



Changes to the EYFS Statutory Framework for childminders

Effective from 4 January 2024

Updated 2 February 2024

Following further, minor changes to the EYFS statutory framework for childminders made by the DfE on the 19 January -this guide has been updated to reflect these changes. Section 1 shows the most recent changes and section 2 details the changes that were made effective 4 January 2024.

Section 1

Was	Now	What this means for you
<p>3.11 Ofsted, or a childminder’s CMA, is responsible for checking the suitability of:</p> <ul style="list-style-type: none"> • The childminder. • Every other person looking after children in the setting • Every other person aged 16 and over living or working on the same premises the childminding is being provided. 	<p>3.11 Ofsted, or a childminder’s CMA, is responsible for checking the suitability of:</p> <ul style="list-style-type: none"> • The childminder. • Every other person looking after children on the premises. • Every other person aged 16 and over living or working on the same premises the childminding is being provided. 	<p>Wording changed for consistency.</p>
<p>3.24 What practitioners know, plan for, and do matters for children’s learning, development, safety, and happiness in settings. Childminders must have appropriate qualifications, training, skills, knowledge, and a clear understanding of their role and responsibilities in order to provide good quality early years provision.</p>	<p>3.24 What practitioners know, plan for, and do, matters for children’s learning, development, safety, and happiness in settings. Childminders must have appropriate skills, knowledge, and a clear understanding of their role and responsibilities in order to provide good quality early years provision.</p>	<p>Updated to for consistency to allow childminders the freedom to decide how to achieve the required level of knowledge and understanding, in a way that best suits their needs.</p>
<p>3.42 At any one time, childminders (whether providing the childminding on domestic or non-domestic premises) may care for a maximum of six children under the age of eight [footnote 18]. This includes the childminder’s own children and any other children for whom they are responsible, such as those being fostered.</p> <p>Footnote 18 - Including the childminder’s own children or any other children for whom they are responsible such as those being fostered.</p>	<p>3.42 At any one time, childminders (whether providing the childminding on domestic or non-domestic premises) may care for a maximum of six children under the age of eight. This includes the childminder’s own children and any other children for whom they are responsible, such as those being fostered.</p>	<p>Footnote removed as it is included in main text. Subsequent footnote numbers have been updated. If you have used the footnote numbers in any material in your setting you should check these and make corrections where necessary.</p>

Was	Now	What this means for you
<p>3.61 Childminders must ensure a first aid box with appropriate items for use on children is always accessible. Childminders must keep a written record of accidents or injuries and first aid treatment. Childminders must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, of any first aid treatment given.</p>	<p>3.61 Childminders must ensure a first aid box with appropriate items for use on children is always accessible. Childminders must keep a written record of accidents or injuries and first aid treatment. Childminders must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, and of any first aid treatment given.</p>	<p>Clarification that childminders must inform parents and/or carers of any first aid treatment given.</p>
<p>3.64 Childminders must take reasonable steps to ensure the safety of children, assistants, and others on the premises in the case of fire or any other emergency. Childminders must have:</p> <ul style="list-style-type: none"> • An emergency evacuation procedure. • Appropriate fire detection and control equipment (for example, fire alarms, smoke detectors, fire blankets and/or fire extinguishers) which is in working order. Fire exits must be clearly identifiable, and fire doors are free of obstruction and easily opened from the inside. 	<p>3.64 Childminders must take reasonable steps to ensure the safety of children, assistants, and others on the premises in the case of fire or any other emergency. Childminders must have:</p> <ul style="list-style-type: none"> • An emergency evacuation procedure. • Appropriate fire detection and control equipment (for example, fire alarms, smoke detectors, fire blankets and/or fire extinguishers) which is in working order. Fire exits must be clearly identifiable, and fire doors free of obstruction and easily opened from the inside. 	<p>Correction to sentence structure.</p>
<p>3.67 Where the space standards are applied, childminders cannot increase the number of children on roll because they additionally use an outside area. Exclusively (or almost exclusively) outdoor provision is not required to meet the space standards above as long as children's needs can be met. For this kind of provision, indoor space requirements can be used as a guide for the minimum area needed.</p>	<p>3.67 Where the space standards are applied, childminders cannot increase the number of children on roll because they additionally use an outside area.</p>	<p>For childminders, indoor space requirements can be used as a guide for the minimum area needed. The sentence removed was intended to only be included in Group and school-based provider version.</p>

Section 2

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p style="text-align: center;">1</p> <p>Change wording on English as an Additional Language (EAL) requirement, from “must” to “may”</p>	<p>1.13 For children whose home language is not English, providers must take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.</p>	<p>1.9 For children whose home language is not English, childminders may take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.</p>	<p>The aim of changing this requirement is to alleviate what could be an unreasonable request of some providers, especially if multiple home languages are represented by children in the setting. This change will offer providers flexibility to best address the support needs of individual children.</p> <hr/> <p>PACEY members can access the following resources:</p> <ul style="list-style-type: none"> • Factsheet Supporting Children and Families with English as an Additional Language (EAL) • CEY smart course: Stories and English as an additional language (EAL)
<p style="text-align: center;">2</p> <p>Allow childminder assistants to hold the role of key person</p>	<p>1.16 Each child must be assigned a key person (footnote 9) Footnote 9 In childminding settings, the key person is the childminder.</p>	<p>3.38 Each child must be assigned a key person. In childminding settings, the key person is the childminder, or can be an assistant where appropriate.</p>	<p>This could alleviate the workload for some childminders, by giving their assistants greater opportunity for responsibility, and offering career development opportunities for assistants and has the potential for childminders to expand their provision.</p> <hr/> <p>CEY smart course Role of the key person</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p>3</p> <p>Move the Early Learning Goals (ELGs) from the childminder EYFS to an annex</p>	<p>Page 11 Early learning goals</p>	<p>Page 37 Annex C: Early Learning Goals</p>	<p>This clarifies that the ELGs are to be used as part of the EYFS Profile assessment (usually carried out at the end of reception year by the reception teacher). It is rare that childminders will need to complete the EYFS Profile assessment. The ELGs are not a curriculum.</p>
<p>4</p> <p>Change language on collection of physical evidence.</p>	<p>2.2. Assessment should not entail prolonged breaks from interaction with children, nor require excessive paperwork. When assessing whether an individual child is at the expected level of development, practitioners should draw on their knowledge of the child and their own expert professional judgement and should not be required to prove this through collection of physical evidence.</p>	<p>2.2 Assessment should not involve long breaks from interaction with children or require excessive paperwork. When assessing whether an individual child is at the expected level of development, childminders should draw on their knowledge of the child and their own expert professional judgement. Childminders are not required to prove this through collection of any physical evidence.</p>	<p>It is important to consider if, how and why you record assessments about children.</p> <p>PACEY Members can access the following resources:</p> <ul style="list-style-type: none"> • PACEY Live: Effective assessments: A Masterclass with Jan Dubiel • Resource hub topic: Observation, assessment and planning • CEY smart course: The seven key features of effective practice: assessment

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p data-bbox="69 185 190 304">5</p> <p data-bbox="62 320 546 432">Significantly amend the section on the EYFSP in the childminder EYFS (including removing the RBA)</p>	<p data-bbox="589 201 1059 312">Assessment at the end of the EYFS – the Early Years Foundation Stage Profile (EYFSP)</p> <p data-bbox="589 320 1093 711">2.9. In the final term of the year in which the child reaches age five, and no later than 30 June in that term, the EYFS Profile must be completed for each child. This includes those children who, by exception, complete the EYFS in an Ofsted or childminder agency registered setting and who are due to start school in year 1 in the following academic year.</p>	<p data-bbox="1137 201 1608 312">Assessment at the end of the EYFS – the Early Years Foundation Stage Profile (EYFSP)</p> <p data-bbox="1137 320 1637 472">2.10 ...This is therefore usually undertaken by reception teachers, but on rare occasions it could be undertaken in other settings too.</p> <p data-bbox="1137 480 1637 1031">2.11 A childminder must complete the EYFS profile only where a child they are caring for has not started school by the final term of the year in which the child reaches age 5, and will complete the EYFS in their setting. Therefore, it is very rare that a childminder would need to complete the EYFS Profile assessment. Childminders that are in this position must refer to Annex B and C to view the early learning goals (ELGs) and requirements of the Profile assessment.</p>	<p data-bbox="1675 201 2168 472">Much of the information in this section of the EYFS is not relevant to the vast majority of childminders. For example, the Reception Baseline Assessment (RBA) is only undertaken in reception year at schools. It would not be carried out by childminders.</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p data-bbox="69 204 185 323">6</p> <p data-bbox="58 539 510 730">Remove the requirement for childminders to complete EYFS training before registration and instead continue to require EYFS knowledge and understanding</p>	<p data-bbox="584 395 1097 751">3.24. Childminders must have completed training which helps them to understand and implement the EYFS before they can register with Ofsted or a childminder agency. Childminders are accountable for the quality of the work of any assistants and must be satisfied that assistants are competent in the areas of work they undertake.</p>	<p data-bbox="1140 376 1621 608">3.26 Childminders must demonstrate that they have knowledge and understanding of the EYFS, including how to implement it, as part of their registration with Ofsted or a CMA.</p>	<p data-bbox="1677 212 2177 727">This change will give applicants the freedom to decide how to achieve the required level of knowledge and understanding, in a way that best suits their needs. There is no change to the requirement for childminders to understand, and be able to implement, the EYFS. Childminders will still be expected to demonstrate this knowledge to Ofsted, or their CMA, and they will continue to be assessed in the same way, at their pre-registration visit.</p> <p data-bbox="1677 786 2177 1541">Looking for training opportunities, PACEY has it covered. Our Level 3 Award in Preparing to Work in Home-based Childcare (HBCA) is the most comprehensive qualification to help you cover everything you need to begin a career in home-based childcare as a childminder in England. If you don't need the full HBCA, consider these shorter courses which will soon be updated to reflect the changes:</p> <ul data-bbox="1697 1270 2085 1382" style="list-style-type: none"> • Building your childminding business course • Delivering the EYFS course <p data-bbox="1677 1390 2177 1541">PACEY Members have access to over 65 CEY smart bite-sized courses designed to help you support children better.</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p>7</p> <p>Remove the requirement for childminders to display PFA certificates, instead make these available on request</p>	<p>3.25 ...Providers should display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate.</p>	<p>3.36 Childminders should make PFA certificates, or a list staff who have a current PFA certificates, available to parents on request.</p>	<p>This will alleviate the potentially unreasonable requirement to make childminders physically display a certificate when, for example, hosting a digital copy on a website may be easier for the childminder and more accessible for a parent.</p> <p>Is your training up to date? PACEY members get 10% discount on PFA training with Tigerlily. Book your course now.</p>
<p>8</p> <p>Include “other electronic devices with imaging and sharing capabilities’ to safeguarding requirement.</p>	<p>3.4 The safeguarding policy and procedures must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff, and cover the use of mobile phones and cameras in the setting.</p>	<p>3.7 Safeguarding policies must include: [...]• How mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting.</p>	<p>The change reflects that new technologies, e.g. smart watches, have imaging and sharing capabilities. Update your policies to ensure you have considered the risk that electronic devices pose.</p> <p>PACEY Members can use the Sample policies</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p data-bbox="69 220 199 344">9</p> <p data-bbox="56 435 539 627">Provide further information on safeguarding responsibilities when childminders are working in a group (including change on child protection language)</p>	<p data-bbox="584 293 1066 443">3.5 ...The lead practitioner is responsible for liaison with local statutory children's services agencies, and with the LSP.</p>	<p data-bbox="1140 213 1626 603">3.4 Childminders working alone or with assistants must take lead responsibility for safeguarding children in their setting. Childminders must know how to contact the local statutory children's services, and the LSP (local safeguarding partners). All practitioners must be alert to any issues of concern in the child's life at home or elsewhere.</p> <p data-bbox="1140 655 1626 1204">3.5 In the case of childminders working together, each childminder is responsible for meeting the requirements of their own registration. Childminders must know that they have a shared responsibility when working together for the wellbeing of all the children present. Therefore, where childminders work together, each childminder also has a responsibility to refer any concerns where another childminder does not continually meet the requirements of their registration.</p>	<p data-bbox="1677 213 2145 405">This provides clarity as to who takes responsibility when a group of childminders work together. Make sure you understand your role and responsibilities.</p> <hr/> <p data-bbox="1677 660 2175 970">Our Safeguarding children training course has been designed to help you meet your responsibilities and will soon be updated to reflect the changes. It will help ensure you have the confidence to recognise, respond to and refer a child for further help if you should have any concerns.</p> <p data-bbox="1677 1023 2175 1093">PACEY Members also have access to the Resource hub topic: Safeguarding.</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p>10</p> <p>Allow 'kitchens' to be considered within floor space requirements</p>	<p>3.58. The premises and equipment must be organised in a way that meets the needs of children. Providers must meet the following indoor space requirements⁵⁹ where indoor activity in a building(s) forms the main part of (or is integral) to the provision: ... ⁵⁹ These calculations should be based on the net or useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, kitchens and toilets.</p>	<p>3.65 The premises and equipment must be organised in a way that meets the needs of children. Providers must meet the following indoor space requirements where indoor activity in a building(s) forms the main part of (or is integral) to the provision: • Children under two years: 3.5m² per child. • Two year olds: 2.5m² per child. • Children aged three to five years: 2.3m² per child. 3.66 These judgements should be based on useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, and toilets. Childminders should consider what areas within their kitchens are safely usable.</p>	<p>It is always best practice to risk access the spaces you use for childminding.</p> <p>PACEY Members can find supporting resources in our Resource hub topic: Risk assessment</p>
<p>11</p> <p>Change wording on confidential areas for childminders</p>	<p>3.62. Providers must also ensure that there is an area where staff may talk to parents and/or carers confidentially, as well as an area in group settings for staff to take breaks away from areas being used by children.</p>	<p>3.71 Childminders must ensure that: • On request, they can make available an area where they may talk to parents and/or carers confidentially.</p>	<p>Childminders may struggle to always have a private space when working from their home but be able to make one available if needed. Think about the spaces you have available to you and how you could use them if you needed to talk confidentially.</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p>12</p> <p>Allow childminders to display a copy of their certificate of registration digitally and make available on request</p>	<p>Information about the provider 3.77. Providers must hold the following documentation: [...] • their certificate of registration (which must be displayed at the setting and shown to parents and/or carers on request)</p>	<p>Information about the childminder 3.85 Childminders must hold the following documentation: [...] • Their certificate of registration (which can be displayed digitally, for example on a childminder’s website, and must be made available to parents and/or carers on request).</p>	<p>This will help to alleviate a potential burden on childminders and make it easier for them to share the required information.</p>
<p>13</p> <p>Change wording on suitable person</p>	<p>3.9. Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles. Providers must have effective systems in place to ensure that practitioners, and any other person who may have regular contact with children (including those living or working on the premises), are suitable²¹.</p>	<p>3.10 Childminders and any assistants must be suitable; they must have the relevant training and have passed any required checks to fulfil their roles. Childminders must also ensure any person who may have regular contact with children (for example, someone living or working on the same premises where the childminding is being provided), must also be suitable⁸.</p> <p>3.11 Ofsted, or a childminder’s CMA, is responsible for checking the suitability of: • The childminder. • Every other person looking after children in the setting • Every other person aged 16 and over living or working on the same premises the childminding is being provided.</p>	<p>It is the responsibility of the childminder agency (CMA) or Ofsted to carry out suitability checks on behalf of the childminder.</p> <p>Looking for training opportunities, PACEY has it covered. Consider these short courses which will soon be updated to reflect the changes</p> <ul style="list-style-type: none"> • Building your childminding business course • Delivering the EYFS course • Safeguarding children