

Early Years Q&A – national lockdown

19th November 2020

Visits

Q: Can visits still take place for vulnerable children?

A: Yes, visits that allow a vulnerable child to meet a social worker, key worker or other necessary support should continue on site. A record should be kept of all visitors which follows the [guidance on maintaining records of staff, customers and visitors to support NHS Test and Trace](#).

Q: Can early years professionals conduct home visits?

A: It is recommended visits are done remotely and only face to face where necessary. Visits can still take place for vulnerable children to meet a social, worker, key worker or other necessary support on site.

Q: I work in a school improvement team, not directly with children. Should I be expected to carry out face to face visits, crossing class bubbles as part of this role?

A: Settings should consider how visits that are not essential to children's health and wellbeing should be done virtually. Whilst it is at the discretion and risk assessment of the individual settings to accept visitors, DfE continues to advise limiting the number of visitors.

Q: Will the guidance on parent show-arounds be changing – providers are being encouraged to undertake virtual tours but are allowed to do in-person visits out of hours with measures in place, will this still be allowed?

A: Settings should restrict all visits to the setting to those that are absolutely necessary and make use of remote visits wherever possible. In-person visits from parents can take place if they are absolutely necessary. Settings should work with parents to ensure parents still have visibility of the childcare environment during this time, including through use of remote visits, pictures and phone calls.

Disapplications

Q: Can early years settings continue the disapplications once the national lockdown has finished?

A: Further government imposed restrictions, or requirements relating to coronavirus (COVID-19), may affect a provider's ability to comply with the EYFS. Therefore, new regulations, which came into force on 26 September 2020, allow the temporary changes to be re-applied if coronavirus (COVID-19) related local or national restrictions are imposed by government and the provider has deemed these restrictions to mean they are unable to deliver the EYFS as required.

Details of the temporary changes can be found in the guidance on the [EYFS: coronavirus disapplications guidance](#). Settings and local authorities should fully familiarise themselves with this guidance to ensure they understand the flexibilities available to them.

Safety

Q: We understand businesses and individuals will have to pay VAT on PPE from 01 November – is this decision under review as our members have already been reporting that PPE costs are higher due to demand and supply issues?

A: This temporary zero-rate was an extraordinary measure introduced to help affected sectors during the initial shock of the coronavirus (COVID-19) crisis and global supply of PPE did not meet demand. A temporary measure was appropriate to ensure the widest range of businesses, charities and individuals can experience the benefit of the tax relief for PPE for protection from infection during the coronavirus emergency.

The price of PPE has been driven by demand exceeding supply. Now that supply has increased, we expect prices to be more competitive. Moreover, individual consumers now have options to purchase face coverings rather than medical-grade PPE, which is appropriate for most settings.

Q: The wearing of protection as in masks, visors etc - are we still not required to wear any protection unless we have a suspected case of coronavirus (COVID19)?

A: The majority of staff in early years settings do not require PPE beyond what they would normally need for their work. PPE is only needed in a very small number of cases, including:

- when an individual child becomes ill with coronavirus (COVID-19) symptoms while at a setting, and only then if a distance of 2 metres cannot be maintained;
- when a child already has routine intimate care needs that involves the use of PPE, in which case the same PPE should continue to be used.

Guidance on [safe working in education, childcare and children's social care](#) provides more information about preventing and controlling infection, how PPE should be used, what type of PPE to use, and how to source it.

Q: Concerns raised around delays in testing leading to staffing shortages and lack of ability to stay open.

A: Anyone who displays symptoms of coronavirus (COVID-19) can and should get a test. Tests can be booked online through the [NHS website](#), or ordered by telephone via NHS 119 for those without access to internet. Essential workers, which includes anyone involved in education or childcare, have priority access to testing.

The government will ensure that it is as easy as possible to get a test through a wide range of routes that are locally accessible, fast and convenient. We will release more details on new testing avenues as and when they become available and we will work with early years settings, so they understand the easiest route to get a test.

Q: Can parents who have chosen to keep children at home meet up together?

A: In general, you must not meet with another person socially or undertake any activities with another person. However, you can exercise or meet in a public, outdoors space with people you live with, your [support bubble](#) (or as part of a [childcare bubble](#)), or with one other person.

You must not meet socially indoors with family or friends unless they are part of your household or support bubble.

For further information, please see the [New National Restrictions from 5 November](#) guidance and the [Education and childcare settings: New National Restrictions from 5 November 2020](#) guidance.

Q: Where is the evidence that keeping these settings open is safe for the adults who work in them?

A: Ensuring the safety of children, the workforce and families is our overriding priority.

There are a range of measures that can be put in place by settings to reduce risk and create an inherently safer environment. Public Health England is clear that the risk of transmission and infection is low if nurseries and childminders follow the system of controls. Evidence shows that children usually have mild or no symptoms and may have a lower risk of catching the virus compared to adults.

We are continuing to make progress in understanding the disease and transmission characteristics of coronavirus (COVID-19). Setting leaders should follow national guidance, and undertake their own risk assessments, working closely with parents and staff.

We continue to update our guidance to help the childcare sector provide a safe and secure environment for children from coronavirus.

Funding/financial support

What happens in areas where local authorities are making funding payments just on actual headcount instead of Autumn 2019 rates? Can DfE issue stronger instructions to local authorities regarding the interpretation of the autumn funding decision?

A: Local authorities have a legal duty to ensure there is a sufficient number of childcare places in their area and our guidance makes clear how we expect local authorities should fund early years entitlement places during the COVID 19 outbreak.

Local authorities should only take a different approach from that set out in guidance if they have good reasons for doing so and communicate this clearly to their providers. We are in regular contact with authorities to remind them of this and query any funding approaches where there is a concern.

Q: What are the furlough arrangements until March? Is renewed furlough subject to the 3 weeks rule?

A: Employers will have flexibility to use the scheme for employees for any amount of time or

shift pattern, furloughing employees on either a full-time or part-time basis, and will be able to vary the hours worked in agreement with the employee. Businesses will only be asked to cover National Insurance and employer pension contributions which, for the average claim, accounts for just 5% of total employment costs. To be eligible to be claimed for under this extension, employees must be on an employer's PAYE payroll by 23:59 30th October 2020. This means a Real Time Information (RTI) submission notifying payment for that employee to HMRC must have been made on or before 30th October 2020.

Q: As a self-employed childminder who didn't qualify for the support scheme, I am relying on Universal Credit to supplement my income. Please can you confirm reinstating the minimum floor will be delayed?

A: Yes, the current easement, suspending the Minimum Income Floor in Universal Credit which was due to expire on 12 November 2020 has now been extended to the end of April 2021.

Q: Is the interaction between the CJRS and DSG funding the same as the first lockdown?

A: The guidance for access to CJRS by the early years sector remains the same.

Q: What does 'forced to close' mean for purposes of accessing Local Restriction Fund grant?

A: Information on the Local Restriction Support Grant (for closed businesses) can be found at: <https://www.gov.uk/guidance/check-if-youre-eligible-for-the-coronavirus-local-restrictions-support-grant-for-closed-businesses>

Q: Many childminders who are unable to operate are not getting any financial support as they don't meet published criteria. For those who haven't yet closed as a result will there be any support with PPE or access to testing to help protect them and their families?

A: Coronavirus (COVID-19) related PPE use will be very limited for staff in childcare settings and, as set out in the Department's guidance, relates only to:

- (i) when caring for a child or individual who develops symptoms while attending their setting (and only then if a distance of two metres cannot be maintained), and
- (ii) when a child or individual already has routine intimate care needs that involve the use of PPE, for example when undertaking aerosol generating procedures (AGPs).

Education, childcare and children's social care settings and providers are responsible for sourcing their own PPE. If education or childcare settings cannot obtain the PPE, they need they should approach their local authority. Local authorities should support them to access PPE suppliers and available stock locally, including through coordinating the redistribution of available supplies between settings according to priority needs.

Q: Can we expect any disruption to statutory assessment, EHCP and higher needs funding? If, so what do you expect the impact to mean for children, their families and the settings?

A: At the height of the pandemic we changed temporarily two aspects of the law on education, health and care (EHC) needs assessment and plan processes. These changes were intended to balance the needs of children and young people with SEND with the ability of local authorities, education settings and health services to respond to the pandemic. These temporary changes have now ceased.

Following the expiry of the modification notice on 31 July, we do not intend to issue further notices to modify this duty, unless the evidence changes. It is vital that all children with SEND, including those with EHC plans, return to their education setting so that they can receive high quality teaching and specialist professional care and the support specified in their EHC plans. Our focus is now on supporting local authorities, health commissioning bodies and education settings to restore full provision for all children and young people with EHC plans to ensure that children and young people receive the support they need to return to school.

The early years foundation stage profile (EYFSP) assessment was not undertaken in the academic year 2019/20. During 2020/21 providers should still work towards the EYFSP assessment unless advised otherwise, in line with other statutory assessments, no disapplication has been made for the EYFSP for 2020/21.

Q: Can we claim funding from the council and from HMRC under the furlough scheme if the amount received from the council is not sufficient to pay for the salaries of the staff?

A: An early years provider can access the CJRS to cover up to the proportion of its salary bill which could be considered to have been paid for from that provider's private income. This would typically be income received from 'parent-paid' hours that have not yet returned as a result of coronavirus, and excludes all income from the government's free entitlements. Providers should use the month of February 2020 to represent their usual income, in calculating the proportion of its salary bill eligible to be covered by the scheme, taking into account parent-paid income that has returned. Providers should adjust these proportions in subsequent furloughing applications if their income from the government's free entitlements changes.

Q: We are using a church hall to provide early years support to the kids and are paying rent. The funding received from the council is not sufficient to pay for both rent & salaries. Is there any way we can get money to pay off rent?

A: The government understands the importance of childcare and has already committed to continue paying local authorities for the childcare places it normally funds - a planned £3.6bn in 2020-21. Please contact your local authority.

Q: We are not clear if we are only required to claim from HMRC up to the number of privately funded kids (4 privately funded vs 8 public-funded) since we are getting funds from the council or can claim 80% of the staff salary for hours not worked. Can you please advise regarding calculation if we do claim 80% of staff salary for hours not worked; does it further needs to be in proportion to the private vs public-funded money received?

A: An early years provider can access the CJRS to cover up to the proportion of its salary bill which could be considered to have been paid for from that provider's private income. This would typically be income received from 'parent-paid' hours that have not yet returned as a result of coronavirus (COVID-19), and excludes all income from the government's free entitlements. Providers should use the month of February 2020 to represent their usual income, in calculating the proportion of its salary bill eligible to be covered by the scheme, taking into account parent-paid income that has returned. Providers should adjust these proportions in subsequent furloughing applications if their income from the government's free entitlements changes.

Safety measures in settings

Q: If a childminder's own child is self-isolating (without symptoms but because a class member has tested positive) can the childminder still provide her service from her home?

A: If the person isolating as a result of coming into contact with a positive case is not showing symptoms of coronavirus and does not require a test, childminders can continue to provide childcare at their registered setting. Settings should ensure they keep open communication with parents and carers of children attending the setting.

The person isolating must not have any contact with the children being cared for in the setting. For example, the person isolating must use a separate bathroom where possible. If the person isolating has to use a shared bathroom or other communal areas, these must be thoroughly cleaned after every use.

Settings must:

- comply with health and safety law, which requires them to assess risks and put in place proportionate control measures.
- ensure they complete a risk assessment which demonstrates that the provision of childcare in their setting is safe and aligns with government guidelines. Further guidance on cleaning can be found in [COVID-19: cleaning in non-healthcare settings outside the home](#).

Settings should:

- thoroughly review their health and safety risk assessment.
- have active arrangements in place to monitor that the controls are effective, working as planned, and updated appropriately. For example when any issues are identified, or when there are changes in public health advice.

Further guidance on risk assessments and keeping children and staff safe can be found in the [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak](#) guidance.

Q: Due to our staff having to isolate and not attending the setting can you please inform us what is the ruling on having agency staff into the setting?

A: Settings can continue to engage agency staff and students. Supply staff and other temporary workers can move between settings but setting leaders will want to consider how to minimise the number of visitors to the setting where possible.

Where it is necessary to use supply staff and to welcome visitors to the school such as students, those individuals will be expected to comply with settings arrangements for managing and minimising risk, including taking particular care to maintain distance from other staff and children.

To minimise the numbers of temporary staff entering the setting and secure best value, settings may wish to use longer assignments with supply teachers and agree a minimum number of hours across the year.

The presence of any additional members of staff should be agreed on a weekly rather than a daily basis where possible, in order to limit contacts.

Q: I have two nurseries and usually have management meetings at my house. I would like to continue to do so to avoid mixing staff between settings. All covid-safe protocols will continue be followed. Although a meeting will be offsite, it is still integral to the operation of nursery operations. My query is whether these meetings are allowed to take place during the second lockdown?

A: No, meetings in a private home should not take place during the new national lockdown.

We encourage meetings to take place in person at the relevant setting following the PHE endorsed system of controls set out in the [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak guidance](#). If this is not possible, settings should hold meetings virtually.

For further information about meeting people safely under the new national restrictions, please see the [New National Restrictions from 5 November guidance](#).

Workforce

Q: Is there any advice around the risk assessment for pregnant staff, particularly where they are working with a child 1-1 with special needs? Staying 2 metres from the child is not practicable given the child's needs, however pregnant women do not fall in the extremely vulnerable category.

A: Pregnant women are in the clinically vulnerable -category and are generally advised to follow the advice in [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak guidance](#).

For more information, pregnant staff can also read [guidance and advice on coronavirus \(COVID-19\) and pregnancy](#) from the Royal College of Gynaecologists. All pregnant women should take particular care to practice frequent, thorough hand washing, and cleaning of frequently touched areas in their home and / or workspace.

An employer's workplace risk assessment should consider any risks to female employees of childbearing age and, in particular, risks to new and expectant mothers (for example, from

working conditions, or the use of physical, chemical or biological agents). Any risks identified must be included and managed as part of the general workplace risk assessment.

If a setting is notified that an employee is pregnant, breastfeeding or has given birth within the last six months, the employer should check the workplace risk assessment to see if any new risks have arisen. If risks are identified during the pregnancy, in the first six months after birth or while the employee is still breastfeeding, the employer must take appropriate, sensible action to reduce, remove or control them.

While it is a legal obligation for employers to regularly review general workplace risks, there is not necessarily a requirement to conduct a specific, separate risk assessment for new and expectant mothers. However, an assessment may help identify any additional action that needs to be taken to mitigate risks.

Other

Q: Will childminder agencies (CMAs) be able to continue to conduct registration home visits?

A: Childminder agencies (CMAs) that are due to visit their childminders during the period of national restrictions should consider the same points that Ofsted is considering regarding their own visits. They are:

- In EY regulatory work, Ofsted will make a case by case decision on whether to undertake work remotely or to visit - or a combination of the two based on their risk assessment. This risk assessment should take account of any concerns about children, the reason for the visit and any coronavirus (COVID-19) risks including the size and layout of the building. This applies to early years interim visits, childcare register inspections and registrations of new providers.
- For Ofsted's regulatory and enforcement activity, they will use a combination of on and offsite activity in response to urgent safeguarding concerns. They will continue to risk assess on a case by case basis how best to complete this type of work.
- Inspectors will be sensitive to the challenges presented by coronavirus (COVID-19): they will always take that context into account. Ofsted will prioritise the safety and welfare of everyone involved in any visits or work they undertake, including children, carers, staff and inspectors. They will follow the most up-to-date guidance from Public Health England.

Q: Are there plans to continue monitoring children's attendance and parental confidence in using formal childcare?

A: DfE have recently published the results from waves 3 to 5 of our parent poll [here](#) that assesses parents' use of childcare and other related factors. We will continue to monitor the situation via these parent polls.

In addition, DfE publishes [weekly attendance statistics](#) on attendance at early years settings, collecting data via Local Authorities.

Q: Can you confirm why maintained nursery schools (MNS) are no longer being asked to complete the schools data return. Should they now be reporting via LAs?

A: We have clarified our approach, and MNS are covered by LAs' early years returns.

Q: Are nannies able to operate during this period of national restrictions?

A: Yes. As set out in [the national guidance](#), nannies can continue to provide services, including in a child's home.

Q: Can providers attend community activities if open, such as parent and toddler groups/soft plays?

A: To reduce social contact, the regulations require some businesses to close. These include soft play centres.

Settings can take groups of children on trips to outdoor public places and do not need to be limited to 2 people, provided:

- it is for the purpose of education or childcare
- they remain within the EYFS staff child ratios
- they conduct a risk assessment in advance
- the risk assessment demonstrates that they can remain socially distant (2 metres) from other people and groups, wherever possible
- good hygiene is maintained throughout
- thorough handwashing happens before and after the trip.

Q: Can organised group activities such as music, dance and drama continue as in previous guidance? If yes, is this remotely, or can they have peripatetic teachers come to settings?

A: Music, dance and drama build confidence, help children live happier, more enriched lives, and discover ways to express themselves. There may, however, be a cumulative risk of infection in environments where organised singing, chanting, playing wind instruments, dance and drama takes place.

Peripatetic teachers can move between early years settings, however, settings should consider how to minimise the number of visitors that attend where possible.

Further information can be found under section 3.8 of the [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak](#).

Q: Can nannies work for multiple households?

A: There are several ways that parents and carers can continue to access childcare for the duration of the national restrictions. Nannies will be able to continue to provide services in the home.

The guidance for [New National Restrictions from 5 November](#) is clear that where it is necessary for you to work in other people's homes - for example, for nannies, it is possible to do so.

Settings should continue to [undertake risk assessments and implement the system of controls set out in guidance.](#)