Frequently Asked Questions for West Sussex Early Years and Childcare Providers – COVID-19 response

23 March 2020

These questions seek to provide additional information specific to West Sussex early years providers. In this document, where we refer to settings or providers, this includes all early years providers, groups settings and childminders.

Please make sure you continue to check the information on the government website to ensure you have the most up to date information:
Gov.UK – guidance around 'key workers'
Gov.UK - COVID-19: guidance for educational settings
Gov.UK - COVID-19: guidance on vulnerable children and young people (NEW)
Gov.UK - COVID-19: closure of educational settings information for parents and carers (NEW)
Gov.UK - COVID-19: free-childcare-offers-to-continue-during-coronavirus-closures (NEW)
Gov.UK - COVID 19: support for businesses (NEW)
NHS111
Public Health England
Public Health England (blog)
West Sussex County Council

Department for Education coronavirus telephone helpline:

- 0800 0468687 (0800-1800 Monday-Friday)
- DfE.coronavirushelpline@education.gov.uk

1. How much flexibility is there in ratios and qualification requirements if I am remaining open?

Although Ofsted have suspended routine inspections, there has been no information to suggest any relaxing of statutory requirements so we would expect all statutory requirement to be adhered to in order to keep children and staff safe.

2. The criteria for key workers is broad, is there any additional guidance as to who is included?

The government has provided this additional guidance:

Parents whose work is critical to the COVID-19 response include those who work in health and social care and in other key sectors outlined below. Many parents working in these sectors may be able to ensure their child is kept at home. And every child who can be safely cared for at home should be. To help you to have this discussion with your parents, please see this flowchart.

Please follow these key principles:

1. If it is at all possible for children to be at home, then they should be.
2. If a child needs specialist support, is vulnerable or has a parent who is a critical worker, then educational provision will be available for them.
3. Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends, or family members with underlying conditions.
4. Parents should also do everything they can to ensure children are not mixing socially in a way which can continue to spread the virus. They should observe the same social distancing principles as adults.
5. Residential special schools, boarding schools and special settings continue to care for children wherever possible.

3. Do vulnerable children include any of the following groups?

- **2 year old funded children**
- **Children in receipt of EYPP**
- **Children identified using the CLAWBA indicators**
- **Children receiving DAF**
- **Children in receipt of inclusion funding**
- **SEN children who do not as yet have an EHCP**

The government definition of vulnerable children include children who are supported by social care, including child in need plans, on child protection plans, children looked after, young carers and those with finalised education, health and care plans (EHCPs). As, for most children, the safest place for them to be is at home, we are not intending to widen the definition of vulnerability at this time.

For children with SEND, the government has provided this additional information:

"If the local authority has not yet issued an EHCP for your child, then they will not automatically be included in this group of children. However, their educational setting and local authority have discretion to undertake a risk assessment and offer support if that is needed."

4. We are currently having difficulty providing food and milk to children in our settings, how can we operate in these circumstances?

Currently there are some issues with food distribution, which should settle down over the coming days. We would suggest that you work with other local childcare providers and with families to try and find solutions to this problem. For example, asking parents to provide food and drink where they can, linking with other providers to buy in lunches together if your provider has a minimum number for bookings.

5. Is there a minimum number of children you need to stay open for?

At times of change and uncertainty, it is best for children to have some consistency in provision and to be with familiar adults so, where possible, we would encourage you to stay open if you have children needing to access early years provision. If you have only small numbers of children, or staff absences, it may not be possible to operate effectively within the statutory requirement so we would suggest you work with other local providers, which could include schools, to come to arrangements that meets the needs of children, families and yourselves as businesses. Your EYCA may be able to support with planning these arrangements.

Individual providers will need to take responsibility for ensuring that all statutory requirements are adhered to. This will include completing all necessary paperwork and induction processes for staff and children. Please make sure you are compliant with your insurance policy.

In terms of opening for a small number of children being financially viable, please remember that the government acknowledges that in many cases, the insurance that early years providers have will not cover them for income lost during COVID-19-related closures.

That is one of the reasons why it announced on 17 March that government would not claw back early years entitlements funding from local authorities during closures, or where children are withdrawn because of COVID-19. This protects a significant proportion of early years providers' income.

In addition, the government has set out a range of support for businesses to reduce the impact of COVID-19 on them. This includes a business rate holiday for all private childcare providers for one year from 1 April. The government has also announced significant support for workers, which will help support private early years providers.

In light of these steps taken already, we are asking providers to where possible support the families as identified as key workers or vulnerable children, even when this means opening for a small number of children.

6. Will children with inclusion funding have support at a different setting if we had to close?

Inclusion funding will still be paid to the setting where the child usually attends. Where a child in receipt of funding is continuing to access early years provision but is not able to attend their regular setting, we would anticipate that the settings would work together to enable each child's needs to be met.

7. We have working parents on the key worker list that work weekends and evenings do we have to still offer them a space as they are at home during the day?

Government guidance states that, where possible, the children of key workers should be looked after at home. However, we need to be flexible to meet the whole family needs. For example, a key worker who has just completed a night shift may not be able to care for their child while they sleep following their shift so may need to access childcare for this reason. We anticipate early years providers to work with families to understand and plan for their needs.

8. Am I allowed to take new children if I have space and can I charge families for accessing this provision? Can I make these arrangements myself or do I need to go through the local authority?

If you have space in your provision and can still meet all statutory requirements, you can take additional children who need to access childcare who meet the criteria. There are no restrictions on charging parents, but we would encourage you to work in a way that supports families on the frontline over this period and use existing funding you are receiving flexibly, for example any Free Entitlement payments you are receiving for children who are not attending as well as the business rate holiday for all private childcare providers for one year from 1 April 2020.

We are happy for you to work directly with families to arrange childcare. We recommend that you use existing paperwork for new children making clear that the arrangements are temporary. There may be times where we contact you directly to support a family identified through our brokerage processes.

9. What is the definition of child supported by a social worker? Does this include those who have previously had social worker involvement?

The government guidance lists children who have a social worker as children in need, children who have a child protection plan and those who are looked after by the local authority. Families with previous social worker involvement and those with current Early Help support would not be included for this purpose.

There is an expectation that vulnerable children who have a social worker will attend settings, so long as it is safe for them to do so. In circumstances where a parent does not want to bring their child to the setting, and their child is considered vulnerable, the social worker and the provider should explore the reasons for this, directly with the parent, and help to resolve any concerns or difficulties wherever possible. Where parents are concerned about the risk of the child contracting the virus, the provider should talk through these anxieties with the parent following the advice set out by Public Health England.

Social workers will remain in contact with vulnerable children and families, including remotely if needed.

10. Do we need evidence from parent that they are a key worker?

The government suggest that if workers think they fall within the critical categories listed, they should confirm with their employer that, based on their business continuity arrangements, their specific role is necessary for the continuation of this essential public service. Providers may wish to ask key workers to see evidence of eligibility from their employer.

11. If a key worker works at home, do they qualify?

The guidance states that if children can be cared for at home, then they should be. However, for some people working from home, they may be unable to safely look after their children. In this case it may be better for the child to be at school or with an early years provider. Please discuss with families the best option for their child. The government has asked parents to keep their children at home, wherever possible, and for schools and settings to remain open only for those children who absolutely need to attend.

12. I care for a child whose mother is considered vulnerable and has been told to work from home, do I continue to care for this child? His dad is currently still working.

The vulnerability criteria is for children rather than adults so, unless either parent is a key worker, then they should be cared for at home.

13. We have been told by the Department for Education Coronavirus helpline that privately owned nurseries were not obliged to close and could open at the discretion of the owner. The main obligation was to separate children of key workers to afford them maximum protection.

The situation is constantly changing, so please check the DfE website. Guidance issued on 22 March 2020 states:

“We have asked parents to keep their children at home, wherever possible, and for schools to remain open only for those children who absolutely need to attend.

It is important to underline that schools, all childcare settings (including early years settings, childminders and providers of childcare for school-age children), colleges and other educational establishments, remain safe places for children. But the fewer children making the journey to school, and the fewer children in educational settings, the lower the risk that the virus can spread and infect vulnerable individuals in wider society.

Schools, and all childcare providers, are therefore being asked to continue to provide care for a limited number of children - children who are vulnerable, and children whose parents are critical to the Covid-19 response and cannot be safely cared for at home."

As such, you should not offer places to children other than those listed by the government as priority.

14. I am a childminder and I look after school age children. Can I stay open?

There is no specific guidance about this yet, but we would suggest that, to support key workers to be able to attend work, you continue to offer this service to those families.

15. Can we advise the schools that childcare workers are key workers please?

The government list does specifically include childcare workers in the list of key workers so should be able to access school provision if needed. Schools can be referred to the government website for clarification.

16. We have staff who potentially fall under the high risk category for COVID-19. Would it be advisable to close the setting if some staff are high risk, and remaining staff didn't have the experience?

Your setting needs to ensure that they are operating within statutory guidelines and is following the government guidance in terms of social distancing/self-isolation. If you are still able to operate within these guidelines, then this would be the best solution, but if you are unable to open, we recommend that you work with local providers to ensure that the needs of local children and families entitled to childcare are met. Please ensure you inform the Family Information Service if you need to close. Instructions of how to do this were in the COVID-19 setting update email 5 on 23 March.

17. Can a nursery charge parents for hours even if it is closed? Does a parent have to pay for hours not attended?

The government acknowledges that in many cases, the insurance that early years providers have will not cover them for income lost during COVID-19-related closures.
That is one of the reasons why it announced on 17 March that government would not claw back early years entitlements funding from local authorities during closures, or where children are withdrawn because of COVID-19. This protects a significant proportion of early years providers' income.
In addition, the government has set out a range of support for businesses to reduce the impact of COVID-19 on them. This includes a business rate holiday for all private childcare providers for one year from 1 April. Local authorities will

be fully compensated for the cost of this. The government has also announced significant support for workers, which will help support private early years providers.
In light of these steps taken already, we are asking providers to be reasonable and balanced in their dealings with parents.

18. I am staying open to support vulnerable children and the children of key workers, how do I keep myself, the children and my staff safe?

Please make sure that you are following the guidelines published by the DfE and Public Health England and that your environment and activities are planned to maintain social distancing where possible.

For example:

- Plenty of hand washing
- Cleaning of toys at the end of the session/day
- Creating space between children at meal times
- Consider any activities that may not support social distancing, such as circle time

19. Is there any specific recording I need to keep for children attending my setting during this time?

To be consistent with the information schools are being asked for, we are asking providers to keep a clear record of attendance over this period so that we can have an audit trail. This template will allow settings to record attendance and the priority group that the children are in. Please retain these completed forms to support with funding queries.

TEMPLATE: Record of children in attendance (Excel 68KB)

If you have any additional questions, please email us at family.info.service@westsussex.gov.uk and title your email "COVID-19 setting query". We will review the questions and post answers regularly over the coming weeks via the broadcast email.

Links to previous FAQs:

- **Friday 20 March 2020**