



Statutory Framework for EYFS

effective September 2021



Safeguarding and suitability:

- **3.4:** To safeguard children and practitioners online, providers will find it helpful to refer to 'Safeguarding children and protecting professionals in early years settings: online safety considerations

Codicil 12:

<https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations>

- **3.11:**

footnote 26: providers must check the disclosure and consider whether it contains any information that would suggest the person was unsuitable for the position, before an individual has unsupervised contact with children.

Staff qualifications training and skills:

- **3.20** Providers must follow their legal responsibilities under the Equality Act 2010 - now gives definitions of protected characteristics
 - **3.29** supervising children now says: "including whilst eating
- 3.28 – Qualifications (see also paras 3.32 to 3.38)**
Removed the phrase “full and relevant” in respect of qualifications and changed to ‘*approved*’ qualifications. New footnote added to provide a link to approved qualifications.
- 3.28 – Deputy footnote 36**
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. A deputy does not have to have any specific qualification”
- Footnote 34** As defined by the Department for Education on the Early Years Qualifications List published on GOV.UK, which also includes information on overseas qualifications.
- <https://www.gov.uk/guidance/early-years-qualifications-finder>
- Footnote 34** (Eng & maths - no change)



Health:

- **3.45:** widens promotion of good health to include: including oral health
 - **3.47:** codicil 55 Non-prescription medicines can include those that can be purchased from pharmacies (including some over the counter medicines which can only be purchased from a pharmacy), health shops and supermarkets. See also BMA advice:
<https://www.bma.org.uk/advice-and-support/gp-practices/managing-workload/prescribing-over-the-counter-medicines-in-nurseries-and-schools>
 - **3.48:** now has a codicil 56 for a link to example menus for nutritious food
<https://www.gov.uk/government/publications/example-menus-for-early-years-settings-in-england>
 - **3.48:** In addition, section 4 of 'Example menus for early years settings in England' (see footnote 56) includes guidance on menu planning, food safety, managing food allergies and reading food labels, which staff preparing food will find helpful in ensuring that children are kept safe.



Health (cont)

- **3.57:** no smoking, now includes vaping.
- **3.58:** onwards in the floor space requirements talks about indoor / outdoor space: where indoor activity in a building(s) forms the main part of (or is integral) to the provision (then the usual floor space requirements) AND: Where the space standards are applied, providers cannot increase the number of children on roll because they additionally use an outside area. Forest and other exclusively (or almost exclusively) outdoor provision is not required to meet the space standards above as long as children's needs can be met. For this kind of provision, indoor space requirements can be used as a guide for the minimum area needed.
 - **3.60:** Sleeping children must be frequently checked to ensure that they are safe. Being safe includes ensuring that cots/bedding are in good condition and suited to the age of the child, and that infants are placed down to sleep safely in line with latest government safety guidance

Codcils 60

<https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/>

Information and records & other legal duties:

3.69: Records can include a daily record of staff attendance on bottom of **page 37** there are some updated links to DPA /GDPR

Codicils: 66, 67:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

[https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation.](https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation)

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

NB: it STILL says its the provider's decision as to "reasonable length of time" for keeping records.

<https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-our-settings>

- **3.80:** added on other legal duties The EYFS requirements sit alongside other legal obligations and do not supersede or replace any other legislation which providers must still meet. For example, where provision is taking place in maintained schools there is other legislation in place with which headteachers, teachers and other practitioners must comply with.



Other Legal Duties & training

3.80:

Other legal duties for providers include:

- employment laws;
- anti-discriminatory legislation;
- health and safety legislation;
- data collection regulations;
- duty of care

• **Annex A** on PFA says the full course must be face-to-face training

Footnote 68: Face to face means trainers are physically present with their trainees. This excludes the use of online platforms.