

Variations and staff / assistants

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EYFS requirement 3.43 - *If a childminder employs an assistant or works with another childminder, each childminder (or assistant) may care for the number of children permitted by the ratios specified above (subject to any restrictions imposed by Ofsted or the relevant childminder agency on registration).*

'Ratios specified above' relates to EYFS requirement 3.41 –

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). Of these six children, a maximum of three may be young children, and there should only be one child under the age of one.

Ofsted state that inspectors will continue to use conditions of registration to restrict numbers of children where it judges childminders may not increase numbers of children through using an assistant. This means that if you have an assistant you might not be automatically allowed to care for 6 children each – Ofsted inspectors will still determine whether they think you have changed your ratios correctly during inspection.

However, having said that, unless you have a condition on your registration, for example the house from which you are working together might be too small OR your childcare experience is limited –

- A childminder can have 6 children under 8;
- An assistant can have 6 children under 8;
- A co-childminder can have 6 children under 8.

Note - if you work with more than 2 members of staff at the same time you are no longer a childminder – you are Childcare on Domestic Premises and different rules apply –

<http://www.ofsted.gov.uk/early-years-and-childcare/become-childminder-agency-childcare-provider-or-childminder/register-provide-childcare-dp>.

Requirement 3.9 – suitable people

To comply with requirement 3.9 - *Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.*

If you change the amount of children you care for your assistant, co-childminder or apprentice must have –

- A CRB check or DBS disclosure.
- An up-to-date paediatric first aid certificate (requirement 3.25).
- An Ofsted 'suitability' letter.

You must also be confident that they are *competent in the areas of work they undertake* (EYFS requirement 3.24).

This means - if you intend leaving assistants / staff alone with the children they **MUST** be within their own ratios at all times – you **cannot** leave a member of staff with 4 under 5 while you pop to the shop – that is not an exceptional circumstance or an emergency so it cannot be used as a reason for a variation.

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Requirement 3.43 – the 2 hour rule -

Children may be left in the sole care of childminders assistants for two hours at most in a single day (The Childcare (Exemptions from Registration) Order 2008 specifies that where provision is made for a particular child for two hours or less a day, the carer is exempt from registration as a childminder). Childminders must obtain parents and/or carers' permission to leave children with an assistant, including for very short periods of time.

Assistants can only be left unsupervised with children for up to 2 hours a day and you must have parents written permission first.

This means - if you intend leaving children in the sole care of an assistant, even for a few minutes while you pop to the shop or do the school run - or if you want the assistant to do the school run - you must have parents' written permission before the children are left.

I would suggest that 'very short periods of time' include trips to the toilet and, if you work with an assistant, you should always have a 'permission to leave children with an assistant' form signed by parents. However, this is not clarified in the requirements.

Inspectors look for a register which records times unsupervised. If you change your ratios because you have an assistant or other staff working with you, a staff attendance register will also help you to prove that your assistant was present when more than the normal ratios of children were on the premises.

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Other information you must have in place

If you do want to change your ratios to more than 6 under 8 when working with an assistant, co-childminder or apprentice you **must** –

- Check whether you need planning permission from your Local Authority – if you look after more than 6 under 8 because you are working with a member of staff and you do not find out if you need planning permission, it is likely that you will be childminding illegally. Planning can (and have) shut childminders down.
- Make sure you are covered by your childminding insurance.
- Calculate your floor space very carefully – remember outside space, kitchens and hallways are not included.

Note - you **must** do **all** these things **before** you start caring for more children than you can care for in your own ratios. Do not risk taking on extra children before your assistant's suitability letter is in your hand.

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>

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