



Appendix 2

Specific legal requirements for ratios of adults to children (as required by page 32 of this document)

A: Maintained and independent schools and registered early years providers, except for childminders

- 1 The ratio requirements set out the minimum numbers of staff that must be present with the children at any time. It may, according to circumstances, be necessary to exceed these minimum requirements. The provider should consider at all times whether there is adequate supervision of children and ensure that the needs of the individual children being cared for are met.
- 2 The numbers of children set out below represent the maximum numbers of children who may be provided for by early years providers. However, the maximum number of children who may be appropriately cared for by a particular provider may be fewer than the maximum numbers given here. In registered provision, Ofsted will make a judgement about the overall maximum numbers of children that a particular provider may be registered to care for which will be set out in the conditions of registration. This judgement will be based on factors such as the amount of space available.
- 3 The ratios relate to staff time available to work directly with children. Sufficient suitable staff must be available to cover staff breaks, holidays, sickness and time spent with parents, in order to ensure that the ratio and qualification requirements are always met in relation to the staff working directly with the children. Additional staff may be required to undertake management tasks, prepare meals, maintain premises and equipment and so on.
- 4 The ratios include any children of staff or volunteers. Any care provided for older children must not adversely affect the care of children receiving early years provision.
- 5 There must be at least two adults on duty in a setting at any time when children are present.
- 6 The EYFS ratio and qualification requirements for maintained schools are compatible with the national Agreement and the workforce remodelling agenda which have introduced changes to enable teachers to focus more effectively on their teaching and to enhance the role of support staff. Teacher involvement, due to their specific training and expertise, can have a significant impact on children's learning. Therefore, the teaching and learning in each class or group of pupils aged three and over in maintained schools and nursery schools must be led by a teacher.

Children aged under two in any early years group setting

- 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 (as defined by CWDC), and have suitable experience of working with children under two;
- at least half of all other staff must hold a full and relevant level 2 qualification (as defined by CWDC);
- at least half the staff must have received specific training in the care of babies;
- the member of staff in charge of the babies' room must have suitable experience of working with children under two years.

Children aged two in any early years group setting

- 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 (as defined by CWDC);
- at least half of all other staff must hold a full and relevant level 2 qualification (as defined by CWDC).

Children aged three and over in any registered early years provision

7 Between the hours of 8 am and 4 pm, where a person with Qualified Teacher Status, Early Years Professional Status or another suitable level 6 qualification (which is full and relevant, and defined by CWDC) is working directly with the children, the following requirements apply:

- 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 (as defined by CWDC).

8 At any time outside the hours of 8 am and 4 pm, or between the hours of 8 am and 4 pm but where a person with Qualified Teacher Status, Early Years Professional Status or another suitable level 6 qualification (which is full and relevant, and defined by CWDC) is not working directly with the children, the following requirements apply:

- 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 (as defined by CWDC);
- at least half of all other staff must hold a full and relevant level 2 qualification (as defined by CWDC).

Children aged three and over in independent schools, including in reception classes

9 Where a person with Qualified Teacher Status, Early Years Professional Status or another suitable level 6 qualification (which is full and relevant, and defined by CWDC) is working directly with the children, the following requirements apply:

- 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 (as defined by CWDC).

10 Where a person with Qualified Teacher Status, Early Years Professional Status or another suitable level 6 qualification is not working directly with the children, the following requirements apply:

- 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 (as defined by CWDC);
- at least half of all other staff must hold a full and relevant level 2 qualification (as defined by CWDC).

Children aged three and over in maintained schools and nursery schools (except for children in reception classes)

- The early years provision in each class or group of pupils must be led by a 'school teacher'¹. A teacher must be present with the children except during non-contact time, breaks and short-term absence.

¹ As defined by Section 122 of the Education Act 2002 and the Education (School Teachers' Prescribed Qualifications, etc) Order 2003.

- There must be at least one member of staff for every 13 children.
- At least one member of staff must hold a full and relevant level 3 qualification (as defined by CWDC).

Guidance on staffing arrangements during the teacher's non-contact time, breaks and short-term absence is provided on page 17 of the *Practice Guidance for the Early Years Foundation Stage* booklet.

Children in reception classes in maintained schools

- 11** The EYFS does not place ratio and qualification requirements on reception classes in maintained schools provided they fall within the legal definition of an infant class (i.e. a class containing pupils the majority of whom will reach the age of five, six, or seven during the course of the school year)². Such classes are already subject to infant class size legislation: an infant class must not contain more than 30 pupils while an ordinary teaching session is conducted by a single school teacher³. See page 17 of the *Practice Guidance for the Early Years Foundation Stage* booklet for further information.

B: Childminders

- 12** The numbers of children for whom a childminder may care are set out below. The numbers include the childminder's own children or any other children for whom they are responsible – for example, children who the childminder is fostering. Any care provided for older children must not adversely affect the care of children receiving early years provision.
- 13** The numbers of children set out below represent the maximum number of children who may be cared for by a childminder at any one time. However, the maximum number of children who may be appropriately cared for by a particular childminder may be fewer than the maximum numbers given here. In all cases, Ofsted will make a judgement about the maximum numbers of children that a particular childminder may be registered to care for which will be set out in the conditions of registration. This judgment will be based on factors such as the amount of space available.

Each childminder may care for:

- a maximum of six children under the age of eight;
 - of these six children, a maximum of three may be young children⁴, however where four- and five-year-old children only attend the childminding setting before and/or after a normal school day, they may be classed as children over the age of five for the purposes of the adult:child ratio;
 - normally, no more than one child may be under the age of one, however a childminder may be registered to care for two children under the age of one where they are able to demonstrate that they can meet and reconcile the individual needs of all the children being cared for.
- 14** Exceptions to these ratios can be made for siblings and to provide continuity of care in certain circumstances approved by Ofsted, provided that the total number of children under the age of eight being cared for does not exceed six.
- 15** If a childminder either employs an assistant or works with another childminder, the above numbers apply to each of these individuals in addition to the childminder.

² Section 4 of the School Standards and Framework Act 1998.

³ As defined by Section 122 of the Education Act 2002 and the Education (School Teachers' Prescribed Qualifications, etc) Order 2003.

⁴ A child is a young child up until 1st September following his or her fifth birthday.