

## **Keeping children safe in out-of-hours provision**

From 1 September 2014, some of the requirements governing out-of-hours provision for children will change in order to align them with those governing the school day. The changes are designed to promote the supply of affordable childcare that meets the needs of busy, working families and to keep children safe and well.

This note summarises the requirements that will help out-of-hours providers<sup>i</sup> on the Early Years Register and the compulsory part of the General Childcare Register (GCR) to ensure that children in their care are kept safe and well.

The specific requirements can be found in the Early Years Foundation Stage (EYFS) Statutory Framework (version published on 31 March 2014 to take effect from 1 September 2014) and Schedule 3 of the Childcare (General Childcare Register) Regulations 2008 as amended.

Providers must also comply with the requirements of equal opportunities legislation and health and safety legislation and have appropriate insurance.

There is no change to the staffing qualifications and ratios for children younger than Reception class. These requirements are set out in paras 3.31-3.37 of the updated EYFS.

## **Welfare of the children being cared for**

- Children must be kept safe from harm and every person caring for children must be alert to any indications that a child may be suffering from harm (EYFS paras 3.2 and 3.4; Schedule 3, para 1 and **new 1A**)
- For children who normally attend Reception class during the school day and aged 5-7, there must be a sufficient number of persons present at all times to ensure the safety and welfare of the children (and as a minimum there must be at least one person caring for every thirty children). Providers should bear in mind the type(s) of activity and the age and needs of the children. (EYFS para 3.40; Schedule 3, para 2)
- At least one person who is caring for children must have an appropriate first aid qualification and be on the premises at all times when children are present. Providers should take into account the number of children, staff and layout of premises to ensure that a paediatric first aider is able to respond to emergencies quickly (EYFS para 3.25; Schedule 3, para 2(2)).
- Any person aged under 17 caring for children must be supervised at all times by a person who has attained the age of 18 (EYFS para 3.29, Schedule 3, para 3).
- No person is allowed to smoke, or consume or be under the influence of drugs (including medication that may have an adverse effect on the individual's ability to provide childcare) or alcohol on the premises at any time while childcare is provided, or in the presence of a child receiving childcare (EYFS paras 3.19 and 3.56; Schedule 3, para 4).
- Corporal punishment must not be used (EYFS para 3.52; Schedule 3, para 5).

## **Arrangements for safeguarding children**

- Providers must have and implement a policy and procedures to safeguard children and all staff must be trained on it (EYFS paras 3.4 and 3.6; Schedule 3, para 6(1) and **new** 6(2)).
- There must be a lead practitioner for safeguarding who has particular responsibility for ensuring the welfare and safety of children (this includes providing support and guidance in relation to child protection matters to other staff, attending child protection training and liaising with the Local Safeguarding Children Board and children's services as appropriate). In the case of childminders, the designated person must be the childminder (not an assistant (EYFS para 3.5; Schedule 3, **new** para 6A)
- No individual who is unsuitable to work with children may have unsupervised access to a child receiving childcare and this must include obtaining an enhanced Disclosure and Barring Service check (EYFS paras 3.9 and 3.10; Schedule 3, para 7).

## **Suitability of persons to care for, or be in regular contact with, children**

- Any person caring for, or in regular contact with, children must continue to be suitable to work with children and have sufficient command of the English language to ensure the welfare and safety of children (EYFS paras 3.9 and 3.26; Schedule 3, para 8)
- The registered person must provide (or secure) any such training which they consider necessary to ensure that staff have the necessary skills and experience to care for children (EYFS para 3.20; Schedule 3, **new** para 11).

## **Suitability and safety of premises and equipment**

- The premises and equipment used for the purposes of the childcare must be safe and suitable (EYFS para 54; Schedule 3, para 12(a)).
- No child must be able to leave the premises unsupervised (EYFS para 3.62; Schedule 3, para 12(b)).
- No one must be able to enter the premises without the knowledge of a person who is caring for children on the premises (EYFS para 3.62; Schedule 3, para 12(c)).
- All necessary measures must be taken to minimise any risks to the health or safety of children and staff (EYFS para 3.64; Schedule 3, para 13).
- Premises must provide access to a secure outdoor space and where this is not practicable, reasonable arrangements must be made for activities to take place outdoors (EYFS para 3.58; Schedule 3, para 12(f)).

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<sup>i</sup> Care that is solely before/after school care or provision for the school holidays.