

Early Years Foundation Stage government consultation: summary of proposed changes

The changes summarised below make up the proposals within a consultation regarding the Early Years Foundation Stage (EYFS). These changes aim to make the framework easier to navigate and use for all practitioners, including proposals for the creation of streamlined childminder and group/school-based provider versions of EYFS framework, as well as providing the sector with more flexibility. Further to these changes, through creating the provider specific versions of the EYFS, we also intend to make a number of clarifications to existing requirements to make them easier to understand and follow.

This document aims to set out each of the proposals, who the change will apply to, the rationale behind them, and whether it is an item for consultation or just a clarification.

Current EYFS reference	Changes	Which framework does the change apply to?	Reference in new EYFS version	Rationale	For consultation or a clarification?
Throughout	It is our intention to create two simplified versions of the EYFS framework: one for childminders and one for group and school-based providers. In both versions of the EYFS framework, the Department for Education (DfE) intends to modify language, reorder sentences and paragraphs, change references to provider type where relevant, and remove elements not relevant to the provider type.	Both	Throughout both versions	The aim of these changes is to simplify, streamline and clarify the EYFS framework, making it easier to navigate and implement.	For consultation
Section 1: Learning and Development (1.7 – 1.10)	Early Learning Goals DfE intends to move the Early Learning Goals (ELGs) from the childminder EYFS to an annex.	Childminder version	Annex B of childminder version	The aim of this change is to clarify that the DfE does not expect the ELGs to be used before the end of EYFS (usually in reception year) and therefore are not relevant to childminders who rarely serve this cohort. These should therefore not be relevant to childminders, except in very rare cases.	For consultation

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Section 1: Learning and Development (1.13)	<p>English as an Additional Language</p> <p>The EYFS currently states that ‘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>DfE is consulting on whether to change this requirement from “must” to “should” or “may” in both versions of the EYFS. Altering the language to “should” would mean providers would be expected to meet the requirement unless they have good reason not to. Altering the language to “may” would mean we will no longer be requiring practitioners to do this, but instead encourage them to decide themselves how to best support children with English as an Additional Language.</p>	Both	Section 1: Learning and Development – 1.9 in both versions	The aim of this change is to alleviate what could be an unreasonable request of some providers if the practitioner(s) do not speak any language other than English, especially if multiple children have different home languages. It also may allow settings to spend more time focusing on the acquisition of English, as we know there is evidence that the longer a child with English as an Additional Language spends in an English-based setting, the stronger their fluency and competency with English language becomes	For consultation
Section 2: Assessment (2.2)	<p>Collection of Physical Evidence</p> <p>The EYFS currently states that ‘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>DfE proposes changing language from “should not be required to prove this through collection of physical evidence [...]” to “are not required [...]”.</p>	Both	Section 2: Assessment – 2.2 in both versions	The aim of this change is to strengthen the Department’s position that we do not require the collection of physical evidence for assessment purposes or for partnership working with parents and carers. Also to emphasise that this time would be better spent focusing on quality interactions with children.	For consultation
Section 2: Assessment (2.7-2.8)	<p>Reception Baseline Assessment</p> <p>DfE also intends to remove the current section on Reception Baseline Assessment (RBA) from the EYFS framework for childminders as the RBA is only undertaken in reception year at schools and is therefore not relevant to childminders or preschool providers.</p>	Childminder version	Removed from childminder version	The aim of these changes is to clarify the expectations around assessment for childminders. These assessments take place in reception year and should therefore not be relevant to childminders.	For consultation

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Section 2: Assessment (2.9-2.14)	<p>Early Years Foundation Stage Profile</p> <p>DfE intends to significantly amend the existing section on the Early Years Foundation Stage Profile (EYFSP), including paragraphs relating to information to be provided to local authorities, in the EYFS framework for childminders. The section would also reference that information about the ELGs can be found in Annex B for those rare circumstances a childminder may be completing the EYFSP.</p>	Childminder version	Section 2: Assessment – 2.10-2.11 in childminder version	The aim of these changes is to clarify the expectations around assessment for childminders. These assessments take place in reception year and should therefore not be relevant to childminders.	For consultation
Section 3: Safeguarding and Welfare (3.4)	<p>Child Protection</p> <p>The EYFS currently states that: ‘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>In both versions of the EYFS, alongside clarifications to aid understanding of the current requirement, DfE intends to include ‘other electronic devices with imaging and sharing capabilities’ to the requirement.</p>	Both	Section 3: Safeguarding and Welfare - 3.7 in both versions	The change is intended to reflect that new technologies, e.g. smart watches, have imaging and sharing capabilities that should be accounted for in regulation.	For consultation
Section 3: Safeguarding and Welfare (3.4-3.5)	<p>Child Protection</p> <p>DfE intends to provide further information on safeguarding responsibilities when childminders are working in a group, clarifying that each childminder is responsible for meeting the requirements of their own registration, but that childminders have a shared responsibility when working together for the wellbeing of all the children present. Each childminder also has a responsibility to refer any concerns where another childminder does not continually meet the requirements of their registration.</p>	Childminder version	Section 3: Safeguarding and Welfare - 3.5 in childminder version	The aims of these changes are to clarify existing requirements. It has been flagged to DfE that it was previously unclear which childminder takes responsibility when a group of childminders work together. The additional information provided here is intended to clarify responsibilities in these situations, strengthening safeguarding in practice.	For consultation
Section 3: Safeguarding and Welfare (3.5)	<p>Child Protection</p> <p>The EYFS currently states that: ‘The lead practitioner is responsible for liaison with local statutory children’s services agencies, and with the LSP’.</p> <p>DfE intends to change this to: ‘Childminders must know how to contact the local statutory children’s services, and the LSP (local safeguarding partners)’ in the EYFS framework for childminders.</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.4 in childminder version	The aims of these changes are to clarify existing requirements. Childminders will not have a ‘lead practitioner’.	For consultation

Current EYFS reference	Changes	Which framework does the change apply to?	Reference in new EYFS version	Rationale	For consultation or a clarification?
Section 3: Safeguarding and Welfare (3.9)	<p>Suitable People</p> <p>DfE intends to add a clarification to state that while qualifications must be verified, employees do not have to provide physical copies of their qualifications.</p>	Group and school-based provider version	Section 3: Safeguarding and Welfare – 3.13 in childminder version	The clarification is intended to tackle the known issue of some settings refusing to accept digital copies of certificates.	For consultation
Section 3: Safeguarding and Welfare (3.9)	<p>Suitable People</p> <p>The EYFS currently states: ‘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 suitable’. (3.9).</p> <p>Proposed new wording:</p> <p>‘Childminders and any assistants must be suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. 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 suitable.’</p> <p>‘Ofsted, or a childminder’s CMA, is responsible for checking the suitability of childminders, any other person looking after children in the setting, and of any other person aged 16 and over living or working on the same premises the childminding is being provided’.</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.16 in childminder version	The aim of this change is to clarify that it is the responsibility of the CMA or Ofsted to carry out suitability checks on behalf of the childminder.	For consultation
Section 3: Safeguarding and Welfare (3.17)	<p>Disqualification</p> <p>DfE intends to add a footnote in the childminder EYFS to link to Ofsted guidance for childminders on significant events: Childcare: significant events to notify Ofsted about - GOV.UK (www.gov.uk)</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.22, footnote 11 in childminder version	This is to help clarify what is considered a significant event and the reporting process.	Clarification

Current EYFS reference	Changes	Which framework does the change apply to?	Reference in new EYFS version	Rationale	For consultation or a clarification?
Section 3: Safeguarding and Welfare (3.24)	<p>Training</p> <p>The EYFS requirement currently states: ‘Childminders must have completed training which helps them to understand and implement the EYFS before they can register with Ofsted or a childminder agency.’</p> <p>Proposed new wording:</p> <p>‘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 childminder agency.’</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.9 in childminder version	<p>Childminders are assessed on their understanding of the EYFS as part of their registration process with Ofsted or a childminder agency. This will continue to be part of the registration process under this proposal. There is a range of EYFS training courses on the market and their costs and content vary. None of this training is quality assured by the DfE. The DfE also provides online resources such as the Help for Early Years Providers platform, which can help people to understand the EYFS without completing formal training.</p> <p>The aim of this change is to give applicants the autonomy to decide how to achieve the required level of knowledge and understanding in a way that best suits their needs, while ensuring that those who already have the required knowledge, such as childminder assistants and nursery workers, do not have to unnecessarily undertake training. There will be no change to the requirement for childminders to understand and be able to implement the EYFS.</p>	For consultation
Section 3: Safeguarding and Welfare (3.25)	<p>Paediatric First Aid</p> <p>The EYFS currently states that: ‘PFA training must be renewed every three years and be relevant for workers caring for young children and where relevant, babies.’</p> <p>DfE intends to remove the wording ‘where relevant’.</p>	Both	Section 3: Safeguarding and Welfare – 3.36 in childminder version, 3.28 in group and school-based provider version	The proposed change is intended to clarify that training should cover both children and babies – this follows correspondence to DfE which implies there is confusion on the matter.	Clarification
Section 3: Safeguarding and Welfare (3.25)	<p>Paediatric First Aid</p> <p>DfE intends to remove the requirement for childminders to display PFA certificates, and instead state that childminders should make these available on request.</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.38 in childminder version	The aim of this proposed change is to alleviate a requirement we have assessed as unreasonable to make childminders physically display a certificate when, for example, showing a digital copy on a website may be more accessible for a parent.	For consultation

Current EYFS reference	Changes	Which framework does the change apply to?	Reference in new EYFS version	Rationale	For consultation or a clarification?
<p>Section 3: Safeguarding and Welfare (3.25)</p>	<p>Paediatric First Aid</p> <p>In the EYFS framework for group and school-based providers, DfE intends to keep the requirement but clarify the wording on PFA certification: ‘All newly qualified entrants to the early years workforce who have completed a level 2 and/or level 3 qualification on or after 30 June 2016, must also have either a full PFA or an emergency PFA certificate within three months of starting work in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting.’</p> <p>Proposed new wording:</p> <p>‘All staff who obtained a level 2 and/or level 3 qualification since 30 June 2016 must obtain a PFA qualification within three months of starting work in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting. In order to continue to be included in the ratio requirement the certificate must be renewed every 3 years.’</p>	<p>Group and school-based provider version</p>	<p>Section 3: Safeguarding and Welfare – 3.31 in group and school-based provider version</p>	<p>The aim of this proposal is to clarify that, for a PFA certificate to remain valid, this must be renewed every 3 years.</p>	<p>For consultation</p>
<p>Section 3: Safeguarding and Welfare (3.27)</p>	<p>Key Person</p> <p>DfE intends to change the current requirement to allow childminder assistants to hold the role of key person.</p>	<p>Childminder version</p>	<p>Section 3: Safeguarding and Welfare - 3.40 in childminder version</p>	<p>This change is intended to alleviate the workload for childminders by giving their assistants greater opportunity for responsibility.</p>	<p>For consultation</p>

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<p>Section 3: Safeguarding and Welfare (3.28)</p>	<p>Level 2 Qualification</p> <p>We intend to support providers to staff their settings more effectively by reducing some of the regulatory restrictions regarding the percentage of level 2 qualified staff required per ratio. This change would only be applicable to paragraphs 3.32, 3.33, 3.35, and 3.37 of the EYFS where there is an existing requirement that, alongside the staff to child ratio per age group and the level 3 qualification requirement, ‘at least half of all other staff must hold an approved level 2 qualification’.</p> <p>We are consulting on proposals to reduce the percentage of level 2 qualified staff within these ratios, removing the requirement for ‘at least half’ and changing this to a smaller percentage (for example, 30% or 40% of all other staff). This follows feedback from the sector indicating that a reduction in the percentage of level 2 staff in these ratios would be helpful. We have heard that it would enable them to deploy staff who, for example, are extremely experienced and should be included within ratio but are not qualified to level 2, or those who may be awaiting confirmation of their qualification.</p> <p>The EYFS currently sets out that, for children aged two:</p> <p>there must be at least one member of staff for every four children</p> <p>at least one member of staff must hold an approved level 3 qualification</p> <p>at least half of all other staff must hold an approved level 2 qualification</p> <p>Proposed new wording:</p> <p>there must be at least one member of staff for every four children</p> <p>at least one member of staff must hold an approved level 3 qualification</p> <p>at least [30%] [40%] of all other staff must hold an approved level 2 qualification</p>	<p>Group and school-based provider version</p>	<p>Section 3: Safeguarding and Welfare – 3.40-3.45 in group and school-based provider version</p>	<p>The aim of this change is to enable setting managers to deploy existing staff within the ratios more flexibly, thereby removing one barrier to recruitment and retention.</p>	<p>For consultation</p>

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Section 3: Safeguarding and Welfare (3.28)	<p>New Statutory Document on Qualification Criteria</p> <p>The DfE intends to introduce a new statutory document, setting out the current Level 2 Early Years Practitioner criteria and the current and new Level 3 Early Years Educator criteria.</p>	Both	Section 3: Safeguarding and Welfare – 3.38 in group and school-based provider version	<p>The aim of this change is to better codify the professional standards for early years, bringing the sector more in line with other regulated professions.</p> <p>To note, this would be a technical change that aims to bring all early years qualification criteria to one place. It would not result in any change to this requirement in practice.</p>	For consultation
Section 3: Safeguarding and Welfare (3.28, footnote 33)	<p>New Route to Becoming Qualified – Domestic Adaptation Route</p> <p>The DfE intends to introduce a new experience-based route for practitioners to gain approved status to work within staff:child ratios. This new route would be available to practitioners holding a qualification identified as meeting most of the relevant Level 3 Early Years Educator criteria. As with the ‘overseas adaptation route’ candidates would meet missing criteria by working in their setting whilst under the supervision of a senior member of staff. The manager will be required to submit evidence to the DfE that the missing criteria have been met in order for the practitioner to become approved to count in the ratio. Once approved, these practitioners would be eligible to count within the Level 3 staff:child ratios, though they would not gain a formal qualification.</p>	Group and school-based provider version	Section 3: Safeguarding and Welfare – 3.38 in group and school-based provider version	The aim of these changes is to allow more staff to enter and progress within the early years workforce, while maintaining quality, thereby removing barriers to recruitment and retention.	For consultation

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<p>Section 3: Safeguarding and Welfare (3.28, footnote 34)</p>	<p>Maths Qualification</p> <p>The DfE intends to explore removing the requirement for level 3 practitioners to hold a level 2 maths qualification to count within staff:child ratios.</p> <p>This follows feedback from the sector that the requirement is disproportionate to the maths skills and knowledge needed to support young children’s learning and development. We have also heard concerns that it is leading to difficulties with the recruitment and retention of staff. The requirement would instead be moved to managers, given their responsibility for quality in their setting. The requirement for managers would apply to anyone entering a manager role. Managers already in post at the time of this regulatory change would be exempt, however they would be required to obtain the relevant qualification should they subsequently move to a different manager role. There would be a two-year grace period to gain the qualification following appointment to a manager role. Managers would be responsible for ensuring their staff have the right maths skills and knowledge to deliver the EYFS curriculum effectively.</p>	<p>Group and school-based provider version</p>	<p>Section 3: Safeguarding and Welfare – 3.37 in group and school-based provider version</p>	<p>The aim of this change is to enable talented practitioners with a natural aptitude for working with young children to progress with their career in the early years sector. Removing this regulatory barrier would also grant early years settings greater flexibility when deploying staff, allowing them to make full use of the valuable skills and experience of their existing workforce.</p>	<p>For consultation</p>
<p>Section 3: Safeguarding and Welfare (3.30)</p>	<p>Ratios: students and apprentices</p> <p>The DfE intends to clarify guidance on allowing students on long-term placements and apprentices to count within ratios, if the provider is satisfied that they are competent and responsible. Students and apprentices studying towards an approved Level 3 qualification will be allowed to count in the staff:child ratio, whilst those working towards an approved Level 6 qualification will be allowed to count in the Level 3 ratio. This will allow trainees opportunity to gain relevant experience, helping them to meet practical assessments and improve work-readiness.</p>	<p>Group and school-based provider version</p>	<p>Section 3: Safeguarding and Welfare – 3.49 in group and school-based provider version</p>	<p>The aim of these changes is to allow more staff to enter and progress within the early years workforce, while maintaining quality, thereby removing barriers to recruitment and retention.</p>	<p>For consultation</p>

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Section 3: Safeguarding and Welfare (3.31)	<p>Outside of peak hours</p> <p>The DfE intends to change the qualification requirements for ratios so these would not apply outside of peak working hours (of 9am-5pm). This means that whilst staff:child ratios, paediatric first aid and safety requirements would remain, staff would not need to hold approved qualifications outside of this time.</p>	Group and school-based provider version	Section 3: Safeguarding and Welfare – 3.39 in group and school-based provider version	Following feedback from the sector, the aim of this change is to allow settings greater flexibility in how they use staff across the working day, including those whose working patterns fall outside of peak hours. This will relieve pressure on settings for hours outside of core learning when Level 2 or 3 skills and knowledge are not necessarily needed. By supporting settings to operate during these times, provision would also be more readily available to working parents.	For consultation
Section 3: Safeguarding and Welfare (3.34, 3.35 and 3.37)	<p>Early Years Initial Teacher Training</p> <p>In the group and school-based providers version of the EYFS, DfE intends to remove the wording “or another approved level 6 qualification” from paragraphs 3.45, 3.46, 3.47 and 3.48 to ensure that practitioners understand that they can only operate in level 6 staff:child ratios if they hold Qualified Teacher Status (QTS), Early Years Teacher Status (EYTS) or Early Years Professional Status (EYPS).</p>	Group and school-based provider version	Section 3: Safeguarding and Welfare – 3.42-3.45 in group and school-based provider version	The aims of these changes are not a change in government policy on early years qualifications. These changes are to make clear that only staff who hold Qualified Teacher Status (QTS), Early Years Teacher Status (EYTS) or Early Years Professional Status (EYPS) can unlock the level 6 staff:child ratios, supporting early years practitioners to decide what career path is right for them, and supporting hiring managers when reviewing qualifications.	For consultation
Section 3: Safeguarding and Welfare (3.56)	<p>Evacuation</p> <p>DfE intends to add more detail regarding emergency evacuation procedures.</p>	Both	Section 3: Safeguarding and Welfare – 3.65 in both versions	The Protect Duty (Martyn’s Law) is due to come into force (timeline TBC) requiring organisations to prepare for terrorist related evacuations. Existing emergency evacuation requirements may therefore need to be amended. It is our intention that the EYFS documents published following this consultation includes relevant guidance for providers on this new duty.	Clarification

Current EYFS reference	Changes	Which framework does the change apply to?	Reference in new EYFS version	Rationale	For consultation or a clarification?
Section 3: Safeguarding and Welfare (3.58)	<p>Premises</p> <p>DfE intends to remove the current reference to ‘kitchen’ from a list of areas that should not be considered in space requirements in the childminder version (in a footnote in 3.58).</p> <p>We intend to update this to state that ‘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>	Childminder version	Section 3: Safeguarding and Welfare – 3.67 in childminder version	The aim of this change is to alleviate burdens on childminders and better reflect the home environment.	For consultation
Section 3: Safeguarding and Welfare (3.60)	<p>Sleeping Arrangements</p> <p>DfE intends to change the wording from ‘cots/bedding’ to ‘cots and bedding’ as well as moving further guidance on safe sleeping from a footnote into the body of the text and linking to new related guidance.</p>	Both	Section 3: Safeguarding and Welfare – 3.69 in both versions	This proposed change is intended to reinforce the importance of safe sleeping arrangements.	Clarification
Section 3: Safeguarding and Welfare (3.62)	<p>Premises</p> <p>The EYFS currently states: ‘Providers must also ensure that there is an area where staff may talk to parents and/or carers confidentially’.</p> <p>In a childminder EYFS, DfE intends to change this to: ‘Childminders must ensure: on request, they can make available an area where they may talk to parents and/or carers confidentially [...]’.</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.71 in childminder version	DfE’s assessment is that childminders may struggle to always have a private space when working from their home but be able to make one available if needed. This should make this requirement easier to meet for childminders.	For consultation
Section 3: Safeguarding and Welfare (3.77)	<p>Information about the Provider</p> <p>In the EYFS framework for childminders, DfE intends to change the current requirement around certificates of registration so childminders will no longer be required to physically display a copy of their certificate of registration. Instead, can be displayed digitally and made this available on request.</p>	Childminder version	Section 3: Safeguarding and Welfare – 3.85 in childminder version	The aims of these changes are to alleviate burdens on childminders.	For consultation

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Annex A	<p>‘PFA training’ DfE intends to change wording from ‘baby or child’ to ‘baby / child’.</p>	Both	Annex A	The proposed change is intended to clarify that training should cover both children and babies – this follows correspondence to DfE which implies there is confusion on the matter.	Clarification