



Department  
for Education

# **Early education and childcare workforce**

**Government consultation response on  
the Early Years Educator (EYE) Level 3  
criteria review**

**April 2023**

# Contents

Introduction	3
Background	3
Broader context	3
Summary of responses received and the government's response	5
Main findings from the consultation	6
Question analysis	6
Considering the regulatory impact on businesses	10
Next steps	13
Annex A: List of organisations that responded to the consultation	14

## Introduction

This consultation asked for views about the suitability of the proposed revisions to the Early Years Educator Level 3 qualifications criteria and any cost implications of changing the criteria on businesses. The Early Years Educator Level 3 criteria set out the minimum expected standards for what a practitioner qualified to Level 3 should know, understand, and be able to do when delivering the Early Years Foundation Stage [statutory framework](#) (EYFS).

The consultation was conducted online over an 8-week period from Monday 28 November 2022 to Monday 23 January 2023, with the option to respond by email. All responses were received via the online form.

The consultation questions requested yes/no/not sure answers, as well as free text, allowing respondents to express views on the proposed criteria

## Background

The EYFS [statutory framework](#) sets the standards and requirements that all early years providers must follow to ensure all children have the best start in life and are prepared for school. This includes the requirements for staff: child ratios for all providers delivering the EYFS and the qualification levels that practitioners must hold in order to count within the ratios. The EYFS framework was updated in 2021, the main focus of the changes were on learning and development and assessment requirements with the primary aim of improving outcomes for children.

The Department for Education (DfE) defines the criteria for approved qualifications that practitioners must hold in order to be included in the specified staff: child ratios.

In Summer 2022, NCFE (formerly the Northern Council for Further Education), an educational charity in the early years sector, were commissioned by DfE following an open procurement process to carry out a review of the Early Years Educator Level 3 qualifications, including the criteria. As part of this review, NCFE sought feedback from groups across the sector, including awarding bodies, training providers, early years membership organisations, parents/carers, early years practitioners working in settings, setting owners and managers, academics and local authorities. The review concluded that the criteria, introduced in 2014, did not adequately reflect the needs of the early years sector. NCFE made recommendations for revisions to the criteria based on their findings. [NCFE's report](#) was published alongside the consultation document and details their findings and recommendations for change.

## Broader context

The Early Years Educator Level 3 criteria review is one of the programmes within the department's Early Years Recovery Programme (EYRP). The EYRP provides evidence-based training qualifications, expert guidance and targeted support for early years

professionals to support learning and recovery from the impact of the COVID-19 pandemic on the youngest and most disadvantaged children.

This review contributes to the EYRP by updating and improving the Early Years Educator Level 3 criteria, responding directly to sector feedback on the need for improving the quality of Early Years Educator Level 3 qualifications. For more information on the EYER package, please visit [Early Years Education Recovery Programme - GOV.UK](#).

# Summary of responses received and the government's response

The consultation was launched on 28 November 2022 and closed on Monday 23 January 2023. In total, the consultation received 105 responses.

This figure includes:

- 14 individuals working in an early years setting
- 14 early years group-based providers
- 4 childminders
- 7 early years – other providers
- 3 early years membership / sector association / organisation
- 20 local authority representatives
- 5 Awarding Organisations
- 25 Training providers
- 7 academics
- 6 other

Of the 105 responses:

- 28 respondents (27%) asked that the name of their organisation remain confidential.
- 52 (49.5%) asked for their comments to remain confidential.

All 105 responses were received via the online survey published with the consultation.

Further discussions with stakeholders took place between 28 November 2022 and 8 March 2023, including with Ofsted, local authority early years leads and early years membership organisations and associations.

This report is a summary of the main themes of the consultation responses.

## Main findings from the consultation

Overall, there was a positive response to the proposed criteria. Most respondents welcomed the commitment to updating the criteria.

There were some broad themes identified with regards to ensuring the criteria is clear and concise for settings, awarding organisations, practitioners and students. These themes included:

- Repetition across the criteria
- Unclear expectations within some of the criteria
- Unclear and /or misleading language within some of the criteria, making it difficult to understand and interpret
- Consensus for separating curriculum/knowledge and the pedagogy/skills to make assessment against the criteria easier.

NCFE recommended that there was a need for greater understanding of statutory and non-statutory guidance, as well as the role of Ofsted and its framework. NCFE suggested that setting this out explicitly within the criteria would be helpful, a suggestion supported by a handful of comments submitted within the free text boxes.

After considering all responses the new criteria is available to view here: [Early years educator \(level 3\): qualifications criteria - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/early-years-educator-level-3-qualifications-criteria)

## Question analysis

We asked nine questions specific to the proposed criteria.

**We asked: Is there anything missing from the proposed criteria which you feel is vital for a practitioner qualified to Level 3 to demonstrate?**

### We heard

105 respondents completed this question. Just over half of respondents (53%) felt that something was missing from the proposed criteria and 7% said they were unsure.

When answering the survey question, 67 respondents used the free text box to explain their answer.

Free text responses often related to aspects that are not within the scope of the consultation, for example:

- recruitment and retention, including sector pay and recognition
- other post 16 qualifications (T Levels and Apprenticeships)
- maths and English requirements of Early Years Educators at Level 3

- assessment of qualifications

There were comments within the free text responses which were single suggestions about specific criterion, which could not be grouped to show multiple responses. These included offering suggested amendments where sub-criteria could be merged.

Common themes which emerged within the free text boxes were:

- requests for specific detail to be included for some criterion, for example specifying the minimum observation techniques (at criterion 7.9) or minimum requirements for the number of policies or procedures Early Years Educators are required to know.
- the need for Early Years Educators to have a greater understanding of statutory guidance and other guidance and the role of Ofsted and its framework.
- more detail with regards to leadership and management skills with a view to it mapping through to higher qualifications and to equip practitioners with the skills they need to lead and manage the settings.
- insufficient detail within the Special Educational Need and Disabilities (SEND) criterion, for example the depths of knowledge required.
- reference to other teaching methods such as 'in the moment' planning.
- safeguarding and the request to include other forms of abuse, for example, domestic, online, female genital mutilation and the effects of trauma.
- The awareness of the procedures, practices, strategies and services available locally.

## **Government response**

The criteria are not intended to be a detailed course curriculum. Instead, the criteria set out the minimum essential knowledge and skills a Level 3 qualified Early Years Educator is required to have to deliver the EYFS effectively. We have therefore not included specific detail within the criteria which sets out minimum requirements within individual criterion.

We have accepted NCFE's recommendation that there should be explicit reference to guidance within the criteria. Many respondents also agreed that Early Years Educators should have a greater understanding of statutory and non-statutory guidance and the role of Ofsted. We have therefore added references to statutory and non-statutory guidance at relevant points throughout the criteria.

To address feedback received regarding the inclusion of non-traditional methods of planning for example 'in the moment' as part of the criteria, we have amended the criteria to reflect the importance of using adaptative pedagogy to promote learning.

We received feedback with regards to Early Years Educators being aware of the local procedures and policies and this has also been reflected within the criteria, as required.

Respondents asked for more specific types of abuse to be added to the safeguarding section, for example female genital mutilation. We have not added all forms of abuse as we felt that this was covered sufficiently within Keeping Children Safe In Education statutory guidance, which clearly sets out other types of neglect, abuse, sexual abuse and sexual violence. However, we have added domestic violence and online to types of abuse within the safeguarding criteria to align with the Level 2 criteria.

The Level 3 Early Years Educator criteria sits within a wider qualifications landscape for the early years workforce, and it should complement, not duplicate, what is available elsewhere. There are other courses/programmes that offer additional training. The National Professional Qualification Early Years Leadership Framework (NPQEYL) provides additional skills for those interested in progressing to the next level in their career as a leader or manager. The Level 3 Early Years SENCO qualification is available for those that want to have a more in-depth role within their setting as a SEND co-ordinator to ensure the best possible educational outcomes are achieved for children with special educational needs and disabilities.

### **We asked: Please specify any of the criteria which you think are unclear?**

#### **We heard**

Two thirds of respondents (66%) did not respond to this question. Of the 54 who did, 36 respondents identified specific criterion that they felt were unclear: these responses were spread across all the criteria.

Common themes in the responses included needless repetition across the criteria and general comments that criteria were difficult to understand or interpret. This was highlighted particularly as an issue when it comes to assessing whether a student on a level 3 (or above) qualification has met the criteria. There were some requests for a glossary of terms, which further highlighted the issues with understanding how a criterion would be met and confusion around terms and definitions.

Additionally, there was concern around the lack of opportunity for some students to demonstrate some aspects of sub-criteria. Examples given were that some students in workplaces do not have the opportunity to work with children with SEND or English as an Additional Language (EAL), or other aspects set out in the sub-criteria, such as carrying out risk assessments or day to day care of babies.

#### **Government response**

Following this feedback, we considered how to best present the criteria so that they are clear and concise and can be understood by practitioners and qualification providers. We also looked at how to reduce any repetition and overlap between individual criterion.



We looked to other relevant examples, such as the [Early Career Framework](#) standards for newly qualified teachers and the standards for the [National Professional Qualification Early Years Leadership framework](#). Both employ a 'learn that...' and 'learn how to...' format to clearly show what is expected of educators at those levels and how they evidence their skills and knowledge. We have decided to employ this format to make it clearer what skills and knowledge a Level 3 Early Years Educator should have and how they will evidence this. This will also bring the Level 3 Early Years Educator criteria in line with other professional standards in the education sector, addressing concerns raised in the consultation that the value of early years education is not always recognised.

We have not made changes in response to feedback on the lack of opportunity for some students to demonstrate all elements of the criteria. The criteria are not a list of experiences that all trainees must encounter or physically demonstrate as part of their training. We feel providers are best placed to consider how they, working with their partners offering placement opportunities, can ensure trainees are able to demonstrate they have gained the skills and knowledge included.

**We asked: Do you have any comments about the potential impact, both positive and negative, of our proposed changes on individuals on the basis of their protected characteristics? Where any negative impacts have been identified, do you know how these might be mitigated?**

### **We heard**

The consultation asked respondents to outline any concerns they might have about how the proposals may affect individuals with protected characteristics, and to suggest how these concerns might be mitigated. Just over half 56% (59) of total respondents responded to the question around protected characteristics.

Only a small number of respondents directly answered the question. Negative impacts were flagged specifically with criteria 2.3 and with criteria 9.1

2.3 Understand the significance of attachment and how to promote it effectively, including how to develop warm and responsive relationships with children, with clearly established and age-appropriate boundaries and how to avoid gender stereotypes and support boys and girls to explore and express all types of emotions.

9.1 Demonstrate a good command of the English Language in spoken and written form.

Respondents raised a potential impacts on those with language barriers, dyslexia and those with hearing impairments or registered as deaf, or for those whom English is an additional language.

## Government response

A couple of respondents raised potential impacts on unintentionally excluding some children by making reference to boys and girls, as some families may choose to not define their child's identity in that way. We have considered and made amendments in response to this.

We put communication and language development at the heart of the EYFS 2021 reforms because we know how important this is for children's learning and development during the early years and beyond. We have not made specific changes to the criteria to address the concern around potential impacts on those with language barriers or additional needs, or those for whom English is an additional language. This is because the EYFS requires settings to be mindful of their responsibilities under the Equality Act 2010 and awarding organisations and training providers also have responsibilities to support learners with additional needs.

**We asked: If you have any further comments relevant to the proposed changes, please use the space below to provide them.**

## We heard

When answering the survey questions, 48 respondents used the free text box to make further comments, some of these could not be grouped to show multiple responses.

Most of the free text responses related to aspects that are not within the scope of the consultation, with key themes emerging were around:

- the assessment of qualifications
- recruitment and retention issues within the early years workforce
- other post 16 qualifications (T Levels and Apprenticeships)
- maths and English requirements of Early Years Educator's at Level 3

## Government response

We recognise the huge contribution the early years workforce makes to giving every child the best start in life. Supporting the Early Years workforce continues to be a priority for this Government. We will continue to work proactively with the sector and local authorities to help build on our understanding of these issues and how we can continue to support the sector.

## Considering the regulatory impact on businesses

As the Level 3 criteria forms part of the overall regulation of the early years sector, we are required to consider the cost implications for businesses impacted by the change. To help inform this assessment we asked the below questions.

The nature of regulation in this area means the businesses that will be impacted by the change to the criteria are qualification providers, such as awarding organisations and training providers, who will need to make sure their qualifications meet this new criteria in order to be approved early years educator qualifications. We have therefore only considered the responses from awarding organisations, training providers and academics.

**We asked: Do you expect the proposed changes to be above what your business would class as 'business as usual' changes?**

#### **We heard**

Every respondent replied to this question, of which 37 were either a training provider, awarding organisation or academic. Of those, 17 answered 'no', 11 replied 'yes' and 9 were 'not sure'. There was no free text box, so yes responses have been considered in the context of responses given to the below questions.

**We asked: If yes, how much do you expect this to cost in £?**

#### **We heard**

Of the 11 training provider, awarding organisation or academic that responded 'yes', only 4 respondents provided expected costs: £245, £2,500; £6,00; and £10,000.

**We asked: How much do you expect this to cost in staff time (hours)?**

#### **We heard**

There were 17 responses to this question from training providers (11), awarding organisations (3) or academics (3), of which 2 responses were '0', 2 'N/A' and 1 said they were not in a position to comment.

Of the remaining responses 7 put a figure on staff time, which varied from 20 hours to 500 hours. The rest provided textual responses, with the main theme being that it was 'not possible to calculate the number of hours', but that time would be required to update course materials and assessments to meet the new criteria and ensure teaching and assessment staff are familiar with updates.

**We asked: Would there be any other additional costs to your business associated with the proposed changes?**

#### **We heard**

There were 33 responses to this question from training providers (25), awarding organisations (5) or academics (7), of which 7 responded 'yes', 11 responded 'no' and 15 were 'not sure'. We asked those who replied yes to explain their answer for each cost, including 'what is the cost for', 'is it an ongoing or a one-off cost', 'what is the frequency of the cost' and 'how much would it cost in £' and 'how much would it cost in staff time

(hours)'. Respondents raised points around updating of teaching recourses and tutor knowledge. Costs and frequency varied, as did staff time.

## **Government Response**

In considering responses we have been mindful of the fact that Better Regulation principles only capture those costs which are in addition to the current regulatory framework. In many cases, respondents gave evidence of costs that were already in place and would need to be in place, regardless of the change to the criteria.

In terms of costs required to update courses to meet the new criteria, we estimate these will only apply to organisation already offering approved Level 3 qualifications, as they will need to familiarise themselves with the change, and update courses accordingly.

New providers would still need to familiarise with the criteria and develop course materials even without the regulatory change. We understand the cost to providers to be time spent understanding the changes to the criteria, and determining what actions, if any, are needed. These costs will depend on several factors, including the size of the provider. Updating a qualification will require staff time to research the required updates, write new course material, and clear this through relevant processes. However, once the course has been updated to meet the new criteria, it will not require annual review or updates in order to meet the criteria (though awarding organisation may choose themselves to update courses, for example, based on changes in evidence and pedagogical thinking, but this will not be a regulatory requirement). The costs associated are therefore one-off. We have taken this into consideration when determining the regulatory impact and have found it to be low.

## Next steps

Changes to the criteria will affect early years qualifications from Level 3 and above (including early years qualifications at level 4, 5, 6 and 7). This is because the EYE criteria is the highest level of approved criteria. Qualifications offered at a higher level still need to meet the EYE criteria, in order for them to be approved at Level 3.

### **For existing Level 3 Early Years Educators already working in settings**

To minimise disruption to the existing workforce, existing Level 3 practitioners will not be expected to complete any top-up or additional qualifications to remain qualified at Level 3. They will continue to hold approved qualifications.

### **For Awarding Organisations and Training Providers**

Ahead of September 2024, when the new [criteria](#) will come into effect, awarding organisations and training providers will need to adapt their existing Level 3 (and above) qualifications and courses to be approved to the new criteria, if they want them to remain on the [Early Years Qualification list](#) (EYQL) post September 2024.

Any new Level 3 (and above) courses and qualifications developed will need to be designed to fit the new criteria in order to be approved.

Further guidance on this will follow in due course.

### **For Early Years Providers/Settings**

Providers are responsible for ensuring that their staff hold approved qualifications if they are working within the staff: child ratios as set out in the EYFS.

Providers can check which qualifications are approved by using the [Early Years Qualifications list](#).

### **Students and learners**

Students and learners starting on approved qualifications before September 2024 will still gain an approved qualification, even if the course finished after the new criteria has come into effect, providing their qualification is on the [Early Years Qualifications list](#).

Prospective students and learners should check the [Early Years Qualifications list](#) before committing to a course, to make sure it is an approved course. If it is not, then they may not be able to count within the staff: child ratios.

## Annex A: List of organisations that responded to the consultation

This annex sets out the organisations that responded to the consultation. It does not include individuals who responded in a personal capacity, responses where an organisation was not clearly identified, or organisations that requested their responses remain confidential. As such, the number of organisations listed below does not equal the total number of respondent.

- Brockenhurst College
- Bright Bees Nursery Limited
- Bolton College
- East Surrey College
- Little Angels Uppingham
- St Marys Pre-School Ltd
- Little Swanswell Nursery
- Education and Skills
- Childminder
- Little Monkeys Day Nursey
- Redstart partnership
- Tiny Robins Day Nursery
- Jelly Tots
- Gateshead Council Learning and Skills
- Premier Early Years Training
- Redbridge Institute
- Holsworthy Playgroup
- Tops Day Nurseries
- Busy Lizzie's Nursery
- K2 Pre-School Academy
- Pearson
- The Lighthouse Day Nursery
- Little Foot Day Nursery
- Tigers Training Centre
- Access Training East Midlands Ltd

- Cambridgeshire Early Childhood Qualifications Centre Cambridgeshire County Council
- Manchester Metropolitan University
- Cambridgeshire Early Childhood Qualifications Centre
- Notre Dame 6th Form College
- Chichester College
- Newbury College
- Casa Natura Bilingual Childcare Ltd
- London Borough of Hounslow
- Cirencester College
- CT Skills
- North Yorkshire County Council
- Pro Train Solutions
- Nottingham Trent University
- Manchester City Council
- Childminding
- NCFE
- Gateshead College
- Squirrels preschool
- Sheffield City Council
- Southend City Council
- Puffins Training Ltd
- Thrive Childcare and Education
- Puffins Training Ltd
- Bath and North East Somerset Council
- Little Oaks Nursery
- Kids Royal Rendezvous
- Rectory Garden Montessori School
- TQUK
- The Butterfly Preschool
- Trafford Council
- Leicestershire Local Authority

- Early Years Alliance
- Adult Skills and Community Learning, Barnsley MBC
- Blackpool Council
- LCC
- Devon Early Years and Childcare Service
- Sefton Early Years Team
- National Day Nurseries Association
- Lanivet Under Fives Pre-School
- The Education People
- Royal College of Speech and Language Therapists
- National Education Union
- National Deaf Children's Society
- Busy bees nursery and Pre school
- Darlington Borough Council
- Twiggy's day nursery LTD
- Parentkiind
- Leeds City Council
- Office for Standards in Education, Children's Services and Skills (Ofsted)





Department  
for Education

© Crown copyright 2023

This document/publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3)

email [psi@nationalarchives.gov.uk](mailto:psi@nationalarchives.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

download [www.gov.uk/government/consultations](http://www.gov.uk/government/consultations)



Follow us on Twitter:  
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:  
[facebook.com/educationgovuk](https://facebook.com/educationgovuk)