

- 3.17** In provision for children aged three and over in registered settings and independent schools, the 1:13 ratio requirement only applies while the appropriately qualified practitioner (that is, the teacher, Early Years Professional or person holding a relevant level 6 qualification) is present and engaged with the children.
- 3.18** Providers should put in place contingency arrangements for staff absences and emergencies. When there is staff absence or an emergency occurs suitable arrangements might include drawing on a pool of suitable staff, re-grouping of children, re-organising rooms and activities and re-deploying other suitable staff. When such disruptions occur there should continue to be a consistent experience for the child. Additional staff and management resources may also be required for undertaking management tasks, preparing meals, domestic tasks, and maintaining premises and equipment.

Children aged three and over in maintained schools (except for those in reception classes) - staffing arrangements during the teacher's non-contact time and short-term teacher absence

- 3.19** Examples of teachers' non-contact time include planning, preparation and assessment (PPA) time or because he or she is a Newly Qualified Teacher on a reduced timetable. When making arrangements for PPA time, headteachers should have regard to *Time for Standards: Guidance accompanying the Section 133 Regulations under the Education Act 2002*.
- 3.20** For the purposes of the EYFS, short-term absence will include short-term sickness absence and times when the teacher must leave the children briefly e.g. to take an urgent telephone call or to speak to a parent. It will also include special occasions such as the children's Christmas party when the teacher's particular skills and expertise are not necessarily required. Headteachers should exercise their professional judgement in determining what should be regarded as a short-term absence. Long-term absence should be covered by a teacher.
- 3.21** During the teacher's non-contact time and, wherever possible during short-term teacher absence, one of the remaining members of staff should meet the following conditions:
- they must be assisting or supporting the work of a teacher;
 - they must be subject to the direction and supervision of a qualified teacher in accordance with arrangements made by the headteacher;
 - the headteacher must be satisfied that they have the skills, expertise and experience necessary.

These are the conditions set out in the regulations made under Section 133 of the Education Act 2002 and which must be met by support staff carrying out 'specified work'².

Children attending reception classes in maintained schools

- 3.22** The EYFS does not place any ratio and qualification requirements on reception classes in maintained schools, provided they fall within the definition of an infant class. An infant class is defined in section 4 of the School Standards and Framework Act 1998 as a class containing pupils the majority of whom will reach the age of five, six or seven during the course of the school year. Such classes are subject to infant class size legislation (the School Standards and Framework Act 1998 as amended by the Education Act 1998) which limits the size of an infant class to 30 pupils per 'school teacher'.

² For more information see *Time for Standards: Guidance accompanying the Section 133 Regulations issued under the Education Act 2002* which is available at: www.teachernet.gov.uk/_doc/11731/Time%20for%20Standards%202007.pdf

- 3.23** Where a reception class does not fall within the definition of an infant class because the children are too young i.e. the majority of children will not reach the age of five during the school year, then the ratio and qualification requirements for children aged three and over in maintained schools will apply.
- 3.24** However, children attending reception classes are part of the EYFS. Depending on school admissions arrangements children may be starting reception class shortly after their fourth birthday. Children attending at this age need special consideration to ensure that their particular needs are met and that they receive a high quality learning experience. Support staff can play an important role in this. Many schools already consider it good practice to employ full time support staff to work alongside teachers in reception classes.

Group size

- 3.25** Except in the case of reception classes in maintained schools, the size of a group or class should not normally exceed 26.
- 3.26** Where the size of a group of children aged three and over in a maintained school (except reception classes) exceeds 26, it is good practice to assign an additional teacher to the class. An additional teacher should always be assigned where the group size exceeds 30. If, in a registered setting, the size of a group of children aged three and over exceeds 26, the ratio requirement of one adult to thirteen children will only apply if two members of staff hold either Qualified Teacher Status or Early Years Professional Status or another suitable level 6 qualification.
- 3.27** In some settings, more than one group of children may operate together e.g. a school may combine its reception class and nursery class. In such circumstances, it is good practice to segregate children into smaller groups of 26 or fewer for some parts of the day.

Staffing large groups of children and mixed age groups

- 3.28** The EYFS ratio requirements vary according to the age of the children being cared for and apply to all early years provision except for reception classes in maintained schools. In many early years settings, children are not grouped in ways that directly reflect the way in which these requirements are set out. It may not always be straightforward to apply the ratio requirements in such circumstances.
- 3.29** Applying the ratio requirements may be particularly complex where a maintained school operates with a registered early years provider or where the reception class in a maintained school is combined with provision for younger children.
- 3.30** In some cases, it may be possible to meet the legal requirements in more than one way. Providers should use their professional judgement in deciding which staffing arrangements are most appropriate for their specific circumstances. In all circumstances, the provider is responsible for ensuring that the legal requirements are met. Staffing must be organised in the optimum manner to ensure children's safety and meet their individual needs.
- 3.31** Examples of how the minimum ratio requirements may apply for varied group sizes are set out below. This guidance demonstrates how providers can comply with the minimum requirements; however it is important that providers use their professional judgement when considering appropriate staffing arrangements for any type of activity inside or outside the setting.