which encourages the confidential discussion of sensitive issues</p>		
3.22	<p>Supervision should provide opportunities for staff to:</p> <ul style="list-style-type: none"> • discuss any issues – particularly concerning children’s development or wellbeing, including child protection concerns • identify solutions to address issues as they arise • receive coaching to improve their personal effectiveness 		
3.23	<p>In group settings, the manager must hold at least a full and relevant level qualification and at least half of all other staff must hold at least a full and relevant level 2 qualification. The manager should have at least two years’ experience of working in an early years setting, or have at least two years’ other suitable experience. The provider must ensure there is a named deputy who, in their judgement, is capable and qualified to take charge in the manager’s absence.</p>		

3.25	<p>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.</p> <p>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. Providers should display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate.</p>		
3.26	<p>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 in a position to keep records in English, to liaise with other agencies in English, to summon emergency help, and to understand instructions such as those for the safety of medicines or food hygiene.</p>		
3.27	<p>Key person Each child must be assigned a key person.</p>		
3.28	<p>Staff: child ratios Staffing arrangements must meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised and decide how to deploy staff to ensure children’s needs are met. Providers must inform parents and/or carers about staff deployment, and, when relevant and practical, aim to involve them in these decisions. Children must usually be within sight and hearing of staff and always within sight or hearing.</p>		

3.31	<p>Early years providers</p> <p>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 a full and relevant level 3 qualification, and must be suitably experienced in working with children under two • at least half of all other staff must 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 two-year-olds’ room, the member of staff in charge of that room must, in the judgement of the provider, have suitable experience of working with under twos</p>		
3.32	<p>For children aged two:</p> <ul style="list-style-type: none"> • there must be at least one member of staff for every four 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 		
3.33	<p>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:</p> <ul style="list-style-type: none"> • there must be at least one member of staff for every 13 children • at least one other member of staff must hold a full and relevant level 3 qualification 		
3.34	<p>For children aged three and over at any time in registered early years provision when a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another suitable level 6 qualification is not working directly with the children:</p> <ul style="list-style-type: none"> • there must be 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 		

3.44	<p>Health Medicines</p> <p>The provider must promote the good health of children attending the setting. They must have a procedure, discussed with parents and/or carers, for responding to children who are ill or infectious, take necessary steps to prevent the spread of infection, and take appropriate action if children are ill.</p>		
3.45	<p>Providers must have and implement a policy, and procedures, for administering medicines. It must include systems for obtaining information about a child's needs for medicines, and for keeping this information up-to-date.</p> <p>Training must be provided for staff where the administration of medicine requires medical or technical knowledge.</p> <p>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).</p>		
3.46	<p>Medicine (both prescription and non-prescription) must only be administered to a child where written permission for that particular medicine has been obtained from the child's parent and/or carer. Providers must keep a written record each time a medicine is administered to a child, and inform the child's parents and/or carers on the same day, or as soon as reasonably practicable.</p>		
3.47	<p>Where children are provided with meals, snacks and drinks, they must be healthy, balanced and nutritious. Before a child is admitted to the setting the provider must also obtain information about any special dietary requirements, preferences and food allergies that the child has, and any special health requirements. Fresh drinking water must be available and accessible at all times. Providers must record and act on information from parents and carers about a child's dietary needs</p>		

3.48	<p>There must be an area which is 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. In group provision, all staff involved in preparing and handling food must receive training in food hygiene.</p>		
3.49	<p>Registered providers must notify Ofsted or the childminder agency with which they are registered of any food poisoning affecting two or more children cared for on the premises. Notification must be made as soon as is reasonably practicable, but in any event within 14 days of the incident. A registered provider, who, without reasonable excuse, fails to comply with this requirement, commits an offence</p>		
3.50	<p>Providers must ensure there is a first aid box accessible at all times with appropriate content for use with children. Providers must keep a written record of accidents or injuries and first aid treatment.</p> <p>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.</p>	<p>First aid supplies checked on a monthly basis- Duplicate accident books record accidents, copies are signed on the day by parent / carer and one given to the family. Accidents are reviewed at the end of each month for any areas of concern.</p>	<p>Checklist inside first aid boxes. Accident forms analysed and stored in months in folder in main office.</p>
3.51	<p>Registered providers must notify Ofsted or the childminder agency with which they are registered of any serious accident, illness or injury to, or death of, any child while in their care, and of the action taken. Notification must be made as soon as is reasonably practicable, but in any event within 14 days of the incident occurring. A registered provider, who, without reasonable excuse, fails to comply with this requirement, commits an offence. Providers must notify local child protection agencies of any serious accident or injury to, or the death of, any child while in their care, and must act on any advice from those agencies.</p>		

3.52	<p>Managing behaviour</p> <p>Providers must not give corporal punishment to a child. Providers must take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided.</p> <p>Providers, including childminders, must keep a record of any occasion where physical intervention is used, and parents and/or carers must be informed on the same day, or as soon as reasonably practicable.</p>		
3.53	<p>Providers must not threaten corporal punishment, and must not use or threaten any punishment which could adversely affect a child's well-being</p>		
3.54	<p>Safety and suitability of premises, environment & equipment</p> <p>Safety</p> <p>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).</p>		
3.55	<p>Providers must take reasonable steps to ensure the safety of children, staff and others on the premises in the case of fire or any other emergency, and must have an emergency evacuation procedure. Providers must have appropriate fire detection and control equipment (for example, fire alarms, smoke detectors, fire blankets and/or fire extinguishers) which is in working order.</p> <p>Fire exits must be clearly identifiable, and fire doors must be free of obstruction and easily opened from the inside</p>		
3.56	<p>Providers must not allow smoking in or on the premises when children are present or about to be present</p>		

3.57	<p>Premises</p> <p>The premises and equipment must be organised in a way that meets the needs of children. Providers must meet the following indoor space requirements:</p> <ul style="list-style-type: none"> • Children under two years: 3.5 m2 per child • Two year olds: 2.5 m2 per child • Children aged three to five years: 2.3 m2 per child 		
3.58	<p>Providers 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). Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments).</p>		
3.59	<p>Sleeping children must be frequently checked. Except in childminding settings, there should be a separate baby room for children under the age of two. However, providers must ensure that children in a baby room have contact with older children and are moved into the older age group when appropriate.</p>		
3.60	<p>Providers must ensure there is an adequate number of toilets and hand basins available. Except in childminding settings, there should usually be separate toilet facilities for adults. Providers must ensure there are suitable hygienic changing facilities for changing any children who are in nappies and providers should ensure that an adequate supply of clean bedding, towels, spare clothes and any other necessary items is always available</p>		
3.61	<p>Providers must also ensure that there is an area where staff may talk to parents and/or carers confidentially, as well as an area in group settings for staff to take breaks away from areas being used by children</p>		

3.62	Providers must only release children into the care of individuals who have been notified to the provider by the parent, and must ensure that children do not leave the premises unsupervised. Providers must take all reasonable steps to prevent unauthorised persons entering the premises, and have an agreed procedure for checking the identity of visitors. Providers must consider what additional measures are necessary when children stay overnight		
3.63	Providers must carry the appropriate insurance (e.g. public liability insurance) to cover all premises from which they provide childcare or childminding.		
3.64	Risk assessments Providers must ensure that they take all reasonable steps to ensure staff and children in their care are not exposed to risks and must be able to demonstrate how they are managing risks. Providers must determine where it is helpful to make some written risk assessments in relation to specific issues, to inform staff practice, and to demonstrate how they are managing risks if asked by parents and/or carers or inspectors. Risk assessments should identify aspects of the environment that need to be checked on a regular basis, when and by whom those aspects will be checked, and how the risk will be removed or minimised		
3.65	Outings Children must be kept safe while on outings. Providers must assess the risks or hazards which may arise for the children, and must identify the steps to be taken to remove, minimise and manage those risks and hazards. The assessment must include consideration of adult to child ratios. The risk assessment does not necessarily need to be in writing; this is for providers to judge		
3.66	Vehicles in which children are being transported, and the driver of those vehicles, must be adequately insured.		

3.67	<p>Special educational needs</p> <p>Providers must have arrangements in place to support children with SEN or disabilities. Maintained schools, maintained nursery schools and all providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs Code of Practice.</p>		
3.68	<p>Information and records</p> <p>Providers must maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.</p> <p>Providers must enable a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. If requested, providers should incorporate parents' and/or carers' comments into children's records.</p>		
3.69	<p>Records must be easily accessible and available (with prior agreement from Ofsted or the childminder agency with which they are registered, these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Act (DPA) 1998 and where relevant the Freedom of Information Act 2000.</p>		
3.70	<p>Providers must ensure that all staff understand the need to protect the privacy of the children in their care as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the DPA</p>		
3.71	<p>Records relating to individual children must be retained for a reasonable period of time after they have left the provision</p>		

3.72	<p>Information about the child</p> <p>Providers must record the following information for each child in their care: full name; date of birth; name and address of every parent and/or carer who is known to the provider (and information about any other person who has parental responsibility for the child); which parent(s) and/or carer(s) the child normally lives with; and emergency contact details for parents and/or carers</p>		
3.73	<p>Information for parents and carers</p> <p>Providers must make the following information available to parents and/or carers:</p> <ul style="list-style-type: none"> • how the EYFS is being delivered in the setting, and how parents and/or carers can access more information the range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home • how the setting supports children with special educational needs and disabilities • food and drinks provided for children • details of the provider's policies and procedures (all providers except childminders (see paragraph 3.3) must make copies available on request) including the procedure to be followed in the event of a parent and/or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting • staffing in the setting; the name of their child's key person and their role; and a telephone number for parents and/or carers to contact in an emergency 		
3.74	<p>Complaints</p> <p>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.</p> <p>All providers must investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint. The record of complaints must be made available to Ofsted or the relevant childminder agency on request.</p>		

3.75	<p>Providers must make available to parents and/or carers details about how to contact Ofsted or the childminder agency with which the provider is registered as appropriate, if they believe the provider is not meeting the EYFS requirements.</p> <p>If providers become aware that they are to be inspected by Ofsted or have a quality assurance visit by the childminder agency, they must notify parents and/or carers. After an inspection by Ofsted or a quality assurance visit by their childminder agency, providers must supply a copy of the report to parents and/or carers of children attending on a regular basis.</p>		
3.76	<p>Information about the provider</p> <p>Providers must hold the following documentation:</p> <ul style="list-style-type: none"> • name, home address and telephone number of the provider and any other person living or employed on the premises (this requirement does not apply to childminders) name, home address and telephone number of anyone else who will regularly be in unsupervised contact with the children attending the early years provision • a daily record of the names of the children being cared for on the premises, their hours of attendance and the names of each child's key person • their certificate of registration (which must be displayed at the setting and shown to parents and/or carers on request) 		
3.77	<p>Changes that must be notified to Ofsted or the relevant childminder agency (CMA)</p> <p>All registered early years providers must notify Ofsted or the CMA with which they are registered of any change.</p>		
3.78	<p>Where providers are required to notify Ofsted (or their CMA) about a change of person except for managers, as specified in paragraph 3.77 above, providers must give Ofsted or their CMA the new person's name, any former names or aliases, date of birth, and home address. If there is a change of manager, providers must notify Ofsted or their CMA that a new manager has been appointed. Where it is reasonably practicable to do so, notification must be made in advance. In other cases, notification must be made as soon as is reasonably practicable, but always within 14 days. A registered provider who, without reasonable excuse, fails to comply with these requirements commits an offence.</p>		