

Appendix 1 - Specific legal requirements for ratios of adults to children (as required by page 32 of this document)

***Extract from Statutory Framework for the Early Years Foundation Stage
May 2008***

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 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).

Extract from Practice Guidance for the Early Years Foundation Stage May 2008

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

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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'.

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

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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.