

Safe Early Years Environments

Every child deserves the best possible start in life with the opportunity to learn and develop in an environment that is both safe and secure. Parents who use early years services, should be able to do so confident in the knowledge that their children will be getting the best possible experiences. The Early Years Foundation Stage (EYFS) is the framework that provides this assurance within an enabling environment where the risks are minimised and well managed because practitioners understand the components of a safe environment and take their responsibilities seriously.

This guide has been compiled by the Pre-school Learning Alliance, with support from the National Day Nurseries Association (NDNA) and National Childminding Association (NCMA), to support practitioners in making sure that children are kept safe at all times within the supportive framework of existing legislation and the experience of practice.

Background

In Every Child Matters, the Government set out aims to help all children and young people achieve five outcomes that children themselves have identified as being most important to them: being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well being. Download a copy of Every Child Matters: Change for Children from www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES/1081/2004.

All schools and Ofsted registered early years settings attended by children from birth to the end of the academic year in which they turn five have to meet the requirements of the EYFS, which reflects these outcomes throughout. Providers have a duty to ensure that their early years provision meets both the Learning and Development Requirements and the Welfare Requirements.

The EYFS has four guiding themes which work together to underpin effective practice in its delivery. The four themes of the EYFS are:

- **A Unique Child** - every child is a competent learner from birth who can be resilient, capable, competent and self-assured.
- **Positive Relationships** - children learn to be strong and independent from a base of loving and secure relationships with parents and/or a key person.
- **Enabling Environments** - the environment plays a key role in supporting and extending children's development and learning.
- **Learning and Development** - children develop and learn in different ways and at different rates, all areas of Learning and Development are equally important and inter-connected.

A set of Principles into Practice cards provide information about effective practice across the four guiding themes, putting the guidance into context and linking each back to the other three. The environment in which these four themes are supported is crucial and consequently must be safe and well managed. Download a copy of the Early Years Foundation Stage Framework from www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs.

The purpose of this guide is to:

- define a safe environment;
- discuss the concept of children taking risks;
- explain risk assessment and how it contributes to a safe environment;
- identify and explain the relevant legal context; and

- offer a framework for managing the above, which includes reflective practice and policies and procedures.

What is a safe environment?

Childcare may be provided within a variety of settings, from a childminder's home through to a purpose built building, making it difficult to be too prescriptive about how a safe environment can be achieved. The obvious starting point is to ensure that basic principles are being followed; for example, no matter how good the security of a building is, the doors must be closed properly in the first place, otherwise all other efforts are likely to be worthless. The message that safety begins with individuals taking responsibility for simple things cannot be overemphasised. Next, a safe environment meets its registration requirements; there are two registers, the Early Years Register (EYR) and the Ofsted Childcare Register (OCR). Settings which provide daycare for children under five have to be registered on the EYR. The OCR has a compulsory part, which applies to childminders and providers of childcare for children of formal school age up to eight years old, and a voluntary part for providers of services to children over the age of eight and also for younger children that are exempt from compulsory registration. Further information about existing registration regulations can be found at www.ofsted.gov.uk.

Meeting registration requirements means that a setting will be complying with the law and legislation, but providing and maintaining a safe environment requires a greater understanding from everybody involved and a shared belief in the philosophy of that setting as to exactly what it is they want to achieve.

The components of a safe environment start with the child and will include:

- **The physical environment** - the actual building in which care is provided. Indoor and outdoor areas where children learn, play and develop must be accessible for users whilst maintaining levels of security that keep children safe and protected from harm.
- **The people** - those providing care are "suitable" persons (as defined in the EYFS Welfare Requirements) and others who have contact with the children and premises are appropriate to do so.
- **Equipment** - play equipment and care equipment which is fit for purpose, appropriate for the needs of individual children and meets the guidelines for British and European standards. Further information about relevant safety marks, such as the Kite Mark, and CE Marking can be found at www.safekids.co.uk/ToySafetyMarks.html.
- **The emotional environment** – which enables children to grow, develop and reach their full potential, with opportunities to explore and take appropriate risks, enabling children to try out new skills and increase their knowledge and understanding of the world around them, through experiences which are both planned and unplanned.
- **Documentation** - policies and procedures and records that support all of the above which have clearly set out duties, responsibilities and actions.

When working with young children who are vulnerable, the challenges for creating and managing a safe environment are different again. Practitioners must work closely with a child's parents to address aspects which may not be covered in a risk assessment, but still need to be considered for an individual child's well-being; for example, having constant access to an appropriate quiet corner can give a sense of security to a child who is feeling overwhelmed. Other aspects regarding the physical capability/vulnerability of a child impact on how practitioners meet specific needs. There should be a focus on an enabling environment with equipment and resources that are suitable with sufficient space for relevant activities.

A word about safeguarding children

The environment is just one aspect of keeping children safe and protected, but could be said to be a basis for much of what contributes to safeguarding a child's welfare. However, if practitioners identify a child who is vulnerable or in need of protection, action must then be taken using policies

and procedures already in place and tools such as the Common Assessment Framework, which could in itself be described as a form of risk assessment when used by all agencies involved with a child and family in need of support. Parents' awareness of the setting's policies and procedures for safeguarding children promote confidence about safety and this will be reflected in their child's experiences. All settings must be aware of the procedures for dealing with concerns about a child's welfare as set out by their Local Safeguarding Children Board and the practice guidance What to Do If You're Worried a Child Is Being Abused, which can be downloaded from www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-04320-2006. Further information about the Common Assessment Framework can be downloaded from www.education.gov.uk/publications/eOrderingDownload/0337-2006BKT-EN.pdf.

Children taking risks

There is quite rightly much emphasis on keeping children safe in early years settings, with a duty to minimise risk in all situations. However, children need and instinctively want to be able to take risks in order that they can test their abilities and strengths. What better environment for them to do so than that of an early years setting where practitioners will already have removed hazards not readily identifiable to young children and will provide well managed opportunities for appropriate 'risk taking' to take place, for example; climbing to the top of the climbing frame, building a very tall tower of bricks and then knocking it down, or simply climbing the stairs. Children need support to take these risks as part of their learning and development.

Children with disabilities do not always have the freedom of choice compared to their more able peers, yet have the same need for opportunities to take risks. It is the responsibility of early years practitioners to assess and manage the level of risk in the environment, so that all children in their care have the opportunity to experiment and extend their abilities without the risk of undue harm.

When creating a safe environment for children, practitioners must consider their legal duty to identify and reduce or eliminate risk, but should also take into account those risks which are proportionate/acceptable too. The risk of falling off larger play equipment is quite high, however the risk of harm is minimised by ensuring that there is adequate supervision, correct positioning of the equipment (away from windows, or walls), crash mats, no overcrowding and some "rules" set by adults in accordance with individual children's level of understanding. The benefits will include children being able to expand their skills, as they climb higher, reach further, or balance for longer, but also experience the consequence of taking risks beyond their current ability.

Managing Risk in Play Provision: A Position Statement discusses the balance between the benefit and need for children to play against the duty of providers to provide safe play and is written for those involved in any kind of play setting. Download a copy from www.hse.gov.uk/foi/internalops/sectors/cactus/5_02_15.pdf.

What is risk assessment?

The Early Years Foundation Stage requirements ensure that essential standards of provision are in place, but it does not end there. Providers are required to conduct regular risk assessments, which identify aspects of the environment that need to be checked on a regular basis. The process should then involve deciding what should be done to prevent harm, making sure that the relevant actions are taken and are updated whenever necessary.

Health and safety law does not expect all risk to be eliminated – but that 'reasonable precautions' are taken and that staff are trained and aware of their responsibilities. This is particularly important in an early years setting, as children should be able to grow and develop being able to take appropriate risks through physically challenging play. Children must also have the opportunity and be encouraged to work out what is not safe and what they should do when they are faced with a risk.

Early years settings should already have comprehensive health and safety risk assessments that inform their procedures and a competent person identified to be in charge of the implementation. Staff in all settings and at every level should be involved in reviewing these, as they are the ones with the first hand knowledge as to whether the control measures are effective and can give an informed view to help update procedures accordingly. This will be increasingly important with the focus on identifying areas that need to be checked on a regular basis, as we work within the requirements of the EYFS and move away from the idea of a risk assessment being an annual or bi-annual event, carried out under headings that rarely change.

Parental involvement should also be welcomed as they have an active role to play too. They should be made aware of their responsibilities, such as closing gates behind them and not letting strangers into the building, and encouraged to report any potential hazards to staff. It is also good practice to invite parents to take part in reviews of procedures whenever possible.

The basis of effective risk management is that everybody is involved and can therefore take responsibility for their, and other's safety. This approach is encouraged in the EYFS acknowledging that every early years setting is different and that every service has different elements.

Risk assessments on aspects such as security of the building, fire safety, food safety, bathroom hygiene and nappy changing, outings, and personal safety of staff should already exist. What is being done with the children will require risk assessments in some cases – for example cooking activities, supervising children's use of climbing equipment, or a visit from somebody outside the organisation who may be bringing equipment to show the children as part of a topic. Risk assessments are necessary when making reasonable adjustments for disabled children/children with additional needs, staff or visitors and a pattern of minor accidents being recorded would also require action. Whatever the reason for the risk assessment, the process remains the same:

Risk assessment processes identify 5 steps that you need to take:

- **Identification of risk or hazard** - where is it and what is it?
- **Decide who is at risk and how** - for example childcare staff, children, parents, cooks, cleaners.
- **Evaluate the risks and decide on precautions** - can you get rid of the risk altogether, if not how can you control it?
- **Record your findings and implement them** - prioritise, make a plan of action if necessary.
- **Monitoring and review** - how do you know if what has been decided is working, or is thorough enough? If it is not working, it will need to be amended, or maybe there is a better solution.

It is usually the responsibility of the manager or person in charge to devise the format of the risk assessment using the above points; they must then ensure that they are carried out and that the completed forms are kept to inform procedures that guide your work on a day to day basis. Download the Health and Safety Executive publication Five Steps to Risk Assessment from www.hse.gov.uk/pubns/indg163.pdf.

Safety sweeps

Another way of assessing risk is the safety sweep that most practitioners already conduct on a daily basis, when setting up for the day prior to children arriving, or closing in the evening. These are often done informally and not always recorded unless the safety sweep has identified a risk that then requires formal assessment. For example, a safety sweep at the end of the day would involve checking that doors and windows are always locked. A risk assessment would be required if one of the window latches was becoming stiff and a practitioner had to stand on a chair in order to reach it to ensure it had closed properly.

A more formalised safety sweep contributes to meeting the EYFS Welfare Requirement for identifying aspects of the environment that need to be checked on a regular basis. It is similar to the opening and closing checks that are carried out in the Food Standards Agency's Safer Food Better Business pack which most practitioners will already be familiar with (see legal requirements).

The attached example of a daily safety sweep (Appendix 1) is for guidance only.

Managing and minimising risks

The legal context - main legislation and regulations

The EYFS does not replace any of the following legislation and regulations pertaining to services for young children. Finding your way around some of them can be a challenge, especially when there are frequent changes and amendments. However, it is vital that providers have an understanding of the relevant health and safety legislation and the legal requirements that underpin the EYFS. It is also helpful for practitioners at all levels to be familiar with the key legal requirements that affect their day to day practice and know where to access updates and further information.

Health and Safety at Work Act (1974) www.hse.gov.uk/legislation/hswa.htm

This is the main legislation that sets out employers' duties to staff, where more than 5 staff are employed, and to the public, as well as the duties of employees towards themselves and others.

Download Health and Safety Law: What You Need to Know from www.hse.gov.uk/pubns/law.pdf.

Management of Health and Safety at Work Regulations 1992
www.opsi.gov.uk/SI/si1999/19993242.htm

This requires employers to carry out risk assessments. Those with 5 or more employees need to record the findings of the risk assessment. Employers must appoint a competent person, ensure staff are aware and trained, know what to do in an emergency and, where premises are shared, have common procedures for all. This last point is relevant for settings who share premises, for example in a community building.

Download Health and Safety Regulations - A Short Guide from www.hse.gov.uk/pubns/hsc13.pdf.

Regulatory Reform (Fire Safety) Order 2005 www.opsi.gov.uk/si/si2005/20051541.htm

The new regime of fire safety enforcement came into force on 1 October 2006 replacing all previous fire safety regulations affecting childcare. The basis of the legislation is the fire risk assessment.

Download the guidance for schools and early years settings Fire Safety Risk Assessment – Educational Premises from www.communities.gov.uk/publications/fire/firesafetyrisk6.

Regulation (EC) 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0001:0054:EN:PDF>

This replaces the Food Safety (General Food Hygiene) Regulations (1995). All food businesses, including caterers, must apply food safety management procedures based on the principles of Hazard Analysis and Critical Control Point (HACCP) to their business. The basis for this is risk assessment as it applies to the purchase, storage, preparation and serving of food to prevent growth of bacteria and food contamination.

Download or order a copy of Safer Food Better Business from

www.food.gov.uk/foodindustry/regulation/hygleg/hyglegresources/sfbb/sfbbcaterers.

Electricity at Work Regulations 1989 www.opsi.gov.uk/si/si1989/Uksi_19890635_en_1.htm

This requires all electrical installations (supply and sockets etc) to be safe and that all appliances are safe. Employers are required to have these checked annually by a qualified electrician, so that any faults can be identified and remedied.

Download Electrical Safety and You from www.hse.gov.uk/pubns/indg231.pdf.

Medicines Act (1968)

www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1968/cukpga_19680067_en_1

This stipulates that medication prescribed by a doctor can be administered by a non-medically qualified person and that, in the case of children, parental consent must be gained. Records must be kept of all prescribed/non prescribed medication administered. Note: non-prescribed (over the counter) medication can be administered by providers with parents' prior written consent.

Download Managing Medicines in Schools and Early Years Settings from www.education.gov.uk/publications/eOrderingDownload/1448-2005PDF-EN-02.pdf.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995) (known as RIDDOR) www.opsi.gov.uk/si/si1995/Uksi_19953163_en_1.htm

This requires accident records to be kept, and that serious accidents that result in injuries needing treatment from a doctor, are reported to the Health and Safety Executive. In addition, outbreaks of a serious disease, the death of a child or adult, or a dangerous event, such as an explosion, are also reportable.

Download information and report form from www.hse.gov.uk/riddor/index.htm.

Care of Substances Hazardous to Health Regulations 2002 (as amended 2004) (known as COSHH) www.opsi.gov.uk/si/si2004/20043386.htm

This requires employers to keep a record of substances that could be hazardous to health, where they will be kept, how they will be used and for what purpose, as well as what to do if they contact skin, eyes or are ingested. In a nursery setting, this mainly applies to cleaning chemicals and those used for general maintenance.

Download Working with Substances Hazardous to Health: What You Need to Know About COSHH from www.hse.gov.uk/pubns/indg136.pdf.

Health and Safety (First Aid) Regulations (1981) *No printable version of the SI available - see guides*

This requires employers to have a qualified first aider, where more than 5 people are employed. There is also a duty of care to service users, including the need to hold a paediatric first aid qualification where young children and babies are cared for. This is also a legal requirement in the EYFS and a specific registration requirement of the Early Years Register.

Download First Aid at Work - Your Questions Answered from www.hse.gov.uk/pubns/indg214.pdf.

Download Basic Advice on First Aid at Work from www.hse.gov.uk/pubns/indg347.pdf.

Download Guidance for First Aid in Schools from <http://media.education.gov.uk/assets/files/pdf/g/gfas.pdf>.

Manual Handling Operations Regulations 1992 (as amended)

www.opsi.gov.uk/SI/si1992/Uksi_19922793_en_1.htm

This covers jobs that involve lifting. In an early years settings this will apply to lifting and carrying babies and young children, as well as furniture and large play equipment. It requires employers to ensure staff are trained to lift correctly, so as to reduce back strain and injury caused through work tasks.

Download FAQs from www.hse.gov.uk/contact/faqs/manualhandling.htm.

Health and Safety (Display Screen Equipment) Regulations 1992 (as amended)

www.opsi.gov.uk/si/si1992/Uksi_19922792_en_1.htm

This is to reduce 'repetitive strain syndrome' and eyesight problems in those using screens, such as computer screens, for long periods of time at work. It requires employers to ensure appropriate ergonomic workstations and that users have regular eyesight tests and have the right glasses if needed.

Managing a safe environment

The challenges

There may be some challenges within individual settings that will shape the environment and have an impact upon how it is managed. For example, a nursery or pre-school may have limited access to outdoor space, or have an area that is not aesthetically pleasing. They might have to 'make do' with an area that is used by others, which requires careful checking each day, or they may have to take children across a busy road to reach a suitable play area. If the setting has a positive ethos towards making the environment work for them, they will overcome such challenges using good risk assessment to create an environment that is both stimulating and safe for children (see Appendix 2 for an example risk assessment). A pre-school operating in a village hall or community building faces its own set of challenges. It is harder to value the environment you are working in when everything has to be packed away at the end of the day and the building you are in is not yours to alter. If practitioners working in this environment address the potential risks, they can then focus on the opportunities that are available to them. For example, a stage (if present) can become the deck of a ship, top of a mountain or just somewhere to put on a play. Even an environment that is not ideal has the potential to become a 'safe environment' when providers have fulfilled their statutory obligations and have a philosophy of innovation towards the challenges presented.

Parents' perceptions of a safe environment for their children have an impact upon their choice of childcare. A nursery on a farm, where there is a definite outdoors philosophy and lots of opportunity to get mucky, may not appeal to some parents. A childminder who lived in an older property with stone floors might cause a parent to worry about their toddler falling over and hurting themselves. In both examples it is by meeting statutory requirements and sharing policies and procedures that concerns are alleviated. The registered person has a responsibility to ensure that policies are in place, that staff and parents adhere to them and have the opportunity to contribute to them. As mentioned previously, it is getting the basics right in the first place that is important. It gives parents a varied choice of early years provision, confident in the knowledge that their child will be looked after properly and that those providing care are taking a proactive approach to creating a safe environment.

Reflective practice

Monitoring and review is an integral part of the risk assessment process. It is easily incorporated on risk assessment forms where practitioners can reflect upon actions taken against the risks that are identified, their effectiveness and any further amendments required. However, reflective practice is ongoing. The role of reflective practice in maintaining a safe environment it is ideally both constant and intuitive for practitioners. This implies that they are actively concerned about the effect that they have upon the environment in which they are working and the consequences of

changes to it. Through what is described as 'reflecting in action', they can identify adjustments that are required in order to minimise risks during an event or experience.

Policies and procedures

The benefits of having clear, consistent policies and procedures cannot be overemphasised, although it should be noted that the EYFS does not require childminders to have written policies and procedures; they can demonstrate to the regulatory body that they are fulfilling their legal obligations by showing how they deliver their service and the course of action that will be taken in certain situations. Policies and procedures should reflect the philosophy of the setting as they are integral to everything that happens within it. They also convey clear messages to staff about their roles and responsibilities and set the boundaries within which they are expected to work.

Involving individuals (parents, colleagues) in the process of compiling policies and procedures, means that they are more likely to take ownership and adhere to them. They are also the people who access the environment on a daily basis and are therefore best placed to identify the actions required, or potential risks and hazards as they arise. It should never be left to one person to compile a policy and procedure, which is then imposed upon the very people it affects. It is also vital that where a standard set have been issued or purchased they are adapted to reflect exactly what happens in your setting. For example, the procedure for evacuation will be very different between settings, according to the layout of the building and the surrounding physical environment. In order to maintain consistency, policies and procedures must be shared with everyone and everyone must be given the opportunity to contribute to them.

The main policies and procedures that contribute to a safe environment are listed below, although this is not an exhaustive list and some may be covered under different headings.

- Health and safety - this covers risk assessment, food safety, infection control, fire safety, accidents and emergencies, evacuation procedures, administration of medicine.
- Equality and inclusion - includes valuing diversity, special educational needs (SEN).
- Safeguarding children - includes child protection, non-collection, missing child, critical incidents, death of a child, complaints against the registered provider or a member of staff.
- Record keeping - includes sharing information protocol, confidentiality, children's records.
- Staffing – includes recruitment, deployment, volunteers and parent helpers, disciplinary and grievance procedures, students, induction, whistle blowing.
- Partnership with parents and carers - includes working in partnership with other agencies, key person.
- Childcare practices - includes behaviour management, identification and assessment of children with special educational needs, settling-in, daily routines, play and learning.

Summary for a safe environment

- Start with your registration requirements.
- Understand the EYFS welfare requirements.
- Refer to the relevant law and legislation, regularly update your knowledge.
- Discuss the philosophy for the environment you want to create and share this with everybody.
- Nominate a competent person to be in charge of health and safety.
- Ensure that all practitioners are trained and aware of their responsibilities.
- Make sure your policies and procedures adhere to the principles of a safe environment throughout and that they reflect what actually happens in your setting. Update regularly.
- Involve everybody in contributing to your safe environment, this includes parents and children!
- Review and evaluate, don't be complacent.

Further reading

Managing Risk (Ref: A118) Pre-school Learning Alliance

Safeguarding Children (Ref: A156) Pre-school Learning Alliance

Good Practice in Early Years Infection Control (Ref: A073) Pre-school Learning Alliance

Policies and Procedures for the Early Years Foundation Stage (Ref: A080) Pre-school Learning Alliance

To order Pre-school Learning Alliance publications please visit www.pre-school.org.uk/shop or telephone 0300 330 0996.

The Pre-school Learning Alliance is a leading educational charity specialising in the early years. We provide practical support to over 15,000 early years settings and make a positive contribution to the care and education of over 800,000 young children and their families each year. We actively involve parents and families in all aspects of our work.

Our products and services include specialist publications, childcare services, quality assurance, campaigning, research, training and family programmes. We also offer a range of independent professional information, advice, support and guidance tailored especially to meet the needs of young children and their families, students, early years practitioners and professionals.

If you would like to find out more about our work or you wish to make any comments about our products or services, please do get in touch.

Information Services
Pre-school Learning Alliance
The Fitzpatrick Building
188 York Way
London
N7 9AD

T: 020 7697 2595

F: 020 7697 8607

E. info@pre-school.org.uk

W. www.pre-school.org.uk

APPENDIX 2

Risk assessment form

Risk area:		Carried out by:		Date:
Risk identified	Who is at risk	Level / impact of risk	Control measure	Review
Busy road on way to outdoor play area with no designated place to cross safely	Children and adults	Low level High impact	Stipulate ratio of adults to children. One member of staff to stop traffic whilst children cross. Avoid peak traffic times.	Yearly or if near miss occurs.
Trees in play area with low branches poses hazard to children who may climb and could fall	Children	Medium level Medium – high impact	Remove lower branches	Yearly
Raised stage in village hall, stairs, chairs stacked and stored on stage ready for use by other groups	Children at risk of falling from stage, or pulling chairs on top of themselves	Medium level Medium – high impact	Explain hazard to children. Remove steps or block access (if possible). Allow supervised access at appropriate times, or do not use if risk too high. Refer to village hall committee, request chairs to be stacked differently.	Each term