

Early Years January Q&A 2

The Prime Minister announced on 4 January 2021 that early years settings remain open for all children during the national lockdown. Details can be found here: [National lockdown: Stay at Home - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/national-lockdown-stay-at-home)

Published early years national lockdown guidance can be found [here](#).

Early years provision should continue to remain open and should continue to allow all children to attend full time or their usual timetable hours. This includes early years registered nurseries and childminders, maintained nursery schools, as well as nursery classes in schools and other pre-reception provision on school sites.

Safety, testing, vaccinations

Q: Will EY workers be prioritised for testing?

A: We are continuing to work closely with colleagues across government and local authorities to secure the most effective approach to asymptomatic testing for the whole of the EY sector.

We are rolling out our asymptomatic testing programme to primary schools with deliveries of test kits starting from the week commencing 18 January. This asymptomatic testing programme will offer all primary school, schools-based nursery and maintained nursery school staff home Lateral Flow Device (LFD) test kits for twice weekly testing. This will help to break the chains of transmission of coronavirus in schools-based education settings by identifying asymptomatic positive cases. Those who test positive will then self-isolate, helping to reduce transmission of the virus.

Asymptomatic testing is also available via Community Testing programmes which are currently being rolled out across the country. They are led by Local Authorities and provide asymptomatic testing through testing sites based in the local community. This testing is primarily focused on those who have to leave home to work during lockdown, with local authorities able to focus on the right people in their areas and decide how the testing is best delivered. The purpose is to help people who are playing essential roles to keep the country going, and to give them knowledge to protect themselves, loved ones and colleagues. LAs are in different stages of delivering community testing. We are encouraging local authorities to prioritise appropriate testing for PVI and childminders wherever possible via the Community Testing programme.

We are having ongoing discussions about providing testing via the education testing programme to all PVIs and Childminders.

Early years staff, as critical workers, continue to have priority access to DHSC-led symptomatic PCR testing via the online portal
- <https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested>.

Q: How will rapid testing work logistically for early years staff?

A: Local authorities are encouraged to consider prioritising appropriate testing for PVI nursery staff and childminders. We are working closely with local authorities to make

this work for the early years sector. Expansion of asymptomatic testing will identify more positive cases of COVID-19 and ensure those infected isolate, protecting those who cannot work from home and our vital services.

Q: Will childminders be included in the rapid testing programme?

A: We are working with local authorities to put in place an appropriate route for childminders to access these asymptomatic tests.

Q: Will Early Years staff now be prioritised for the vaccinations?

A: The Joint Committee on Vaccines and Immunisation (JCVI) advises that the first priorities for the COVID-19 vaccination programme should be the prevention of mortality and the maintenance of the health and social care systems. As the risk of mortality from COVID-19 increases with age, prioritisation is primarily based on age.

Under the priority groups for the first phase of vaccine roll out, those over 50 years of age, and all those 16 years of age and over who are clinically extremely vulnerable or have certain underlying health conditions, are eligible for vaccination within the first phase of the programme. This prioritisation captures almost all preventable deaths from COVID-19 and will include thousands of staff in schools, colleges and early years settings (including childminders).

Regarding the next phase of vaccine roll out, the Joint Committee on Vaccination and Immunisation (JCVI) is considering essential workers in the next phase of vaccine rollout. Ministers will decide on the final policy and the Department for Education will input into this in collaboration with other Government departments.

Q: Can settings admit new children who have not attended before? Is it safe?

A: Yes, this is permitted. Settings should continue to follow the system of controls to create a safer environment. There is advice on new admissions to settings in [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak guidance](#).

Q: During wider opening in June our risk assessment based on social distancing was to limit the number of children in nursery to 15 given the size and space. Should this restriction remain in place or are we allowed to have more children beyond the 15 capacity?

A: Your setting capacity can continue in line with your capacity in the period up to the end of December. You should continue to follow the system of controls. These 'system of controls' are the set of actions all early years settings must take which are outlined in more detail in the [Actions for early years and childcare providers during the coronavirus \(COVID-19\) outbreak guidance](#). These build on the hierarchy of protective measures that have been in use throughout the coronavirus (COVID-19) outbreak. When implemented in line with a revised risk assessment, these measures create environment for children and staff where the risk of transmission of infection is substantially reduced. Settings should still consider how they can minimise mixing within settings, for example where they use different rooms for different age groups, keeping those groups apart as much as possible.

Clinically vulnerable children and staff

Q: Children and staff who are clinically extremely vulnerable are following guidance to stay at home but can children or staff who live with those who are shielding continue to attend?

A: People, who live with those who are clinically vulnerable or clinically extremely vulnerable, can attend the setting but should ensure they maintain good prevention practice in the setting and at home.

Q: If a staff member has to shield can they be put on furlough?

A: Employers can furlough employees who are clinically extremely vulnerable or at the highest risk of severe illness from coronavirus. It is up to employers to decide whether to furlough these employees. An employer does not need to be facing a wider reduction in demand or be closed to be eligible to claim for these employees.

Funding

Q: What is the position on funding?

A: We are funding nurseries as usual and all children are able to attend their early years setting in all parts of England. Where nurseries do see a drop in income from either parent-paid fees or income from DfE, they are able to use the furlough scheme. More detail on the furlough scheme is [here](#).

The Early Years census count has gone ahead as expected and the census guidance is unchanged. To support local authorities, we have issued some technical advice ("Coronavirus-related support for submitting an Early Years Census 2021 return") on how that guidance can be applied this year.

In summary, children who are ill or self-isolating can be counted, as can those whose parents have temporarily withdrawn their children from open nurseries and childminders out of caution, and so long as the parent/guardian has not altered their parental declaration relating to expected hours with the provider.

Children should not be counted in the census where a setting has closed or restricted attendance, unless as a result of situations as set out in the supporting technical advice e.g. staff sickness, covid isolation, staff shielding.

We will fund local authorities in the 2021 spring term based on their January 2021 census. If attendance rises after the census is taken, we will top-up councils to up to 85% of their January 2020 census level, where a local authority can provide evidence for increased attendance during the spring term. This will give local authorities additional financial confidence to pay providers for increasing attendance later in the spring term.

We stay in regular contact with the early years sector, including on the subject of funding and we will be closely monitoring both parental take-up of places and the capacity and responses of providers.

Eligible working parents on coronavirus support schemes will remain eligible for childcare support even if their income levels temporarily fall below the minimum income threshold.

Information on the self-employment income support scheme can be found [here](#).

Q: Can EY providers furlough staff?

A: In line with the spring-term funding changes, we have also updated the Coronavirus Job Retention Scheme guidance, so that providers who have seen a reduction in their free early education entitlements funding (due to lower attendance) can increase their CJRS claim, so long as staff affected were on payroll on or before 30th October, and providers continue to meet the conditions as set out in the Department for Education's CJRS guidance. We continue to work with local authorities and sector stakeholders to ensure early years providers can access all the support available. Childminders may use the Self Employment Income Support Scheme. The sector has also benefitted from business rates holidays and business loans.

Can EY providers furlough a member of staff who is sick?

A: If your employee is on sick leave or self-isolating as a result of coronavirus, they may be able to get [Statutory Sick Pay \(SSP\)](#). The Coronavirus Job Retention Scheme is not intended for short-term absences from work due to sickness. Short term illness/self-isolation should not be a consideration in deciding whether to furlough an employee. If, however, employers want to furlough employees for business reasons and they are currently off sick, they are eligible to do so, as with other employees. In these cases, the employee should no longer receive sick pay and would be classified as a furloughed employee.

Q: If a staff member has caring responsibilities can they be put on furlough?

A: As long as the staff meet the other criteria for the scheme, early years providers are able to furlough employees if they are unable to work, including from home or working reduced hours because they have caring responsibilities resulting from coronavirus (COVID-19), such as caring for children who are at home as a result of school and childcare facilities closing, or caring for a vulnerable individual in their household. Providers should ensure that they meet the criteria as set out in the [CJRS guidance](#) when furloughing staff members.

Census

Q: Is the EY census taking place this year?

A: Yes. As early years settings remain open to all, the early year census took place during the week of 18th January. Separate technical advice ("Coronavirus-related support for submitting an Early Years Census 2021 return") has already been issued about the census but the below Q&A is provided for completeness.

Q: How will the census collection work this year?

A: The census guidance is unchanged. We issued technical advice to local authorities on 14 January which will help the existing guidance to be understood and applied consistently this year. Children who are ill or self-isolating can be counted, as

can those whose parents have temporarily withdrawn their children from open nurseries and childminders out of caution, so long as the parent/guardian has not altered their parental declaration relating to expected hours with the provider.

Children should not be counted in the census where a setting has closed or restricted attendance, unless as a result of situations as set out in the supporting technical advice e.g. staff sickness, Covid isolation, staff shielding.

Q: If children do not attend because they are shielding or someone in their household is shielding, will they still be counted as part of the headcount for funded places, as their non-attendance is not due to the setting closing?

A: Where a child is reasonably expected to attend Early Years provision, and that provision is made available to them by the provider, their expected hours should be recorded in the Early Years Census, as long as the parent/guardian has not altered their parental declaration relating to expected hours with the provider. This includes children who have previously attended the provision and children who were expected to start attending the provision in January. So, for example, if parents have chosen not to send their child to nursery, funded hours, extended hours and hours at setting should be recorded as the number of hours the pupil would *normally be expected to attend* during census week.

Q: If children have to go to another setting to access childcare as their usual childcare is closed, how do I represent this on my Early Years Census?

A: If a child moves from one provider to another, as their usual provider has closed, then they should be counted at the setting they are now attending. However, if the setting is only temporarily closed (e.g., due to flooding, staff isolating, shielding, or sick) and making a census return using the child's expected hours, the child should then only be counted at their usual provider.

Q: If EY provision including early years provision in primary schools, chooses not to open or only open to vulnerable children and children of critical workers, are they still able to include all children on their census?

A: Where the nursery or childminder is not offering the government-funded hours – e.g. has closed, or is only offering a limited provision to children of key workers, then the child should not be counted in their census return.

Q: Can children who are accessing remote learning be counted?

A: For the purposes of the Early Years Census 2021, local authorities have been asked to count the hours of children who are being offered a physical place in early years provision and who are reasonably expected to attend the provision. Therefore, children who have been offered remote learning *as an alternative to their place in early years provision* should not be counted.

Q: Can independent schools (PVI's on the early years census) who have restricted attendance in reception classes to vulnerable and key worker children, in line with primary schools, make a census return for all children on their register?

A: According to national lockdown restrictions, reception classes should not be open to all, unlike other early years settings.

To maintain parity with the approach to reception classes in schools and the approach to other PVI providers, the following principles (page 5 of the technical advice circulated on 14th January) are applied:

“Please make a census return for 2021, recording the contracted/expected hours provided in the situation where the provider has closed due to government guidance”. Therefore, Independent Schools making an Early Years Census return may record their contracted/expected hours in the situation where they have restricted attendance in their reception classes in line with government guidance.

This does not apply to nursery provision within Independent Schools, as nurseries are expected to remain open to all.

Where reception classes in Independent Schools have remained open to all children eligible for the funded entitlements, they may record the expected hours of all eligible children being offered a place on site.

Reception-aged children

Q: Can settings who have reception aged children who have not left to start schools (e.g. summer born or children whose parents want them to remain in an early years setting past their fifth birthday) continue to accept those children? And can EY settings take children from reception when they are not eligible to attend school under new restrictions?

A: Children who currently attend nurseries and childminders can continue to attend those settings. Early years settings can continue to accept new admissions of children who are eligible for a place at a nursery or childminder.

Children’s centres

Q: Can children’s centres continue to operate?

A: The decision to keep children’s centres operational in response to the COVID-19 outbreak is one for local authorities. We know that some centres are remaining open to provide essential health services, e.g. midwife clinics. Centres that provide Ofsted registered childcare may be staying open to provide early years provision.

EYFS

Q: Will reception teachers still be expected to assess children against the ELGs and will LA moderation of these assessments still be expected to take place, or will this be cancelled in line with Year 11 and 13 examinations?

A: Ministers have decided it will not be mandatory to complete the Early Years Foundation Stage Profile assessment in 2021 but instead we will be asking schools to make ‘best endeavours’ to undertake it.

This is in recognition of the additional pressures and uncertainties that teachers are facing during this challenging time. This also aligns with the approach on KS1 and KS2 assessments this year. However, we recognise that the EYFSP is a valued assessment by teachers and early years professionals and is a crucial tool in supporting children’s development and the transition from reception to year 1. It is for that reason we will be asking teachers and early years practitioners to use their best endeavours to still complete the EYFSP for children in the summer term if at all possible and to provide this important information to parents and to year 1 teachers, should the situation at the time allow. This will be a judgement for schools and teachers depending on their individual circumstances and will in many cases depend

on the coming weeks and months. We know many schools found they could complete the EYFSP in 2020, particularly due to its nature as a teacher-led assessment. Schools who decide they are able to complete the EYFSP this year and provide this information to parents and year 1 teachers will not be subject to statutory external moderation. There will be no requirement to submit data to the local authority or to confirm whether they have completed the EYFSP to the Department for Education.

First aid training

Q: Paediatric First Aid training is being affected during the lockdown. Given the note in Section 7.2 of the Actions for early years guidance which states childminders can only operate with an up-to-date PFA certificate, can childminders (and other early years practitioners) apply the “reasonable endeavors” clause and operate with an out-of-date certificate in line with the EYFS disapplications?

A: If Paediatric First Aid certificate requalification training is prevented for reasons associated directly with the coronavirus (COVID-19) pandemic, or by complying with related government advice, the validity of current certificates can be extended to 31 March 2021 at the latest. This applies to certificates expiring on or after 1 October 2020.

This is in recognition of the fact that some practitioners are facing difficulties in accessing requalification training due to courses being cancelled. If asked to do so, providers should be able to explain why the first aider has not been able to requalify and demonstrate what steps have taken to access the training. Employers or certificate holders must do their best to arrange requalification training at the earliest opportunity.

Inspection

Q. What are the inspection arrangements during this lockdown?

A: The Secretary of State for Education [announced the suspension of routine Ofsted inspections on 17 March 2020](#). However, the safeguarding responsibilities of settings have not changed, and Ofsted’s inspection and regulatory work triggered by safeguarding concerns will continue.

On 3 December 2020, Ofsted [announced](#) its plans for a phased return to routine early years inspections. From the start of the spring term, Ofsted planned to carry out a programme of assurance inspections, which will confirm whether or not a provider is meeting the early years foundation stage (EYFS) requirements. However, following the Prime Minister’s [announcement](#) on 4 January about a national lockdown, Ofsted has paused its planned early years assurance inspections until after February half term.

Ofsted plans to resume routine inspections for early years providers in the summer term of 2021.

Q: Now that Ofsted has pushed back full inspections to the summer term, if a provider rated as 'inadequate' in an area with no sufficiency issues, receives an assurance inspection in the spring term, and gets a 'met' outcome, is this sufficiency to enable an LA to reinstate funding and if so, will the DfE publish guidance to this effect.

A: The Department's statutory guidance is clear that local authorities should secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of 'inadequate' or an inspection judgement of a childminder agency of 'not effective'. It is for local authorities to determine an appropriate timeframe for withdrawing funding. When withdrawing funding local authorities should take into account the continuity of care for children who are already receiving their free hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency. Local authorities may use the Ofsted assurance visit outcome summary to inform their funding decision.

Nannies:

Q. Can nannies continue to operate during Covid-19?

A: Nannies who care for children in different households may continue to provide nannying provision for those individual households. They may also work in their nanny share where they look after children from two different families at the home of one of the families.

Where nannies do not live in their employers' homes, they can continue to go to their place of work. Guidance on working safely in other people's homes (including as a visiting childcare provider) is available at <https://assets.publishing.service.gov.uk/media/5eb967e286650c2791ec7100/working-safely-during-covid-19-other-peoples-homes-041120.pdf>. In addition, parents, as employers, should follow the guidance for employers to ensure everyone's safety. The government's guidance on working safely during COVID-19 is available at [Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19).

Where nannies live in their employers' homes, they can also continue to work and, where applicable, live-in nannies should also adhere to any other relevant government guidance for households. This includes [National lockdown: Stay at Home - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-lockdown-stay-at-home) and [Stay at home: guidance for households with possible or confirmed coronavirus \(COVID-19\) infection - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/stay-at-home-guidance-for-households-with-possible-or-confirmed-coronavirus-covid-19-infection)