



Department
for Education

Experience-Based Route for Early Years Practitioners

Government consultation

Launch date 22 April 2024

Respond by 20 May 2024

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Introduction

The consultation on proposed changes to the Early Years Foundation Stage (EYFS), launched on 31 May 2023, included a proposal to introduce a new experience-based route for early years practitioners to gain approved status to work within staff:child ratios. Having considered all the responses to that consultation, in its response the Department noted its intention to proceed with this change.

This is a technical consultation to test a proposed new model for the experience-based route, as well as proposed eligibility criteria and process requirements.

This consultation forms part of the Smarter Regulation programme of regulatory reform announcements that began in May with the publication of Smarter Regulation to Grow the Economy. Through the Smarter Regulation programme, the Government will take action to reduce the burdens on business, reduce the cost of living, deliver choice to consumers, turbocharge science and innovation and drive infrastructure development.

Who this is for

This consultation is for those with an interest in childcare. This includes:

- Charities
- Colleges, universities and suppliers of qualifications
- Early education and childcare providers
- Early years and childcare managers
- Early years and childcare practitioners
- Early years and childcare sector organisations
- Local Authorities
- Nurseries, preschools and schools
- Ofsted
- Parents and carers, and organisations representing them

Issue date

The consultation was issued on 22 April 2024.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at: EBR.Consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by

email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Summer 2024.

About this consultation

The aim of this consultation is to gather views on the specifics of our policy proposal to help us reach well-informed and fair decisions.

The proposals in this consultation relate to early years practitioners working in group-based settings and school-based settings in England only.

The proposals in this consultation document relate to the design of the experience-based route for early years practitioners. It asks questions in relation to the:

- Proposed decision-making model
- Proposed eligibility criteria
- Proposed process requirements

We would like to hear your views on our proposals.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit [DfE consultations on GOV.UK](https://www.gov.uk/consultations) to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request and complete a word document version of the form.

By email

EBR.Consultation@education.gov.uk

By post

Experience-Based Route Consultation
Families Group
Department for Education
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes at 23:59 on 20 May 2024.

Ministerial Foreword

The high quality of our early years and childcare sector is a testament to the ongoing dedication and hard work of early years professionals. I have had the privilege to meet and see firsthand so many excellent early years staff who are playing an invaluable role in building a strong foundation for our youngest children around the country.

Continuing to support the early years sector is therefore a priority for this government. Early years providers deliver invaluable education and care to millions of children each day. They play a crucial role in enriching the lives of the children they care for and enable parents and carers to access the labour market.

In the government Spring Budget 2023, we announced the single biggest investment in childcare ever made in England. We know that to deliver the expanded entitlements, the early years workforce will require additional staff. Our strategy to support the workforce is clear – to enable providers to better utilise the skills of their existing workforce, to attract talented staff into the sector and maximise the skills pipeline into the early years workforce.

We are working closely with the early years sector to ensure they have what they need at each stage of the expansion. We are committed to ensuring that the early years workforce has access to the training and expert guidance they need to do their jobs effectively. High-quality qualifications are an integral part of this, as access to high-quality early years courses develops an individual's knowledge and skills to enable them to support the education and care of our youngest children. Qualifications and training also provide the means for the early years workforce to progress and enhance their careers and give providers assurances that their staff have the capabilities needed.

We have heard from our stakeholders and early years providers that there are staff working in the sector who do not hold full and relevant qualifications, but who are otherwise experienced, competent and responsible. Over time, we want to explore options for fast-track routes for these staff who have demonstrated they have the skills and experience to operate at level 3 to gain a full and relevant qualification.

In May 2023, the Department launched a consultation seeking views on regulatory reforms to the EYFS to offer early years providers greater operational flexibilities. One proposal was the introduction of an experience-based route for early years practitioners without full and relevant qualifications to gain approved status to work within the staff:child ratios. This proposal gained strong approval from respondents, and the Department noted its intention to proceed with introducing the route in its formal response.

We heard from the previous consultation that providers would welcome the use of an experience-based route as a flexibility, but that some in the sector had concerns about negative impacts on the quality of early years provision. The proposals in this

consultation document therefore set out the Department's view on how the experience-based route could work in practice, and the parameters that could be put in place to ensure that high-quality education and care is maintained. We hope to hear from many people and organisations so we can gather a broad range of views to help us reach our decisions.

David Johnston MP

Minister for Children, Families and Wellbeing

Background

The Early Years Foundation Stage (EYFS) statutory framework for group and school-based providers is mandatory for all school-based early years providers, and all group-based providers registered on the Early Years Register, in England. The EYFS statutory framework for childminders is mandatory for all childminders in England caring for early years children, who are registered on the Early Years Register or with an early years childminder agency. The frameworks set the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

The early years are a crucial opportunity for children to develop a broad range of knowledge and skills which help them succeed now and provide a strong foundation for good future progress in life.

We know that there are currently several routes to working in the early years, and many different qualifications on offer, which can be difficult for learners to navigate. Following successive reviews, the government is in the process of reforming post-16 qualifications at level 3 and below, to streamline the current system. Apprenticeships and T levels are a core part of the skills offer at level 3, but we want to ensure that there are other routes to gaining full and relevant qualifications for those who are looking to retrain, or start a new career in the early years. Details of qualifications that the Department considers to be 'full and relevant' can be found within the [check early years qualifications](#) guidance.

The Department wants to ensure providers can operate successfully and practitioners can focus on providing children in their care with a high-quality early education and have opportunities to progress their careers. That is why, in January 2024 we brought forward a number of changes to the EYFS to offer providers increased flexibility and alleviate known burdens.

As part of the EYFS consultation, we made a commitment to introduce a new experience-based route for early years practitioners without the required full and relevant qualifications to gain approved status to work within staff:child ratios. This is the technical consultation to test a proposed new model for the experience-based route, as well as proposed eligibility criteria and process requirements.

About you

The following introductory questions will help us understand more about you – and where relevant – the nature of your business or organisation, and the main ways in which you currently interact with the childcare system in England. **Please note that the proposed experience-based route will apply to group-based and school-based early years providers in England only.**

Questions

Confidentiality

Information provided in response to this consultation, including personal data, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a response to be treated as confidential please explain why you consider it to be confidential. If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Privacy Notice

The personal data (name and address and any other identifying material) that you provide in response to this consultation is processed by the Department for Education as a data controller in accordance with the UK GDPR and Data Protection Act 2018, and your personal information will only be used for the purposes of this consultation. The Department for Education relies upon the lawful basis of article 6(1)(e) of the UK GDPR to process this personal data as part of its public task, which allows us to process personal data when this is necessary for conducting consultations as part of our function. Your information will not be shared with third parties unless the law allows or requires it. The personal information will be retained for a period of 12 months following the closure of the consultation period, after which it will be securely destroyed. You can read more about what the Department for Education does when we ask for and hold your personal information in our personal information charter, which can be found here: [Personal information charter - Department for Education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674242/Personal-information-charter-Department-for-Education-2020.pdf)

1. Would you like us to keep your response confidential?

- Yes
- No

2. In what capacity are you responding to this consultation? As a... [please tick all that apply]

- Charity
- College, university, or supplier of qualifications
- Local Authority
- Maintained Nursery School – headteacher
- Maintained Nursery School – teacher/practitioner
- Membership organisation
- Ofsted
- Parent or carer
- Private, voluntary or independent early years group setting – manager
- Private, voluntary or independent early years group setting – teacher/practitioner
- Representative organisation
- School-based early years setting – headteacher/manager
- School-based early years setting – teacher/practitioner
- Union
- Other (please specify)

3. Where in England are you based?

- East Midlands
- East of England
- London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire and the Humber
- Not based in England

Please note that the proposed experience-based route will apply to group-based and school-based providers in England only.

If you are responding on behalf of an organisation:

4. What is the name of your organisation?

5. What is your role within the organisation?

- Early Years practitioner
- Owner/manager
- School leader
- Teacher
- Other (please specify)

6. How many people are employed by your organisation [select one]

- 1 – 24
- 25 – 499
- 500 or more

7. How many children does your organisation care for? [select one]

- 1 – 6
- 7 – 20
- 21 – 50
- 51 – 100
- 100 or more
- Not applicable

If you represent any other type of organisation:

8. What is the nature of the organisation?

If you are a parent or carer for a child:

9. How old is your child/are your children? [please tick all that apply]

- Under 2 years
- 2 – 4 years
- 5 – 14 years
- Over 14 years

10. Which forms of childcare do you currently use? [please tick all that apply]

Formal Childcare is provided by those registered with Ofsted or a childminder agency, including nursery schools, nursery classes, reception classes, special day schools, day nurseries, playgroups, childminders, childminder agency-registered provision, nannies or au-pairs, babysitters, breakfast clubs, after-school clubs, and school holiday clubs.

Informal Childcare is provided by grandparents, ex-husband/wife/partners, older brothers/sisters, other relatives, friends or neighbours, who are not registered with Ofsted or a childminder agency.

- I use formal childcare for my child/children
- I use informal childcare for my child/children
- I don't use childcare

Experience-Based Route for early years practitioners

Background

The staff:child ratios ('the ratios') in the EYFS statutory framework for group and school-based providers set out how many staff at different qualification levels an early years setting needs to meet children's needs and ensure their safety. The Department defines 'full and relevant' qualifications which have been assessed against the level 3 Early Years Educator criteria, and which allow the holder to count within these ratios.

We know there are people already working, or wanting to work, in early years who don't currently hold a full and relevant qualification at level 3 or above, and so can't be counted as the level 3 staff member within the ratios. The Department is committed to ensuring that there are simple and accessible routes to gaining full and relevant qualifications for people who are capable of working at that level. But we understand that recruitment and retention of qualified staff is a key issue for the sector now. The aim of the experience-based route would therefore be to offer a route for these staff to be counted in the ratios at level 3.

Proposal and rationale

This consultation seeks views on specific proposals relating to the decision-making model, eligibility criteria and process requirements for the experience-based route. These proposals include:

Section 1: the decision-making model

- Early years providers will make assessment decisions about their staff's knowledge, skills and experience, and will decide whether they meet the criteria to work in the ratios at level 3.

Section 2: eligibility criteria for practitioners and providers

- Practitioners wishing to undertake the experience-based route must hold a prior qualification.
- Practitioners wishing to undertake the experience-based route must have been working in early years or a related sector for a minimum amount of time.
- Early years providers must have received a good or outstanding judgement for overall effectiveness in their most recent Ofsted inspection to offer the experience-based route to their staff.

Section 3: process requirements

- A practitioner's existing knowledge, skills and experience must be assessed against the level 3 early years educator criteria in order to undertake the experience-based route, and again to be considered for use in the ratios at level 3.
- Practitioners undertaking the experience-based route must complete a minimum number of hours of relevant work before they can be considered for use in the ratios at level 3.
- Practitioners who have completed the experience-based route must also hold a suitable level 2 English qualification before they can be counted in the ratios at level 3.
- Practitioners who have completed the experience-based route must also hold a Paediatric First Aid qualification before they can be counted in the ratios at level 3.
- The person making a decision about a staff member's experience-based route status must hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months.
- Staff involved in supervising a staff member during the experience-based route must hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months.
- Providers must keep records of staff undertaking the experience-based route, alongside evidence of their assessments and decision-making.
- A practitioner's experience-based route status will not be automatically transferable between early years settings.
- No more than a certain proportion of level 3 staff within a setting can hold experience-based route status.

Technical detail of our proposals

We are consulting on updated draft versions of:

- Early Years Foundation Stage statutory framework for group and school-based providers
- Early years qualification requirements and standards document

Please note that references to the 'EYFS' in this consultation document relate to the statutory framework for group and school-based providers.

This consultation document is separated into three sections:

- The first section covers the proposed decision-making model for the experience-based route
- The second section covers proposed eligibility criteria for practitioners and providers
- The third section covers proposed process requirements

Paragraph references in these sections refer to those found in the existing [EYFS](#) and [qualification requirements and standards](#) documents.

Section 1: Decision-making model for the experience-based route

Proposal and rationale

The first proposal concerns the decision-making model for the experience-based route. The model proposed in the 2023 EYFS consultation was for managers of early years settings to submit evidence to the Department for Education, that a practitioner had met missing level 3 early years educator criteria, in order for them to become approved to count as the level 3 staff member in the ratio.

The Department intends for the experience-based route process to be straightforward for providers and practitioners, and believes that providers know the children in their care and their staff best, and are therefore best placed to understand how they should deploy their staff. Therefore, following further consideration, the proposed model for the experience-based route is for early years providers to make an assessment of their staff's knowledge, skills and experience, and decide whether they meet the criteria to work at level 3 in the ratios after completing the experience-based route.

Proposed new wording for the early years qualification requirements and standards document:

- x.xx 'A practitioner holding a level 2 full and relevant qualification, or a level 3 or above qualification that is not on the Early Years Qualifications List and which has not been recognised by the Department for Education as full and relevant, may still count within the staff:child ratios at level 3, if, subject to meeting other requirements, they have successfully completed the experience-based route and received approval from the provider'.

Question

11. To what extent do you agree that early years providers should decide whether a staff member meets the criteria to work in the ratios at level 3 after completing the experience-based route?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Section 2: Eligibility criteria for practitioners and providers

Prior qualifications

The Department strongly encourages anyone interested in a career in the early years sector to check that the qualification they are taking is full and relevant. Details of qualifications that the Department considers to be ‘full and relevant’ can be found within the [check early years qualifications](#) guidance. We do however recognise that there are people who hold other qualifications which are not full and relevant and therefore do not allow them to count in the ratios.

The proposal in the EYFS consultation in May 2023 was that the experience-based route would be available to practitioners holding a qualification identified as meeting most of the level 3 early years educator criteria. The DfE now intends that in order to be eligible to undertake the experience-based route, a practitioner must already hold a full and relevant level 2 qualification, or a level 3 or above qualification related to the care or education of children which is not already deemed by the Department to be ‘full and relevant’.

The Department recognises that the experience-based route will provide a means for people without a full and relevant qualification at level 3 or above to work in the level 3 ratios. As part of the process, we expect that practitioners will work to gain knowledge, skills and experience against the level 3 early years educator criteria.

Proposed new wording for the early years qualification requirements and standards document:

- x.xx ‘to be eligible to undertake the experience-based route, a practitioner must hold a level 2 qualification that appears on the Department’s list of full and relevant qualifications, or hold a qualification at level 3 (*footnote*) or above that is relevant to the care or education of children, but does not appear on the Department’s list of full and relevant qualifications. These may include:
 - Early years and childcare qualifications
 - Teaching qualifications
 - Health and social care qualifications
 - Nursing and midwifery qualifications
 - Social work qualifications
 - Playwork qualifications
 - Counselling and psychotherapy qualifications

*Footnote: for examples of level 3 qualifications, please see [What qualification levels mean: England, Wales and Northern Ireland - GOV.UK \(www.gov.uk\)](#)

Question

12. To what extent do you agree that to be eligible to undertake the experience-based route, a practitioner must hold a level 2 qualification that appears on the Department's list of full and relevant qualifications?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

13. To what extent do you agree that to be eligible to undertake the experience-based route, a practitioner must hold a qualification at level 3 or above that is relevant to the care or education of children, but does not appear on the Department's list of full and relevant qualifications?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

14. Which of these would you consider to be relevant to the care and education of children? [please select all that apply]

- Early years and childcare
- Teaching
- Health and social care
- Social Work
- Nursing and midwifery
- Playwork
- Counselling and psychotherapy
- Other [please specify]

15. Do you have any comments about the use of a list of relevant sectors?
[recommended response of not more than 200 words]

Minimum length of experience

The DfE intends that to be eligible to undertake the experience-based route, a practitioner must have been working in early years, or a sector related to early years, for a minimum amount of time. The Department intends that the experience-based route offers a route for staff without a full and relevant level 3 qualification, but who are otherwise experienced, competent and responsible, to work in the ratios at level 3. We therefore believe it is appropriate to include an eligibility criterion that sets a minimum amount of experience.

Proposed new wording for the early years qualification requirements and standards document:

- x.xx 'to be eligible to undertake the experience-based route, a practitioner must have been working in the early years, or a sector related to early years, for a minimum of [to be confirmed].'

Question

16. How long do you think a practitioner should have been working in early years, or a sector related to early years, to be eligible to undertake the experience-based route? [please select one]

- Minimum of 6 months
- Minimum of 1 year
- Minimum of 18 months
- Minimum of 2 years
- More than 2 years

Ofsted judgement of the provider

The Department knows that the quality of early years settings is high. At their most recent inspection as of 31 August 2023, 96% of childcare providers were judged good or outstanding. We want to ensure that the experience-based route is offered by providers which we know offer a good quality of education, and where safeguarding is effective. We therefore intend that only early years providers who have received a good or outstanding judgement for overall effectiveness in their most recent Ofsted inspection will be able to offer the experience-based route to their staff who meet the eligibility criteria.

Proposed new wording for the early years qualification requirements and standards document:

- x.xx 'A provider must have received a 'good' or 'outstanding' judgement for its overall effectiveness in its most recent Ofsted inspection in order to offer the experience-based route to its staff who meet the eligibility criteria.'

Question

17. To what extent do you agree that the provider must have received a good or outstanding judgement for its overall effectiveness in their most recent Ofsted inspection to be eligible to offer the experience-based route to its staff who meet the eligibility criteria?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Section 3: Process requirements

Assessment of knowledge, skills and experience against the level 3 Early Years Educator (EYE) criteria

The Department intends that for practitioners wanting to undertake the experience-based route, and who meet the eligibility criteria, providers will make an initial assessment of their existing knowledge, skills and experience against the level 3 EYE criteria. In making this assessment, providers must satisfy themselves that each of the sub-criteria are either 'met' or 'unmet'. If, following this initial assessment, a provider is satisfied that a practitioner has met at least 50% of the level 3 EYE sub-criteria, they may undertake the experience-based route to gain the 'unmet' knowledge through a period of supervised practice.

At the end of the supervised practice period, and after completion of a minimum number of hours of relevant work (subject to consideration of responses to question 20 in this document), the provider must hold a follow-up assessment with the practitioner. The provider must reassess the practitioner's knowledge, skills and experience against the level 3 EYE criteria, and satisfy themselves that each of the sub-criteria are met. If, after this assessment, and subject to the practitioner meeting all other requirements, then they may consider using the practitioner in the ratios at level 3.

In making these assessments, the Department envisages that a provider could consider evidence such as the content of the practitioner's previous qualifications and other CPD activities, and the practitioner's duties whilst working for the provider, to determine whether their knowledge meets the requirements of the 'educators will learn that' criteria. Providers could also consider the same above activities and the practitioner's performance of their duties whilst working for the provider, to determine whether their skills and experience meet the requirements of the 'educators will learn how to' criteria.

Proposed new wording in the early years qualification requirements and standards document:

- x.xx 'The provider must complete an initial assessment of a practitioner's knowledge, skills and experience against the level 3 EYE criteria to determine the practitioner's suitability to undertake the experience-based route. If, following this initial assessment, a provider is satisfied that the practitioner has met at least 50% of the level 3 EYE sub-criteria, the practitioner may undertake the experience-based route to gain the 'unmet' knowledge through a period of supervised practice. If, following the initial assessment, a provider determines the practitioner has met all of the level 3 EYE sub-criteria, the practitioner must still undertake the period of supervised practice before the provider can consider using them in the ratios at level 3.'

- x.xx 'At the end of the supervised practice period, and after the practitioner has completed a minimum number of hours [to be determined] of relevant work, the provider must reassess the practitioner's knowledge, skills and experience against the level 3 EYE criteria and satisfy themselves that each of the sub-criteria are met. If, after this assessment, and subject to the practitioner meeting all other requirements, then the provider may consider using the practitioner in the ratios at level 3.'
- x.xx 'The status awarded to a practitioner to work in the staff:child ratios at level 3 following completion of the experience-based route is not automatically transferable should the practitioner move to work for a new provider. In this case, a practitioner can choose to ask their new provider for a new assessment against the level 3 criteria. The new provider would need to be satisfied that all criteria have been met, and if considered appropriate, that the practitioner undertakes a new period of supervised practice, before they could work in the staff:child ratios at level 3.'

Question

18. To what extent do you agree that the provider must complete an initial assessment of a practitioner's knowledge, skills and experience to determine suitability to undertake the experience-based route, against the level 3 early years educator criteria?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

19. To what extent do you agree that the provider must complete a reassessment of the practitioner's knowledge, skills and experience at the end of the supervised practice period, against the level 3 early years educator criteria?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Minimum hours

The Department intends that practitioners undertaking the experience-based route must complete a minimum number of hours of relevant work at the setting, before the provider can make the final assessment and decision as to whether they can work in the ratios at level 3.

During this time, the practitioner will go through a period of supervised practice to meet any 'unmet' sub-criteria against the level 3 EYE criteria, or to consolidate their existing knowledge, skills and experience. This could include activities such as shadowing of senior colleagues, supporting colleagues in making assessments of children's progress, or acting as a key person. The provider may wish to consider putting a development plan in place for practitioners undertaking the experience-based route, agreeing with them how they will be supported to meet any missing sub-criteria. Additionally, the provider may wish to support the practitioner with CPD activities and courses targeted at their 'unmet' knowledge and skills.

Proposed new wording in the early years qualification requirements and standards document:

- x.xx 'A practitioner undertaking the experience-based route must complete xx hours of relevant work at the setting, before the provider can undertake the final assessment and decide whether they have met the criteria to work in the staff:child ratios at level 3.'

Question

20. To what extent do you agree that practitioners undertaking the experience-based route must complete a minimum number of hours of relevant work at the setting, as specified in the early years qualification requirements and standards document, before the provider can make the final assessment and decide whether they have met the criteria to work in the staff:child ratios at level 3?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

21. If 'strongly agree' or 'agree', how many hours of work do you think a practitioner undertaking the experience-based route should complete? [select one]

- 300 – 449 hours (approximately 9 - 13 weeks, if the person works full time)
- 450 – 600 hours (approximately 13 - 17 weeks, if the person works full time)
- 601 – 750 hours (approximately 17 - 21 weeks, if the person works full time)
- 751 – 900 hours (approximately 21 - 25 weeks, if the person works full time)

Suitable level 2 English qualification

The early years qualification requirements and standards document currently states that 'to be included in the staff:child ratios at level 3, staff must hold a full and relevant level 3, 4, 5, 6, 7, or 8 qualification and a suitable level 2 English qualification.' (paragraph 1.12). A list of suitable English qualifications can be found at paragraph 1.13.

The Department intends that this requirement would be extended to also apply to those who gain approved status to work in the ratios at level 3 by completing the experience-based route. The aim of this would be to ensure that any practitioner undertaking the experience-based route is subject to the same English requirements as those who hold full and relevant qualifications at level 3 or above before they are able to be counted in the ratios at level 3.

Proposed new wording in the early years qualification requirements and standards document:

- 1.12 'to be included in the staff:child ratios at level 3, staff must hold a suitable level 2 English qualification, and either a full and relevant level 3, 4, 5, 6, 7, or 8 qualification, or have received approval to work in the ratios at level 3 after completing the experience-based route.'
- 1.26 'to be included in the staff:child ratios at level 3, staff who have achieved their full and relevant level 3 or above qualification on or after 1 September 2014, must also hold a suitable level 2 English qualification. Staff who have received approval to work in the ratios at level 3 after completing the experience-based route, must also hold a suitable level 2 English qualification.'

Proposed new wording in the EYFS statutory framework:

- 3.38 'To count within the ratios at level 3, staff holding an Early Years Educator qualification, and those who have received approval to work in the ratios at level 3 after completing the experience-based route, must also have achieved a suitable level 2 qualification in English. An approved qualification is defined by the Department for Education as meeting the criteria set out in the Early Years Qualification Requirements and Standards document. Approved qualifications will be published in the EYQL published on GOV.UK.'

Question

22. To what extent do you agree that a practitioner who has completed the experience-based route, must also hold a suitable level 2 English qualification before they can be counted in the staff:child ratios at level 3?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Suitable Paediatric First Aid (PFA) qualification

The EYFS statutory framework currently states that ‘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. To continue to be included in the ratio requirements the certificate must be renewed every 3 years.’ (paragraph 3.31)

The Department intends that this requirement would be extended to also apply to those who gain approved status to work in the ratios at level 3 by completing the experience-based route. The aim of this would be to ensure that any practitioner undertaking the experience-based route is subject to the same PFA requirements as those who hold full and relevant qualifications at level 3 or above before they are able to be counted in the ratios at level 3.

Proposed new wording in the EYFS statutory framework:

- 3.31 ‘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. All staff who have completed the experience-based route must obtain a PFA qualification before they can be included in the staff:child ratios at level 3. To continue to be included in the ratio requirement the certificate must be renewed every 3 years.’

Question

23. To what extent do you agree that a practitioner who has completed the experience-based route, must also obtain a Paediatric First Aid qualification before they can be counted in the staff:child ratios at level 3?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Decision-makers and supervisors

Providers will be required to make an assessment of a staff member's knowledge, skills and experience against the level 3 EYE criteria. To ensure those who are responsible for making the decision have sufficient knowledge and understanding of the level 3 criteria, the Department intends that the person making a decision about a staff member's experience-based route status must hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months. Other members of staff within the setting involved in supervising the candidate during the experience-based route must also hold a full and relevant qualification at level 3 or above and must have been working in an early years setting for a minimum of six months.

Proposed new wording in the early years qualification requirements and standards document:

- x.xx 'the person making an assessment of a practitioner's knowledge, skills and experience against the level 3 early years educator criteria as part of the experience-based route must themselves hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months.'
- x.xx 'the person or persons supervising the practitioner during the experience-based route must themselves hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months.'

Question

24. To what extent do you agree that the person making an assessment of a practitioner's knowledge and skills against the level 3 early years educator criteria, and deciding whether the practitioner can be counted in the ratios at level 3, must themselves hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

25. To what extent do you agree that staff members involved in supervising a practitioner during the experience-based route must hold a full and relevant qualification at level 3 or above, and must have been working in an early years setting for a minimum of six months?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Information and record keeping

The EYFS statutory framework currently states that ‘providers must maintain records, obtain and share relevant information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or their CMA, as appropriate). This is to ensure their setting is safe and efficiently managed, and the needs of all children are met. Providers must enable a regular two-way flow of information with parents and/or carers (and between other providers, if a child is attending more than one setting). If requested, providers should incorporate parents’ and/or carers’ comments into children’s records.’ (paragraph 3.77)

The Department intends that for practitioners undertaking the experience-based route, providers must keep a record of hours worked at the setting by the practitioner, and provide the practitioner with a copy for their own records. Providers must also keep a record of the initial, follow-up and final assessments they complete in relation to a practitioner, with details of their reasoning and decisions, and provide copies to the practitioner for their own records.

Proposed new wording in the early years qualification requirements and standard document:

- x.xx ‘for a practitioner undertaking the experience-based route, the provider must keep a record of hours worked at the setting by the practitioner, and provide them with a copy for their own records. The provider must also keep a record of the initial, follow-up and final assessments they complete in relation to a practitioner, alongside their decisions and reasoning, and provide a copy to the practitioner for their own records. The provider may be asked to share copies of these records with Ofsted.’

Question

26. To what extent do you agree that for practitioners undertaking the experience-based route, the provider must keep a record of hours worked at the setting by the practitioner, and the outcomes of any assessments they make in relation to the practitioner, with copies to be provided to the practitioner for their own records?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don’t know

Transferability of experience-based route status

The Department intends that the status awarded to practitioners to work in the staff:child ratios at level 3 on successful completion of the experience-based route would not automatically be transferable between early years settings.

The EYFS sets a requirement that providers 'must ensure there is a named deputy who, in their judgement, is capable and qualified to take charge in the manager's absence.' (paragraph 3.37), and already offers flexibility for 'suitable' students and apprentices to work in the ratios at the level below their level of study 'if the provider is satisfied that they are competent and responsible' (paragraph 3.49). These decisions would be made by individual providers and would not automatically be transferable to another provider. The Department considers that the same principle should apply to the experience-based route.

Proposed new wording in the early years qualification requirements and standards document:

- x.xx 'The status awarded to a practitioner to work in the staff:child ratios at level 3 following completion of the experience-based route is not automatically transferable should the practitioner move to work for a new provider. In this case, a practitioner can choose to ask their new provider for a new assessment against the level 3 criteria. The new provider would need to be satisfied that all criteria have been met, and if considered appropriate, that the practitioner undertakes a new period of supervised practice, before they could work in the staff:child ratios at level 3.'

Question

27. To what extent do you agree that the status awarded to a practitioner to work in the staff:child ratios at level 3 on completion of the experience-based route should not be automatically transferable between early years settings?

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree
- Don't know

Maximum proportion of staff that can hold experience-based route status

Staffing arrangements must meet the needs of all children and it is important that all staff have a consistent level of knowledge, understanding and skills so that every child receives high-quality care and early education.

What staff know, plan for, and do matters for children's learning, development, safety, and happiness in settings and it is right that providers must ensure that all staff have the experience and training to help them execute their roles and responsibilities.

Outstanding practice will exist amongst the workforce at all different levels, experience, skills and qualifications and that is why we have brought forward measures to allow settings to be able to use their staff as effectively as possible.

However, to ensure that across an individual provider there remains the right level of knowledge and expertise, the Department intends to make clear that no more than a certain proportion of level 3 staff within a setting can hold experience-based route status.

Proposed new wording in the EYFS statutory framework:

- x.xx 'The ratio requirements below apply to the total number of staff available to work directly with children [footnote] 'no more than xx% of level 3 staff within the setting can hold experience-based route status. Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made. For settings providing overnight care, the relevant ratios continue to apply and at least one member of staff must be awake at all times.'

Question

28. What do you think the maximum proportion of level 3 staff within a setting who can hold experience-based route status should be? [select one]

- No maximum proportion
- Less than 20%
- 20%
- 30%
- 40%
- 50%
- More than 50%

Further comments

Questions

29. What comments or concerns do you have, if any, about how the proposals in this consultation document may affect you or individuals (both adults and children) in your organisation who have particular protected characteristics (as defined by the Equality Act 2010)?

[Please limit your response to 1500 characters or less]

30. How would you mitigate against any concerns?

[Please limit your response to 1500 characters or less]

31. Do you think that the experience-based route would be especially useful or beneficial to people with particular protected characteristics?

[Please limit your response to 1500 characters or less]

32. Is there anything else you think the Department for Education should consider in its design of the experience-based route?

[Please limit your response to 1500 characters or less]

33. Would you like to expand on any of the responses you made to this consultation?

[Please limit your response to 1500 characters or less]

34. Are you content for the Department for Education to use your comments in any reporting? Any comments used will be anonymised.

- Yes
- No

Annex A: Glossary of terms

Childcare

Education for a child and any other supervised activity for a child as defined in section 18 of the Childcare Act 2006.

Consultation

The process of obtaining comments, views and responses from relevant sources for the purpose of reaching a well-informed and fair decision.

Early Years Educator (level 3) criteria

The criteria that qualifications must meet to enable holders to work as level 3 members of staff for the purpose of the staff:child ratios.

Early Years Foundation Stage (EYFS) statutory framework for childminders

Sets the standards that all early years childminders must meet to ensure that young children from 0 to 5 years learn and develop well

Early Years Foundation Stage (EYFS) statutory framework for group and school-based providers

Sets the standards that all group and school-based early years providers must meet to ensure that young children from 0 to 5 years learn and develop well.

EYFS staff:child ratios

The minimum number of early years staff that must be available per child, depending on staff qualification and the age of the child. The ratio requirements can be found in the [EYFS statutory framework for group and school providers](#)

Early years qualification requirements and standards document

Sets out the minimum qualification requirements that staff must meet to be recognised as level 2, level 3 or level 6 members of staff for the purpose of working within the EYFS staff:child ratios.

Formal Childcare

Childcare provided by those registered with Ofsted or a childminder agency, including nursery schools, nursery classes, reception classes, special day schools, day nurseries, playgroups, childminders, childminder agency-registered provision, nannies or au-pairs, babysitters, breakfast clubs, after-school clubs, and school holiday clubs.

Full and relevant qualifications

A qualification that meets all of the Early Years Practitioner (level 2) or Early Years Educator (level 3) criteria, as well as EYTS, Qualified Teacher Status (QTS) and EYPS, are recognised as full and relevant by the Department for Education. Holders of a full and relevant qualification can be included in the staff:child ratios at the level appropriate to the relevant criteria.

Informal Childcare

Childcare provided by grandparents, ex-husband/wife/partners, older brothers/sisters, other relatives, friends or neighbours, who are not registered with Ofsted or a childminder agency.



Department
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