

The welfare requirements on page 29 of the *Statutory Framework for the Early Years Foundation Stage* booklet require providers to keep records of all checks carried out from September 2008 onwards.

- 3.11** Accessible individual records should be kept on the premises and should contain the name and address of the staff members, any volunteers and committee members, and information about their recruitment, training and qualifications.
- 3.12** It is an offence under Section 76 of the Childcare Act 2006 to employ in connection with early years provision someone who is disqualified from registration. Details of what disqualifies people from registration are set out in regulations made under section 75 of the Childcare Act 2006. Some of the things that disqualify people from registration are:
- convictions, cautions, reprimands or warnings for an offence against a child;
  - convictions, cautions, reprimands or warnings for certain violent or sexual offences against an adult;
  - being on the Protection of Children Act list (POCA) of persons considered unsuitable to work with children;
  - being on the DCSF list of people who are considered not suitable to work with children;
  - being made the subject of a disqualifying order;
  - where someone else who lives or is employed in the same household is disqualified from registration.
- 3.13** People who are disqualified from registration may sometimes still work with children by applying to Ofsted for a waiver, providing they are able to demonstrate that they do not pose a risk of harm to children. The provider should apply and obtain clearance on behalf of the disqualified person before employing them. Ofsted cannot waive a disqualification for people who are included on the POCA list, if a direction has been made against the person under section 142 of the Education Act 2002, or if a disqualification order has been made by the court.
- 3.14** Early years providers who think that someone they are considering employing is the subject of a conviction, caution, reprimand or warning that may disqualify them from registration can talk confidentially about this with Ofsted by calling its helpline on tel: 08456 40 40 40. They should also call this number to apply for a disqualification to be waived.
- 3.15** Providers should be aware that systems change, and they need to keep up-to-date with the new procedures which will come into force. The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for a new Independent Safeguarding Authority scheme which will prevent those who are unsuitable to do so from working with children, young people and vulnerable adults. Further information about the Safeguarding Vulnerable Groups Act and the Independent Safeguarding Authority scheme can be found at [www.everychildmatters.gov.uk/independentsafeguardingauthority](http://www.everychildmatters.gov.uk/independentsafeguardingauthority) and [www.isa.gov.org/index.htm](http://www.isa.gov.org/index.htm)

### **Staffing arrangements to ensure safety, and to meet the needs of children**

- 3.16** Providers must meet the specific requirements for ratios of adults to children set out in Appendix 2 of the *Statutory Framework for the Early Years Foundation Stage* booklet. The ratio requirements set out the minimum numbers of staff that are required to be present with the children at any time. Providers are responsible for ensuring the welfare of the children in their care and for ensuring that their needs are met. They should consider at all times whether staffing levels are sufficient to ensure this. It may, according to circumstances, be necessary to exceed the minimum ratio requirements.

- 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'<sup>2</sup>.

### **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'.

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<sup>2</sup> 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](http://www.teachernet.gov.uk/_doc/11731/Time%20for%20Standards%202007.pdf)