

Variations for childminders

Quick reference guide

Updated 09.2014

The intention of the wording in requirements 3.30 and 3.40 to 3.42 of the revised EYFS 2014 is to allow childminders to be in charge of deciding how many children they are able to care for at any one time - by allowing them to be flexible within a set of clearly defined rules.

From 1st September 2012 Ofsted have not been involved in varying conditions of registration. When asked questions about ratios they refer childminders to the EYFS and their guidance document.

Let's look at the ratios in the EYFS...

Requirement 3.41 – normal childminder ratios -

At any one time, childminders may care for a maximum of six children under the age of eight (including the childminder's own children or any other children for whom they are responsible such as those being fostered).

This means - childminders can never care for more than 6 children under the age of 8 years old when working on their own. The childminder's own children are always within their ratios.

.....

Of these six children, a maximum of three may be young children, and there should only be one child under the age of one. A child is a young child up until 1st September following his or her fifth birthday.

This means - childminders can normally care for 3 children under the age of 5 of whom 1 can be a baby under the age of 1. Any exceptions / variations are changes to the normal ratios as clearly stated in this requirement.

.....

Requirement 3.42 - the 'rising 5' rule states –

If children aged four and five only attend the childminding setting before and/or after a normal school day, and/or during school holidays, they may be cared for at the same time as three other young children.

This means – when a child is in full time school they are 5 for the purposes of ratios and childminders can replace them with a younger child. This applies to the childminder's own children as well as childminded children. It applies in term time and school holidays once a child is in full time, 10 sessions a week school (not settling in at the start of the autumn term). School = reception class (a 'normal school day'), not nursery or pre-school.

A 'normal school day' is defined by the Department for Education (Regulation 10(1) of the *Education (Schools and Further Education) Regulations 1981*) as two sessions with a break in the middle of the day between those two sessions.

.....

Requirement 3.30 – exceptions can be made -

Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made.

This means – the exceptions noted in the EYFS “are not meant to be exhaustive and do not exclude other adjustments to ratios being made in exceptional circumstances such as cases when there are continuity of care concerns” (DfE, 09.2014).

Note – changes to ratios cannot be made for new business – to take on a new child. Changes to ratios / variations can only for continuity of care in exceptional circumstances.

.....

Requirement 3.42 - exceptions for babies –

If a childminder can demonstrate to parents and/or carers and Ofsted inspectors or their childminder agency that the individual needs of all the children are being met, exceptions to the usual ratios can be made when childminders are caring for sibling babies, or when caring for their own baby.

This means - if you can show that you can meet each child's individual needs then you can look after 2 babies under 1 if they are siblings or if you have you own baby. You can do this without needing to clarify the situation with Ofsted. Note that some local authorities have their own reporting requirements.

It has been clarified that the exception for 'sibling babies' may refer to any circumstances where childminders are asked to care for more than one baby - this includes 2 babies who are siblings (as in the case of twins) or the baby brother or sister of an older child already in the childminder's care.

.....

Requirement 3.41 reminds childminders –

Any care provided for older children must not adversely affect the care of children receiving early years provision.

This means – if you care for an older child and that child's care is impacting on the younger children in your provision, you must give notice to them. The care, learning and development needs of the younger children must come first.

.....

Consulting with other families

Ofsted state that other families must be consulted with before changes to ratios are organised.

This means - if you are considering changes to your ratios, other parents should be consulted first so they can consider whether their child's needs will still be met when you are working with higher ratios. You need to make sure other parents understand how this will impact on their children if the ratios change goes ahead. It might be helpful to have other parents' views in writing to share with Ofsted in case there is a query in the future - but this is not a requirement of Ofsted (some local authorities might require it before variations are put in place).

It is good practice (not a requirement) to share your risk assessment with parents.

Risk assessing variations

Ofsted and the DfE advise that we must consider each request to change the conditions of ratios carefully, on a case-by-case basis. Ofsted state that a risk assessment must be carried out to show how the babies' and children's needs will be met.

A risk assessment will include careful consideration of the following points -

- Reason for variation - is it continuity of care / an unavoidable short-term emergency situation?
- Is the variation within the rules of the EYFS? Do I still comply with the ratios of the EYFS - do I have less than 6 children under the age of 8? The rules are stated in the previous pages – make sure you can show you are complying with one of the EYFS requirements.
- Do I need to ask my LA advisor / agency first?
- Consulting other families - are all the parents happy that I will continue to provide effective care and learning for their child? Do parents understand what the variation might mean for their own child's care? You **must** be able to demonstrate to parents (as well as Ofsted) that the individual needs of all the children are being met.
- Do I have enough floor space? You should check your floor space every time you organise a variation, measuring round your furniture and planning it out on paper to show it has been done.
- Am I covered by my insurance?
- Am I complying with local planning laws? You are advised to check with your LA planning department before changes to ratios are made. I suggest any conversations / letters from the planning office are filed in case of query by neighbours, parents or Ofsted at a later time.
- Do I have the furniture, resources and equipment needed to support the extra child?
- Behaviour management - will having an extra child work with the current mixture of children?
- Is my day well organised to meet all the children's individual needs? Will I be able to deliver the learning and development requirements of the Early Years Foundation Stage to all the children and help them make the best possible progress while I have more than 3 under 5 on the premises?
- Can I still deliver both care and learning effectively to all the children?
- How do I intend to meet all the safeguarding and welfare requirements of the EYFS?
- Any other comments...

Ratios must only be changed if you can prove to Ofsted during inspection (and in the case of a complaint being made against you) that you will continue to meet all the children's needs. **Note** that a **NEW** variation must be carefully considered and re-written every time you change your numbers and that the variation runs out when the child leaves or moves up into another age range.

.....

To summarise the ratios requirements

Ratios can be changed if...

- The variation is the exception rather than the norm (requirement 3.30)
- The variation is for continuity of care not new business (requirement 3.30)
- The childminder, when working on their own) has a maximum of 6 children on the premises only (requirement 3.41)

Ratios can be changed to allow...

- 2 babies under the age of 1 - sibling babies or the childminder's own baby only (requirement 3.42)
- An extra child under school age for continuity of care if, for example, parents work arrangements change (requirement 3.30)
- An extra child when an older child starts in full time school (requirement 3.40)

Ofsted also state that ratios can only be changed if...

- A risk assessment is completed
- Parents are happy with the arrangement
- Floor space is available for all the children (requirement 3.57)
- Insurance, planning and any local requirements are met.

Remember when considering adjusting ratios that a variation must only be done in the best interests of the children - to offer continuity of care for example or to accommodate a family already with the childminder who have a new baby and do not want to leave.

This means - other children must not be adversely affected by a change in ratios.

If you have any further questions about changes to ratios please ask –

Childminding Forum – www.childmindingforum.co.uk

Independent Childminders Facebook group -

<https://www.facebook.com/groups/independentchildminders>.

References

- Ofsted
- Early Years Foundation Stage (EYFS), 2014 © DfE
- Childminding Forum – www.childmindingforum.co.uk - various threads
- Independent Childminders Facebook group –
<https://www.facebook.com/groups/independentchildminders>
- Ofsted variations fact sheet –
<http://www.ofsted.gov.uk/resources/factsheet-childcare-numbers-and-ages-of-children-childminders-may-care-for>
- Variations for childminders - written by Sarah Neville / Knutsford Childminding for the Childminding Forum with input from Ofsted
- Conducting early years inspections © Ofsted, Aug 2014 –
<http://www.ofsted.gov.uk/resources/conducting-early-years-inspections>

Disclaimer – however carefully researched my material might be it is not possible to guarantee the accuracy or completeness of any of the information contained in my documents. I therefore accept no liability for any inaccuracies or any loss or damage arising from the use or reliance on information obtained from this or any of my documents.

Mistakes – if you spot any errors or omissions or links that no longer work please email me and let me know so I can correct them for future versions. I cannot be held responsible for the content or availability of linked sites unless owned or managed by me.

Information taken from EYFS statutory documents - information related to the EYFS has been taken from the DfE website. Information sourced from the DfE has been reproduced as per the Open Government Licence for Public Sector Information, which can be viewed on the following website – <http://www.nationalarchives.gov.uk/doc/open-government-licence>. The source of the information is acknowledged as EYFS © DfE / Crown Copyright 2014.

Copyright protection – this document is freely available on the internet for all childminders to access. If you use my work please acknowledge my intellectual property by adding my copyright to the document. Thank you.