

Requirements for risk assessments

A childcare factsheet

Introduction

The *Statutory framework for the Early Years Foundation Stage* sets out legal requirements that all providers must meet. This includes requirements relating to risk assessments. Providers must have a policy and procedures for assessing risks and must carry out risk assessments in two circumstances. These are in relation to:

- the environment (paragraph 3.63 of the *Statutory framework*)
- outings (paragraph 3.64 of the *Statutory framework*).

This factsheet sets out our expectations relating to the policy and procedures and the identification, checking and recording of risks in these two areas.

Risk assessment policy and procedures

The *Statutory framework* requires providers to have a policy and procedures for assessing risks. You must have these in writing unless you are a childminder (paragraph 3.3 of the *Statutory framework*). There is no detail on what the policy and procedures must cover. We would normally expect them to cover how and when risk assessments are carried out, who is involved in assessing risks, what aspects they cover, what records are needed and how these must be kept. If you are a childminder you must be able to explain these arrangements to us if you do not have your policy and procedures in writing.

Risk assessments relating to the environment

The legal requirement is for risk assessments that identify aspects of the environment that need to be checked on a regular basis, when and by whom those aspects will be checked and how risks will be removed and minimised. The *Statutory framework* states that it is for providers to judge when these risk assessments should be in writing. However, providers must also comply with the requirements of health and safety legislation (paragraph 3.53) and providers must consider how they meet

the requirements for risk assessments in relation to that legislation where five or more people work together.¹

The *Statutory framework* also requires risk assessments to be reviewed regularly. If providers are also registered on the Childcare Register the requirement is for risk assessments to be reviewed annually.

How you decide on what needs to be written, what needs to be checked and how often it is reviewed is very much down to you but you may wish to take into account:

- the size of your provision, its layout and location (for example if there are stairs for children to negotiate, or an outdoor area that has rubbish thrown into it from passers-by)
- the ages of children attending and whether areas within the provision are used by children of different ages
- whether you involve children in assessing risks, including taking account of their height, developmental understanding and mobility
- whether the risk assessment is for your sole use at all times or whether other people use it as well (for example a community hall where risks may be introduced by other users)
- whether your staff group, including any volunteers, understand risks to children and how to manage them and can explain this to others
- the number of people who need to know if aspects have been checked, including part-time staff, volunteers or agency workers.

Risk assessments for outings

There is a legal requirement for you to carry out risk assessments for outings. The *Statutory framework* makes it clear that this should include an assessment of the ratios of adults to children needed for outings, and it must include an assessment of the risks and hazards that might arise for the children.

We interpret an outing as being any occasion you leave the premises where you provide childcare with at least one child being cared for. The children do not necessarily have to return to the premises (for example their parents may collect them from the outing destination). If you are collecting children from elsewhere, such as school, before bringing them into the childcare setting, we do not interpret this as an outing. However, it is still good practice to assess and minimise any risks associated with such a journey.

You do not have to carry out a risk assessment before **every** outing, providing there is one in place for that type of outing. Each type of outing will carry its own

¹ For more information on health and safety legislation, please go to the Health and Safety Executive website: <http://www.hse.gov.uk/risk/index.htm>.

particular risks and you must assess the risks and hazards that may arise and the steps to be taken to remove, minimise and manage them.

As with risks to the environment, it is for you to judge whether these risk assessments should be in writing and how often they need to be reviewed and updated. How you decide on what needs to be written, what needs to be checked and how often it is reviewed is very much up to you but you may wish to take into account:

- the type of outing and how regularly you carry it out – a regular trip to the local park or shops needs a risk assessment before you make such an outing for the first time, but thereafter you need only consider the risks for the outing and your measures to counteract them, such as your arrangements for first aid and how to contact the children’s parents; a one-off outing, such as a trip to the beach for the day, will have different risks and will need its own risk assessment
- the adults accompanying the children and whether these are the same for each outing or change regularly
- the type of activity or activities involved, for example more adults may be needed to supervise a swimming activity than a walk round a nearby field
- the ages of the children on the outing and how children of different ages may change any associated risks
- the time of the day of the outing and whether this changes the risks, for example traffic levels during the rush hour.

Inspecting risk assessments

Inspectors will always consider whether the procedures you have in place are sufficient to reduce or eliminate risks, through discussions with the childminder or in group settings with the manager and staff, and through a tour of the premises. Inspectors may ask to see your policy or any recorded assessments, especially where they identify risks associated with your premises, or where we have received information related to the safety of the premises that prompts an inspection. Childminders do not need to have a written policy but must still be able to demonstrate to inspectors how they identify and manage the risks associated with their provision and any outings they undertake.

You are most likely to be judged as inadequate if you are not able to demonstrate that you understand and manage risks well, regardless of whether or not you record these. You cannot be judged as outstanding or good if you fail to meet the legal requirements for risk assessments. We will always raise an action, or take other enforcement action, where the legal requirements for risk assessments are not met.

More information

You may find the following documents helpful:

Statutory framework for the Early Years Foundation Stage, Department for Education, 2012;

www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs

Conducting early years inspections, Ofsted, 2012;

www.ofsted.gov.uk/resources/120087

Evaluation schedule for inspections of registered early years provision, Ofsted, 2012;

www.ofsted.gov.uk/resources/120086

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