

# Kent County Council and The Education People

## Frequently Asked Questions

### Early Years and Childcare Providers

A new document has been started for January 2021. This document will be regularly updated with any new additions added in blue. Please refer to the document dated 18.12.20 for previous questions.

[Actions for Early Years and Childcare Providers during the Coronavirus Outbreak](#)

[Safer working in education, childcare and children's social services](#)

[Protective measures for out-of-school settings during the Coronavirus outbreak](#)

[Early years foundation stage: Coronavirus disapplications](#)

[Ofsted: Coronavirus COVID-19 rolling update](#)

[National lockdown: Stay at home](#)

#### Attendance

**1. *With the new lockdown, is a child still able to access more than one early years setting?***

Guidance relating to whether a child can access more than one early years setting remains the same at present. **Actions for early years and childcare providers during the coronavirus (COVID-19) outbreak** states:

'Parents and carers should be encouraged to limit the number of settings their child attends, ideally ensuring their child only attends the same setting consistently. This should also be the same for staff. There may be situations where a child needs to attend more than one setting, for example, children attending a childminder before their nursery opens so that their parent or carer may go to work. Settings, parents and carers should work through the **system of controls** collaboratively to address any risks identified and allow them to jointly deliver appropriate care for the child. This section of the guidance contains more information about the **system of controls** for settings.'

At present, if the child has been accessing two settings, this will continue.

**2. *When should I accept a child back to my setting when they have self-isolated due to having the coronavirus or a member of their household has had or currently has symptoms?***

If the child lives with others and they are the first in the household to have symptoms of coronavirus, then they must stay at home for 10 days. Household members who remain well stay in self-isolation for 10 days due to the maximum incubation period, calculated from day one of first symptomatic person. If household members become symptomatic, they should stay at home for 10 days from when the symptoms started. The timescales alter if the child or family members get tested. The Government provides **guidance** on what to do if a household has a suspected or confirmed case of COVID-19.

## **Funding – FEE**

There is a large range of questions specifically about funding for the Early Education Entitlement in spring term 2021. Providers are aware that the current Government guidance is that settings should be funded for attendance during headcount only. We are pressing for further information from the Department for Education to enable us to confirm the answer to these questions.

**1. *Can I claim for a child on headcount if they currently aren't attending because they are formally shielding?***

If a child's doctor has confirmed that they are still considered clinically extremely vulnerable, they should follow the shielding advice and not attend educational settings, because the risk of exposure to the virus in the community is now very high. In order to claim for the child on headcount the provider needs to ensure that they have a signed parental declaration and are satisfied that the child falls into this category.

**2. *Can I claim for a child on headcount if they currently aren't attending because the parent is formally shielding?***

If a child's parent is considered clinically extremely vulnerable, they are being advised to follow the shielding advice and stay at home as much as possible, not travel unless essential and to try to keep all contact with others outside of their household to a minimum. If as a result of this guidance the parent is unable or chooses not to send their child to the setting a claim can be made on headcount as long as the provider has a signed parental declaration and is satisfied that the parent falls into this category.

**3. *My landlord is not allowing me to operate due to shared premises and I am unable to provide free entitlement sessions can I still claim on headcount?***

The setting should speak to the hall committee and explain that it receives funding from the local authority to provide free early education and the government has allowed such premises to open for early years and childcare settings. Where settings are unable to negotiate this, or landlords are unable/unwilling to agree for them to open, evidence in writing must be obtained and forwarded to the Childcare Sufficiency Officer.

**4. *If a setting is inadequate and Ofsted now doesn't come for an extended period, can we claim for new children?***

Ofsted will be prioritising visits to settings that are less than good. If settings are working with The Education People (TEP) to improve their practice and TEP is happy the setting is making significant progress, the setting may be able to claim for new children but will need to speak with the Senior Improvement Adviser or Lead Childminding Adviser in this regard.

**5. *If a critical worker has not reconfirmed their code for the spring term 2021 can their child still access the 30 hours free childcare?***

All parents, regardless of whether or not they are a critical worker needed to have reconfirmed their 30 hour code by 31 December 2020 in order to continue receiving their funding for the spring term 2021. Temporary measures were put in place by the Government for the summer term 2020, but this no longer applies. Parents falling out of eligibility and due to reconfirm between 31 October and 31 December 2020 may be entitled to a grace period lasting until 31 March 2021. Further information on grace periods for the 30 hours free entitlement can be found in the [statutory guidance](#).

**6. *If a parent's working hours were cut to below 16 hours per week due to COVID-19, are they still entitled to 30 hours funding?***

Yes – the Government has made some temporary changes to the 30 Hours Entitlement and Tax-Free Childcare offers so that all eligible parents and carers, including critical workers, are not disadvantaged.

Parents and carers who will not meet the minimum income threshold (16 hours per week at National Minimum/Living Wage) due to lower earnings as a direct result of COVID-19 will be treated as meeting the test during the outbreak. This will apply only to parents and carers who need to apply for or reconfirm their 30 hours and Tax-Free Childcare place during the outbreak.

The Government has set a new upper threshold of £150,000. This change will only be effective for the tax year starting 6 April 2020 and ending 5 April 2021. The regulations came into force on 31 July 2020.

**7. *Do I need to supply The Education People with regular information about children and their attendance?***

Yes, local authorities are required to continue to provide details of children and their attendance at early years settings and the number of settings open to the DfE. Failure to supply requested information may result in delayed or suspended funding. Although the expectation was that the DfE data collection would move to fortnightly in January, in light of the new lockdown, this has moved back to weekly.

**8. *If providers that are open must then close for a deep clean, do they have to offer replacement sessions or as others are closed anyway, will they just keep the funding?***

We would expect cleaning of the setting to happen outside of free entitlement sessions to allow parents to access their child's full entitlement. The only exception to this would be in relation to a closure for deep cleaning on the advice of Public Health England.

## Human Resources – Staffing

### **1. *If I need advice about my staff and their employment where do I go?***

If you do not already have a contract with an HR company, please contact ACAS for guidance on staff and employment issues.

### **2. *Where do we stand with staff refusing to come back?***

As above. Information on contract law and how to deal with staff in such circumstances is available from ACAS.

### **3. *I want my staff to work differently than they were prior to COVID-19. How do I go about changing their contracts, working patterns and the like?***

Early consultation with staff about your plans is always advisable. Please check the wording of staff contracts if staff are refusing to work in a new way and refer to ACAS for advice and guidance on what to do in these circumstances if you do not have access to any other HR facilities.

## EYFS – Statutory Guidance

The Government has put in temporary measures regarding the EYFS.

### **1. *My first aid certificate expired in August. What do I need to do?***

Group providers should refer to the disapplication document for current information relating to first aid requirements since there are now varying circumstances according to the ages of children in settings during disruption relating to COVID-19.

Childminders must hold a full PFA certificate, but please refer to the disapplication document if restrictions do not allow for renewal.

### **2. *Will Ofsted relax ratios?***

Ratio requirements stay the same in the majority of cases (see **maintained nursery schools** for the only exception) but, during any period of intervention related to coronavirus (COVID-19), exceptions can be made to the qualifications that staff hold in order to be counted in the ratio requirements.

Providers should read the **full guidance** to see what the current guidelines are and how this impacts on their practice. The updated disapplications document covers the period between 26 September 2020 and 31 August 2021.

## **SEND/Vulnerable Children**

For more information around support for vulnerable children and children with SEND, click on the Government guidance below:

**[Coronavirus \(COVID-19\): SEND risk assessment guidance](#)**

## **Out of School Providers**

### ***1. Are before and after school clubs allowed to operate?***

All providers of wraparound childcare, and other out-of-school settings are able to operate for both indoor and outdoor provision, provided they have safety measures in place. [They should only allow those children to attend that are eligible to be in school full-time. As of today's date this is critical worker and vulnerable children.](#)

Wraparound providers which are only registered with Ofsted on the early years register should continue to follow this guidance, and implement the protective measures set out for early years settings.

Where wraparound providers are caring for children over the age of 5, they should ensure that they are also following the Protective measures guidance for out-of-school settings during the coronavirus (COVID-19) outbreak, including on group sizes. Providers caring for children over the age of 5 should ensure, as far as possible, that they are keeping children over the age of 5 in small consistent groups every time they attend.

In cases where providers care for both children under the age of 5 and over the age of 5, they may choose to apply the measures outlined in this guidance to those children under the age of 5, and the measures outlined in the Protective measures guidance for out-of-school settings during the coronavirus (COVID-19) outbreak to those children over the age of 5. However, where providers have mixed age groups together, they will need to, as far as possible, keep all children irrespective of age in small consistent groups of no more than 15 with at least one staff member or with more staff members to meet relevant ratio requirements. If necessary and depending on the type of provision or size of the group, it would be appropriate for one staff member to supervise up to 2 small groups. This means that at the first session children should be assigned to a particular class or group and should then stay in those consistent groups for future sessions, that is on consecutive days or if attending one day per week, from one week to the next.

**2. Do we have to keep children in the same bubbles as they are in during the school day?**

Where it is not possible to group children in the same bubbles as they are in during the school day, you should seek to keep children in consistent groups, as far as possible, and frequently review these groups to minimise the amount of 'mixing' (that is, the number of different people each child comes into contact with). For example, when new children register for your provision, you may wish to firstly determine whether they attend the same school or early years setting as other children in your setting and group them together if appropriate. To help you review your groups, you should also keep up-to-date records of the children attending your setting for at least 21 days, including the schools or early years setting/s that they attend and the specific groups and members of staff they have been assigned to in your setting.

## **Childminders**

**1. Am I able to care for school-aged vulnerable children and those of critical workers during the school day?**

Guidance from the DfE states, '*Childminders can look after all early years children and those school-age children (from reception onwards) who are vulnerable or children of critical workers together.*'

Schools must remain open for the children of critical workers and for vulnerable children and there is currently no written guidance provided by the DfE which states clearly that it is appropriate to care for these children during the school day. If you are caring for children of school age during the day you will need to consider how you support all children in your setting, including facilitating access to online learning for older children. There should be plans in place to ensure that the needs of early years children continue to be met. Families should be kept informed of changes in care arrangements in the setting.

**2. I am 16 weeks pregnant and with Covid-19 cases rising, I am worried about re-opening my childminding setting, when schools have been told to close. I care for children accessing the free early years entitlement, will I lose this funding if I remain closed for the first two weeks of term?**

Pregnant women are considered 'clinically vulnerable' or in some cases 'clinically extremely vulnerable'. Government guidance for staff who are pregnant provides information on what should be considered in order to make an informed decision about the opening of your setting. There are links to more information on workplace risk assessment for vulnerable people and guidance for pregnant employees within the document. If the decision is made to close the setting, you should contact the childminding team to discuss the implications for children receiving the free entitlement.

**3. *I am currently contracted to provide wraparound care for a child of a critical worker. I am reluctant to take my early years children on a school run. Am I able to refuse?***

As this would be considered as breaking a contract the childminder would need to seek advice from their contract provider. A review of the risk assessment of the journey should be carried out to inform the decision and could be shared with the family.

## **Systems of Control**

**1. *What is the 'system of controls'?***

This is a set of ten actions endorsed by Public Health England which early years settings must follow to reduce the risk of transmission for children and staff. This is included in the **Actions for early years and childcare providers during the Coronavirus outbreak** document and is to be implemented in line with your risk assessment to create a safer environment.

**2. *Is there any new official guidance on symptoms of the new strain of Covid-19 that I can refer to?***

Current Government and NHS advice still advise that the main symptoms are:

- a high temperature
- a new, continuous cough
- a loss of, or change to, your sense of smell or taste.