

# Summary of the Early years foundation stage (EYFS) statutory framework

Summary of the Early years foundation stage (EYFS) statutory framework for childminders and group and school-based providers

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## About the statutory framework

The **Early years foundation stage (EYFS) framework** (Department for Education (DfE), 2024) is mandatory guidance for all early years childminders and group and school-based early years providers in England. It is separated into two documents, one for childminders and one for group and school-based providers. This briefing summarises the key points which apply across all early years settings. Full information for different settings is available in the DfE documents.

The framework is divided into three sections:

- **Section 1 – The learning and development requirements** sets out what childminders and group and school-based providers must do to promote the learning and development of all children in their care.
- **Section 2 – Assessment** sets out the assessment requirements childminders and group and school-based providers must meet as well as guidance on assessment.
- **Section 3 – Safeguarding and welfare requirements** sets out the necessary steps providers must take to create a setting where children can enjoy learning, grow in confidence and be safe and well. **This is the focus of this briefing.**

## Section 3 – The safeguarding and welfare requirements

### Safeguarding policies and procedures

Childminders, or a designated practitioner in other early years settings, should take lead responsibility for safeguarding children. The lead practitioner is responsible for contacting local statutory children's services agencies and the Local Safeguarding Partners (LSP). All practitioners must be alert to any issues of concern in the child's life at home or elsewhere.

All providers of early years care must have and implement policies and procedures to keep children safe and meet EYFS requirements. Policies and procedures should be in line with the guidance and procedures of the relevant Local Safeguarding Partner (LSP). Safeguarding policies must include the actions to be taken if:

- there are safeguarding concerns about a child
- an allegation is made against a member of staff

- electronic devices with imaging and sharing capabilities are used in the setting.

## Concerns about children's safety and welfare

If there are concerns about a child's safety or welfare, the local authority children's social care team needs to be notified immediately. In emergencies, the police should also be notified.

Providers must inform Ofsted, or the agency they are registered with, of any allegation of serious harm or abuse by anyone living, working or looking after children at the premises.

The government's statutory guidance [Working together to safeguard children](#) (DfE, 2023a), [Prevent duty guidance for England and Wales](#) (Home Office, 2023) and [Keeping children safe in education](#) (DfE, 2023b) should also be considered.

## Suitable people

Safer recruitment procedures should be followed. All practitioners must have the relevant qualifications and training and have passed any required checks to fulfil their roles. Anyone whose suitability has not been checked must not have unsupervised contact with children.

A referral to the Disclosure and Barring Service (DBS) must be made if a person looking after the children leaves or is dismissed because they have harmed a child or put a child at risk of harm.

## Disqualification

If someone is disqualified from working in the early years, they must not continue as an early years provider or assistant, or be directly involved in the management of any early years provision. If there's information that may lead to someone being disqualified, appropriate action must be taken to ensure the safety of children.

### **Staff taking medication or other substances**

People working with children must not be under the influence of alcohol or any other substance that may affect their ability to care for children. All medication must be stored securely, and out of reach of children at all times. Smoking in or on the premises when children are present or about to be present must not be allowed. Vapes or e-cigarettes should not be used when children are present.

### **Qualifications, training, support and skills**

Legal responsibilities under the [Equality Act 2010](#) must be followed.

### **Safeguarding training**

The lead practitioner (for group and school-based providers) or childminder must attend a child protection training course that enables them to identify and respond appropriately to signs of possible abuse and neglect.

### **Supervision, training and skills**

Induction training should include information about emergency evacuation procedures, safeguarding, child protection and health and safety issues.

### **Paediatric first aid**

At least one person with 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.

## English language skills

Those providing early years care must have sufficient understanding and use of English to ensure the well-being of children in their care.

## Key person

Each child must be assigned a key person to:

- help ensure care is tailored to meet their individual needs
- help the child become familiar with the setting
- offer a settled relationship for the child
- build a relationship with their parents or carers
- help families engage with more specialist support if needed.

## Staff:child ratios

Staff:child ratios must meet the needs of children and ensure their safety. Staff:child ratios depend on the age of the children and type of provision.

Some key supervision principles apply across settings:

- Children must USUALLY be within sight AND hearing and ALWAYS within sight OR hearing.
- Children eating must be within sight AND hearing.

- Parents and carers should be informed about how staff and assistants are organised.
- Students and volunteers (aged 17 or over) and apprentices in early education (aged 16 or over) may be included in ratios, as set out in the relevant framework for each setting, if competent and responsible.

## Health

Settings should promote the good health, including the oral health, of the children they look after. There should be a procedure for taking appropriate action if children are ill or infectious which covers the steps needed to prevent the spread of infection.

## Medicines

- There should be a policy and procedures for administering medicines. Staff must have training if medical or technical knowledge is required.
- Prescription medicines must not be administered unless they have been prescribed for a child by a doctor, dentist, nurse, or pharmacist.
- Medicine must only be administered to a child where written permission has been obtained from the child's parent or carer.
- A written record must be kept each time medicine is administered to a child. The child's parents or carers should be immediately informed.

## Food and drink

- Meals, snacks and drinks must be healthy, balanced and nutritious.
- Settings must gather, record and act on information about special dietary or health requirements, preferences and food allergies children have.
- Fresh drinking water must always be available and accessible to children.

- There must be an area adequately equipped to provide food and drinks for children and suitable facilities for the hygienic preparation of food.
- Settings must notify their relevant registered agency about any food poisoning affecting two or more children within 14 days of the incident.

## Supporting and understanding children's behaviour

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

Reasonable steps should be taken to make sure that no child experiences or is threatened with corporal punishment 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 if physical intervention was taken to avert immediate danger of personal injury. There must be a record of any occasion where physical intervention is used and parents and carers must be informed on the same day, or as soon as reasonably practical.

## Special educational needs

Arrangements should be in place to support children with Special Education Needs and Disabilities (SEND) and a person should be identified to act as a SEND coordinator (SENCO).

## Safety and suitability of premises, environment and equipment

### Accident or injury

- There should always be an accessible first aid box for use on children.
- A written record must be kept of accidents or injuries and first aid treatment. Parents/carers should be informed on the same day.
- The relevant registered agency and local child protection agency must be notified of any serious accident, illness, injury to, or death of, any child while in a setting's care and also the actions taken. This must be done as soon as is reasonably practical or within 14 days of the incident occurring.

## Safety of premises

Premises should be fit for purpose and suitable for the age of children cared for and the activities provided. Health and safety legislation, including fire safety and hygiene requirements, need to be followed and there should be an emergency evacuation procedure.

## Indoor space requirements and outdoor access

Premises and equipment must be organised in a way that meets the needs of children. There must be access to an outdoor play area or outdoor activities on a daily basis.

## Sleeping arrangements

Sleeping children must be frequently checked to ensure that they are safe. This includes ensuring that cots and bedding are in good condition, suited to the age of the child, and that babies are placed down to sleep safely.

## Toilets and intimate hygiene

There should be:



- an adequate number of toilets and hand basins available
- separate toilet facilities for adults
- suitable hygienic changing facilities
- an adequate supply of clean bedding, towels and any other necessary items.

### **Organising premises for confidentiality and safeguarding**

- There should be an area where staff can talk to parents or carers confidentially.
- Children should not leave the premises unsupervised and should only be released into the care of individuals explicitly named by the parent or carer.
- There should be an agreed procedure to check the identity of visitors and to prevent unauthorised persons entering the premises.
- Any additional measures needed for overnight stays should be considered.

### **Insurance**

Settings must have appropriate insurance for all premises they provide childcare from.

### **Safety on outings**

Potential risks or hazards, including vehicles transporting children, must be assessed. The steps needed to remove, minimise, and manage those risks and hazards must be identified. The assessment must include consideration of adult:child ratios.

### **Risk assessment**

Providers and childminders should take all reasonable steps to ensure staff and children are not exposed to risks. They must be able to demonstrate how they are managing risks.

## Information and record keeping

Settings must maintain records and obtain and share relevant information. Records must be easily accessible and available. Confidential information and records about staff and children must be held securely. They should only be accessible and available to those who have a right or professional need to see them.

Relevant information should be collected about children and shared with parents and carers. A record should also be kept of any complaints received and the outcome.

## Inspections and quality assurance visits

Parents and carers need to be notified of upcoming inspections by Ofsted or quality assurance visits by the childminder's agency (CMA). A copy of the report must be shared with the parents and carers.

## Changes that must be notified to Ofsted or the relevant agency

- Changes to the name, address or contact information of the provider, manager or childminder, or a change in the address of the premises.
- Changes which affect the space available to children and the quality of childcare available.
- Any significant events which affect suitability of any person who cares for or is in regular contact with children on the premises.
- Changes to hours of childcare provision which would result in overnight care.

## Other legal duties

The EYFS requirements sit alongside other legal obligations and do not supersede or replace any other legislation which must still be met.

## References

Department for Education (DfE) (2024) **Early years foundation stage (EYFS) statutory framework.** [Accessed 10/04/2024].

<<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>>

Department for Education (DfE) (2023a) **Working together to safeguard children: a guide to multi-agency working to help, protect and promote the welfare of children.** [Accessed 10/04/2024]

<<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>>

Department for Education (DfE) (2023b) **Keeping children safe in education.** [Accessed 10/04/2024].

<<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>>

Home Office (2023) **Prevent duty guidance: England and Wales (2023).** [Accessed 10/04/2024].

<<https://www.gov.uk/government/publications/prevent-duty-guidance>>

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