



Department  
for Education

# **Early Years Foundation Stage**

## **Government consultation**

**Launch date 31 May 2023**

**Respond by 26 July 2023**

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## Introduction

This is a consultation on proposals to provide more flexibility and remove burdens within the statutory framework for the Early Years Foundation Stage (EYFS) for providers while maintaining quality and safety standards. The consultation also proposes making the framework easier for all practitioners to use through the creation of streamlined childminder and group/school-based provider versions of framework.

## Who this is for

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

- childminders
- childminder agencies
- parents and carers, and organisations representing them
- early education and childcare providers
- early years and childcare practitioners
- nurseries, preschools and schools
- charities
- local authorities
- early years and childcare sector organisations
- Ofsted
- colleges, universities and suppliers of qualifications

## Issue date

The consultation was issued on 31 May 2023.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email: [EYFS.consultation@education.gov.uk](mailto:EYFS.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](mailto: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 Autumn 2023.

## About this consultation

The aim of the consultation is to gather a wide range of views on the specifics of our policy proposals to help us reach well-informed and fair decisions.

The proposals in this consultation relate to settings and children in England only.

The changes in this consultation relate to the requirements placed on providers delivering the EYFS, rather than to LAs. As is standard practice, we will undertake a New Burdens Assessment to assess the changes' impact on Local Government. If any new burdens are identified, we will fully fund the net additional cost of all new burdens placed on local authorities.

To help us understand how the proposed changes to the EYFS might affect early years provision, the Department for Education intends to conduct a study with childcare and early years providers. Any participants taking part in this survey would also be able to take part in this consultation.

## Deadline

The consultation closes at 11.45 pm on 26 July 2023.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [DfE consultations on GOV.UK](#) 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

- [EYFS.consultation@education.gov.uk](mailto:EYFS.consultation@education.gov.uk)

### By post

Early Years Foundation Stage Consultation  
Families Group  
Department for Education  
Sanctuary Buildings  
20 Great Smith Street

London SW1P 3BT

## Ministerial Foreword

Across the country, millions of parents place their children in the care of dedicated nursery and childminder settings. This a fantastic workforce which plays an invaluable part giving children and families access to high-quality early education and childcare, providing a strong foundation and setting children up for the best possible start in life.

In the Government's Spring Budget, we announced the single biggest investment in childcare ever made in England. Our transformative reforms mean that we will invest £204 million in 2023-24 to uplift the rates for existing entitlements, rising to £288 million in 2024-25, with further uplifts beyond this. By 2027-28 this Government expects to be spending in excess of £8bn every year on the early years, helping working families with their childcare costs by saving parents up to £6,500 a year for parents for just a single child.

We want to work closely with the sector to ensure early years providers are ready and able to offer these new entitlements. We are particularly focused on helping them to address the challenges they are facing recruiting and retaining the right staff. Proportionate and flexible regulation will be key to this. Therefore, the Government is consulting on changes to the Early Years Foundation Stage (EYFS) statutory framework.

Providers are best placed to understand how they deploy their staff. We trust that they will make the best decisions for the children in their care. We are also committed to progression for existing practitioners as we grow the early years workforce. This consultation identifies ways for the framework to be improved to support high quality early years provision.

Since being in post I have had the opportunity to meet so many excellent early years practitioners, nursery workers, childminders, and stakeholders. We want to hear if these proposals will help providers get the most out of their staff so they can deliver high-quality, accessible early education.

The early years sector is diverse. We want to ensure we are communicating the EYFS requirements clearly. That is why we are also consulting on proposals to introduce childminder and group and school-based provider versions of the EYFS.

This review of the EYFS builds on previous reforms in 2021 to improve early years teachings, better align the requirements with year one in schools, and reduce unnecessary bureaucracy for practitioners.

We believe these proposals will give the sector the flexibility it needs. This will sit alongside work to consider the wider early years qualifications landscape, including the routes to progression within the sector and the role of graduates.



Claire Coutinho MP

Minister for Children, Families and Wellbeing

## Background

Supporting the early years sector is a priority for this Government. Early years practitioners deliver invaluable, high-quality provision 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.

The EYFS sets the standards all early years providers must meet to ensure that children learn, 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.

Following asks from the sector, we are proposing to deliver changes to the EYFS to offer providers increased flexibility and alleviate known burdens. Our aim is to ensure providers can operate successfully and practitioners can focus on providing children in their care with a high-quality early education, as well as progressing their careers.

We also know that the current EYFS framework is a long document, covering the whole of the early years sector and that some requirements within it vary by provider type. The proposals in this document set out how we plan to make the EYFS a more practical and usable document for different types of provider.

The proposals in this consultation have been informed by conversations with a wide range of stakeholders and early years providers. We hope to hear from many people and organisations so we can gather a broad range of views to help us reach well-informed decisions.

## 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 this consultation applies to childcare 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 which 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-2018.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...

• [tick all that apply]

- Parent, carer
- Childminder registered with Ofsted
- Childminder registered with a childminder agency

- Childminder agency
- Maintained Nursery School – head teacher
- Maintained Nursery School – teacher/practitioner
- Private, voluntary or independent early years group setting – manager
- Private, voluntary or independent early years group setting – practitioner
- Ofsted
- Local Authority
- Membership organisation
- Representative organisation
- Union
- Charity
- College, university or supplier of qualifications
- other (please specify)

### **3. Where are you based in England?**

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

Please note that this consultation applies to childcare 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 this organisation?**

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

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

- 1 to 24

- 25 to 499
- 500 or more

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

- 1 to 6
- 7 to 20
- 21 to 50
- 51 to 100
- 101 or more

**If you represent any other type of organisation:**

**7. What is the nature of your organisation?**

**If you are a parent or carer for a child:**

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

- under 2 years
- 2-4 years
- 5-14 years
- Over 14 years

**9. Which forms of childcare do you currently use? [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, baby-sitters, breakfast clubs, after-school clubs and holiday clubs.

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

[multiple choice]

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

# Updating regulation in the Early Years Foundation Stage framework

## Background

The EYFS 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.

The EYFS was last updated in 2021. The aims of those reforms were twofold:

- to improve early years outcomes for all children, particularly disadvantaged children, in the critical areas that build the foundations for later success, such as language development and literacy.
- to reduce unnecessary assessment paperwork for practitioners and teachers so they can spend more valuable time supporting children through rich curriculum activities.

This consultation proposes opportunities for increased flexibilities for providers to make it easier for them to deliver high-quality early years provision as well as the introduction of new, tailored versions of the framework.

## Proposal and rationale

In the Government's Spring Budget, we announced transformative reforms to childcare for parents, children, and the economy. By 2027-28, this Government will expect to be spending in excess of £8bn every year on funded early education and care, helping working families with their childcare costs, and supporting parents' choice to return to work, a vital step in our commitment to grow the economy. This represents the single biggest investment in childcare in England to date.

Flexibility for providers, including flexibility within the EYFS, is key to achieving a thriving childcare system. Giving settings the freedom to recruit from a wider pool of talented practitioners, and to make full use of the range of experience already in their workforce, will enable the sector to provide the care that parents are seeking.

This consultation seeks views on proposals to give providers more flexibility and alleviate known burdens, with proposals based on feedback from the sector. This consultation is separated into three sections: the first covers changes relevant to all provider types; the second covers changes relevant to childminders; and the third covers changes relevant to group and school-based providers. This includes:

Section 1 - all provider types:

- Removing the requirement for level 3 practitioners to hold a level 2 (GCSE or equivalent) maths qualification. This requirement would instead apply to managers, who would be responsible for ensuring their staff have the right level of maths knowledge to deliver high-quality early years provision. This change would 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.
- Changing the requirement around how providers support children with English as an Additional Language to develop their home language from “must” to “should” or “may” in both versions of the EYFS. The aim of any change would be to alleviate what can be seen as an unreasonable requirement on some providers if the practitioner(s) do not speak any language other than English, especially if multiple children have different home languages, and allowing settings to spend more time focusing on the acquisition of English.

#### Section 2 - childminders:

- Reviewing the requirement for childminders to undertake pre-registration training in the EYFS, letting individuals decide how best to achieve the level of knowledge and understanding required to register with Ofsted or a childminder agency. Understanding of the EYFS will continue to be assessed to the same level by Ofsted or a Childminder Agency prior to registration.
- Allowing childminder’s assistant(s) to act as the key person to alleviate workload for childminders by giving their assistants greater opportunity for responsibility.

#### Section 3 - group and school-based providers:

- Clarifying the wording in the EYFS to reflect the Department’s policy that only those with Qualified Teacher Status, Early Years Teacher Status and Early Years Professional Status can operate in level 6 staff:child ratios.
- Introducing an ‘experience based route’ so that otherwise suitable practitioners who don’t hold an approved level 3 qualification have a path to gaining ‘approved status’ without having to do a new qualification. This would allow the practitioner to count within the level 3 ratio but would not give them a formal qualification.
- Where applicable, changing the percentage of level 2 qualified staff required per ratio for children of all ages by altering the requirement that ‘at least half of all other staff must hold an approved level 2 qualification’. We propose this could be changed to either 30 or 40 percent. This would provide greater flexibility for settings, reducing workforce pressures and allowing qualified staff to commit more time for professional development.

- Changing the qualification requirements for ratios so these would not apply outside of peak working hours (for example, 9am-5pm). This means that whilst staff:child ratios, DBS, paediatric first aid and safety requirements would remain, staff would not need to hold an approved qualification outside of peak hours. The aim of this change is to allow settings greater flexibility in how they use staff outside of peak hours.

We have also identified where we can streamline the EYFS. It is therefore our intention to create two simplified versions of the EYFS framework which reflect these proposed changes and clarifications: one for childminders and one for group and school-based providers. Our aim is to make the EYFS easier to navigate and implement.

This consultation will not reopen the changes made to the EYFS as part of the 2021 reforms.



## Technical detail of our proposals: changes relevant to all providers

We are consulting on **two** new draft versions of the framework.

While we expect you would be able to respond to the questions based on what is set out within this consultation document, we have also shared the new draft versions of the framework alongside the consultation to see these proposals in context, which may be helpful for you to read and consider when responding to the consultation questions.

This consultation document is separated into **three** sections:

- The first section covers changes relevant to all provider types
- The second section covers changes relevant to childminders
- The third section covers changes relevant to group and school-based providers

Paragraph references in this section refer to those found in the **existing EYFS document**. This consultation also explicitly states where the relevant paragraphs can be found in the new versions of the EYFS frameworks.

The following section covers proposed changes that are relevant to **all types of provider**.

### General changes

#### Proposed EYFS language changes

**Relevant to:** childminders and group and school-based providers

#### **Intentions:**

It is our intention to create two simplified versions of the EYFS framework: one for childminders and one for group and school-based providers. Drafts of these documents have been published here, and it may be helpful for you to review these to understand the changes made in terms of streamlining the documents in their full context. Please note, both documents will be subject to further changes following public input to this consultation.

In both versions of the framework, 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.

The aim of these changes is to make the EYFS easier to navigate and implement.

## Question

To what extent do you think the draft frameworks published alongside this consultation are easier to understand than [the existing EYFS](#)?

- Much easier
- Slightly easier
- No change
- Slightly more difficult
- Much more difficult

[Free text response –1500 character limit]

## Proposed changes to Section 1: Learning and Development

### English as an Additional Language

**Relevant to:** childminders and group and school-based providers

#### Intentions:

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.’ (current EYFS paragraph reference: 1.13).

DfE is consulting on whether to change this requirement from “must” to “should” or “may” in both new 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 be no longer requiring practitioners to do this. It would be for providers to decide themselves how to best support children with English as an Additional Language.

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 the English language becomes<sup>1</sup>.

Proposed new wording:

- ‘For children whose home language is not English, [providers/childminders] [should / may] 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.’

This new proposed wording can be found at paragraph 1.9 of the EYFS for childminders, and 1.14 in the EYFS for group and school-based providers.

### Question

Out of the below options, what do you think the expectation in the EYFS frameworks for all provider types should be in regards to how they support 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.
- Providers **should** 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.
- Providers **may** 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.
- Don't know

## Proposed changes to Section 2: Assessment

### Collection of physical evidence

**Relevant to:** childminders and group and school-based providers

**Intentions:**

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

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<sup>1</sup> [English proficiency of pupils with English as an additional language \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

and their own expert professional judgement and should not be required to prove this through collection of physical evidence' (2.2).

DfE intends to change the language from “should not be required to prove this through collection of physical evidence [...]” to “are not required [...]” in both versions of the framework.

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, and to emphasise this time would be better spent focussing on quality interactions with children.

**Proposed new wording:**

- When assessing whether an individual child is at the expected level of development, [practitioners/childminders] should draw on their knowledge of the child and their own expert professional judgement. [Practitioners/Childminders] are not required to prove this through collection of any physical evidence.

This new proposed wording can be found at paragraph 2.2 of the EYFS for childminders, and 2.2 in the EYFS for group and school-based providers.

**Question**

Do you agree with the proposed language change around the collection of physical evidence, currently found in section 2.2 of the EYFS, for all providers?

- Yes
- No
- Don't know

## **Proposed changes to Section 3: The safeguarding and welfare requirements**

### **Child Protection**

**Relevant to:** childminders and group and school-based providers

**Intentions:**

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’ (3.4).

In both versions of the EYFS, alongside clarifications to ease understanding of the current requirement, DfE intends to include “other electronic devices with imaging and sharing capabilities’ to the requirement.

The aim of this change to reflect that new technologies, e.g. smart watches, have imaging and sharing capabilities that should be accounted for in regulation.

**Proposed new wording:**

- ‘Safeguarding policies must include:
  - the action to be taken when there are safeguarding concerns about a child
  - the action to be taken in the event of an allegation being made against [a member of staff / the childminder or an assistant]
  - how mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting

This new proposed wording can be found at paragraph 3.7 of the EYFS for childminders, and 3.7 in the EYFS for group and school-based providers.

**Question**

Do you agree to the proposed change in both versions of the framework regarding electronic devices?

- Yes
- No
- Don’t know

**Qualifications, training support and skills**

**Relevant to:** both childminders and group and school-based providers

**Intentions:**

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.

The aim of this change is to better formalise the professional standards for early years, bringing the sector more in line with other regulated professions.

**Proposed new wording:**

- An approved qualification is defined by the Department for Education (DfE) as meeting the criteria set out in the Early Years Qualification Standards Statutory Guidance [title tbc].

This new proposed wording can be found at paragraph 3.28 of the EYFS for childminders, and 3.38 in the EYFS for group and school-based providers. A new statutory document would be published on Gov.uk alongside new versions of the EYFS. 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.

### **Question**

- a. Do you agree with the proposal to introduce a qualification standards document, setting out the current Level 2 Early Years Practitioner and current and new Level 3 Early Years Educator criteria?
  - Yes
  - No
  - Don't know

## Technical detail of our proposals: changes relevant to childminders

We are consulting on **two** new draft versions of the framework.

While we expect you would be able to respond to the questions based on what is set out within this consultation document, we have also shared the new draft versions of the framework alongside this consultation to see these proposals in context, which may be helpful for you to read and consider when responding to the consultation questions.

This consultation document is separated into **three** sections; the first section covers changes relevant to all provider types, the **second** section covers changes relevant to childminders, and the third section covers changes relevant to group and school-based providers.

Paragraph references in this section refer to those found in the **existing EYFS document**. This consultation also explicitly states where the relevant paragraphs can be found in the new versions of the EYFS frameworks.

The following section covers proposed changes that are relevant to **childminders only**.

### Proposed changes to Section 1: Learning and Development

#### Early Learning Goals (ELGs)

**Relevant to:** childminders only

#### **Intentions:**

DfE intends to move the Early Learning Goals (ELGs) (1.7-1.10) into an annex in the EYFS framework for childminders.

The aim of this change is to clarify that 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. The ELG's are not the curriculum. In very rare cases where a Childminder must do an EYFSP assessment the ELG's are provided.

This can be found Annex B of the EYFS for childminders.

## Question

Do you agree with the proposed reformatting of the Learning and Development section of the EYFS framework for childminders?

- Yes
- No
- Don't know

## Proposed changes to Section 2: Assessment

### EYFS Profile and RBA

**Relevant to:** childminders only

#### Intentions:

DfE also intend to significantly reduce the existing section (2.9 - 2.14) on the Early Years Foundation Stage Profile (EYFSP), including paragraphs relating to information to be provided to local authorities (2.15), 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.

DfE also intends to remove the current section (2.7 - 2.8) 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 carried out by childminders or preschool providers.

The aim of these changes is to clarify the expectations around assessment for childminders. These assessments ordinarily take place at school in reception year.

#### Proposed new wording on EYFSP:

- 'Therefore, it is very rare that a childminder would need to complete the EYFS profile assessment for children aged 4-5 as this is usually done in reception year at school. Childminders that are in this position should refer to Annex B to view the Early Learning Goals and requirements of the profile assessment. The Early Learning Goals are not intended for use prior to the reception year of school.'

This new proposed wording can be found at paragraph 2.11 of the EYFS for childminders.



## Question

Do you agree with the proposed reformatting of the Assessment section of the EYFS framework for childminders?

- Yes
- No
- Don't know

## Proposed changes to Section 3: The safeguarding and welfare requirements

### Child Protection

**Relevant to:** childminders only

#### Intentions:

In the EYFS framework for childminders, DfE intends to clarify safeguarding responsibilities when childminders are working in a group.

The EYFS currently states that: 'The lead practitioner is responsible for liaison with local statutory children's services agencies, and with the LSP' (3.5).

The aims of these changes are to clarify existing requirements. Childminders will not have a 'lead practitioner'. It has also 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.

#### Proposed new wording:

- 'In the case of childminders working together, each childminder is responsible for meeting the requirements of their own registration. Childminders must know that they have a shared responsibility when working together for the wellbeing of all the children present. Therefore, where childminders work together, each childminder also has a responsibility to refer any concerns where another childminder does not continually meet the requirements of their registration.'
- 'Childminders must know how to contact the local statutory children's services, and the LSP (local safeguarding partners).'

This new proposed wording can be found at paragraph 3.5 and 3.4 of the EYFS for childminders.

### **Question**

Do you agree with the proposed changes to child protection section of the Safeguarding and Welfare requirements in the EYFS framework for childminders?

- Yes
- No
- Don't know

## **Suitable People**

**Relevant to:** childminders only

### **Intentions:**

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).

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.

### **Proposed new wording:**

- '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.'
- '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'.

This new proposed wording can be found at paragraph 3.15 and 3.16 of the EYFS for childminders.

## Question

Do you agree with this proposed change to the suitable people section of the Safeguarding and Wellbeing requirements for childminders?

- Yes
- No
- Don't know

## Qualifications, training, support and skills

**Relevant to:** childminders only

**Intentions:** The EYFS requirement 3.24 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'

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 are 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 free online resources such as the Help for Early Years Providers platform, which can help people to understand the EYFS without completing formal training.

The aim of this change is to give applicants the freedom to decide how to achieve the required level of knowledge and understanding in a way that best suits their needs. It will ensure 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.

**Proposed new wording:**

- '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'

This new proposed wording can be found at paragraph 3.9 of the EYFS for childminders.

## Question

Do you agree with removing the requirement in the Early Years Foundation Stage for childminder applicants to have completed training which helps them to understand and implement the EYFS? This would be replaced with a requirement for them to demonstrate knowledge and understanding but not necessarily through formal training.

Options:

- Yes
- No
- Don't know

## Paediatric First Aid (PFA)

**Relevant to:** childminders only

### Intentions

In the EYFS framework for childminders, DfE intends to remove the requirement for childminders to display PFA certificates (3.25) and instead state that childminders should make these available on request.

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 easier for the childminder and more accessible for a parent.

### Proposed new wording:

- 'Childminders should make PFA certificates, or a list of the PFA certificates held by them and any assistants, available to parents on request.'

This new proposed wording can be found at paragraph 3.38 of the EYFS for childminders.

## Question

Do you agree with the proposed change to the Paediatric First Aid section of the Safeguarding and Wellbeing requirements for childminders?

- Yes
- No
- Don't know

## Key person

**Relevant to:** childminders only

### Intentions:

In the EYFS framework for childminders, DfE intends to change the current key person requirement (3.27) to allow childminder assistants to hold the role of key person where appropriate.

The aim of this change is to alleviate the workload for childminders by giving their assistants greater opportunity for responsibility.

### Proposed new wording:

- 'In childminding settings, the key person is the childminder or can be an assistant where appropriate.'

This new proposed wording can be found at paragraph 3.40 of the EYFS for childminders.

Do you agree with the proposal to allow childminding assistants to hold the role of key person?

- Yes
- No
- Don't know

## Safety and suitability of premises, environment and equipment

**Relevant to:** childminders only

### Intentions:

In the EYFS framework for childminders, DfE intends to remove the current reference to 'kitchen' from a list of areas that should not be considered in space requirements (currently in a footnote in 3.58).

We intend to update this to reflect that 'childminders should also consider what areas within their kitchens are safely usable'.

The aim of this change is to allow more flexibility to the existing requirement and alleviate burdens based on feedback from childminders. It is more common that childminding settings will include open plan or combined living and kitchen areas. The new wording is designed to better reflect the home environment in which childminders operate, whilst ensuring the safety of children remains a key consideration.

Proposed new wording:

- 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.

This new proposed wording can be found at paragraph 3.67 of the EYFS for childminders.

### Question

Do you agree with this proposed change to the premises requirement in the Safeguarding and Wellbeing section for childminders?

- Yes
- No
- Don't know

## Safety and suitability of premises, environment and equipment

**Relevant to:** childminders only

### Intentions:

The EYFS currently states: 'Providers must also ensure that there is an area where staff may talk to parents and/or carers confidentially' (3.62).

The aim of this change is to alleviate burdens on childminders and better reflect the home environment.

**Proposed new wording:**

- ‘Childminders must ensure [...] on request, they can make available an area where they may talk to parents and/or carers confidentially [...].’

This new proposed wording can be found at paragraph 3.71 of the EYFS for childminders.

**Question**

Do you agree with this proposed change to the premises requirement in the Safeguarding and Wellbeing section for childminders?

- Yes
- No
- Don't know

## Safety and information

**Relevant to:** childminders only

**Intentions:**

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 (3.77). Instead, can be displayed digitally and must be made available on request.

The aim of this change is to alleviate burdens on childminders.

**Proposed new wording:**

- ‘Childminders must hold the following information [...] their certificate of registration (which can be displayed digitally and should be made available to parents and/or carers on request).’

This new proposed wording can be found at paragraph 3.85 of the EYFS for childminders.

## Question

Do you agree with this proposed change to the information requirements in the Safeguarding and Wellbeing section for childminders?

- Yes
- No
- Don't know



## Technical detail of our proposals: changes relevant to group and school-based providers

We are consulting on **two** new draft versions of the framework.

While we expect you would be able to respond to the questions based on what is set out within this consultation document, we have also shared the new draft versions of the framework alongside this consultation to see these proposals in context, which may be helpful for you to read and consider when responding to the consultation questions.

This consultation document is separated into **three** sections; the first section covers changes relevant to all provider types, the second section covers changes relevant to childminders, and the **third** section covers changes relevant to group and school-based providers.

Paragraph references in this section refer to those found in the **existing EYFS document**. This consultation also explicitly states where the relevant paragraphs can be found in the new versions of the EYFS frameworks.

The following section covers proposed changes that are relevant to **group and school-based providers only**.

### Proposed changes to Section 3: The safeguarding and welfare requirements

#### Suitable people

**Relevant to:** group and school-based providers only

**Intentions:**

In group and school-based version of the EYFS framework, DfE intends to add a clarification to the requirement currently found at paragraph 3.12 to state that while qualifications must be verified, employees do not have to provide physical copies of their qualifications.

The aim of this change is to tackle the known issue of some settings refusing to accept digital copies of certificates.

**Proposed new wording:**

- 'Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced'.

This new proposed wording can be found at paragraph 3.13 of the EYFS for group and school-based providers.

### Question

Do you agree with this proposed change to the suitable people requirements in the of the Safeguarding and Wellbeing section for group and school-based providers?

- Yes
- No
- Don't know

## Qualifications, training support and skills: group and school-based providers

**Relevant to:** group and school-based providers only

### Intentions:

The DfE exploring removing the requirement for level 3 practitioners to hold a level 2 (GCSE or equivalent) maths qualification to count within staff: child ratios (see footnote 34 of the EYFS).

Feedback from the sector indicates this change would provide much-needed flexibility to settings and better enable them to deploy qualified and experienced practitioners to support the learning and development of young children in their care. The requirement would instead be moved to managers, who would be responsible for ensuring their staff have the right level of maths knowledge to effectively deliver the EYFS curriculum. 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. While early years maths pedagogy has already been strengthened in the new Level 3 EYE criteria, the DfE will also be working with the sector to understand what level of maths is most appropriate for delivering high-quality early years provision.

The aim of this change is to give providers flexibility to use experienced and capable staff within the Level 3 staff: child ratios. We anticipate this will help with retaining these staff and make it easier for providers to find suitable staff to fill vacancies. This change will also support staff wishing to progress in an early years career.

### Proposed new wording:

- 'Managers appointed on or after 1 January 2024 must have already achieved a suitable level 2 qualification in maths or must do so within two years of starting in the position. Managers are responsible for ensuring staff have the right level of maths knowledge to effectively deliver the EYFS curriculum'.

The new proposed wording can be found at paragraph 3.37 in the EYFS for group and school-based providers.

#### Question

Do you agree with the proposal to remove the requirement for practitioners to hold a level 2 maths qualification to count within the Level 3 staff: child ratios?

- Yes
- No
- Don't know

To ensure quality, do you agree that the requirement to hold a level 2 maths qualifications should instead be placed on setting managers?

- Yes
- No
- Don't know

If we were to remove the requirement for practitioners to hold a level 2 maths qualification, what additional or alternative training should we consider to ensure all level 3 practitioners have the right maths knowledge to deliver the curriculum?

[Free text, max 1500 characters]

**Relevant to:** group and school-based providers only

#### Intentions:

The DfE also 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 existing '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.

The DfE also intends to amend 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 Level 2 ratios, whilst those working towards an approved Level 6 qualification will be allowed to count in the staff:child Level 3 ratios. This will allow trainees opportunity to gain relevant experience, helping them to meet practical assessments and improve work-readiness.

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.

**Proposed new wording:**

- 'A practitioner holding a qualification that is not on the Early Years Qualifications List may still count within the staff:child ratios at the level they are approved to if they have successfully completed the experience-based route and received approval from the DfE.'
- 'Suitable students on long term placements and volunteers (aged 17 or over) and staff working as apprentices in early education (aged 16 or over) may be included in the ratios at the level below their level of study, if the provider is satisfied that they are competent and responsible.'

This new proposed wording can be found at paragraphs 3.38, 3.27, and 3.49 of the EYFS for school and group-based providers.

## Question

Do you agree that an experience-based route should be introduced that allows practitioners to meet any missing Level 3 criteria and gain approval to count within the Level 3 staff: child ratios?

- Yes
- No
- Don't know

Do you agree that students on long-term placements and apprentices should be able to count within the Level 2 staff:child ratios at the level below their level of study, if the provider is satisfied that they are competent and responsible?

- Yes
- No
- Don't know

What mitigations (if any) are needed to ensure that the quality and safety of Early Years provision are maintained if students on long-term placements and apprentices are working within the staff:child ratios at the level below their level of study?

[Free text, max 1500 characters]

**Relevant to:** group and school-based providers only

### Intentions:

Following feedback from the sector, the DfE also intends to change the qualification requirements for ratios so these would not apply outside of peak working hours (for example, 9am-5pm). This means that whilst staff:child ratios, DBS, paediatric first aid and safety requirements would remain, staff would not need to hold approved qualifications outside of peak hours.

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. By supporting settings to operate during these times, provision would also be more readily available to working parents.

Proposed new wording:

- The qualification requirements below also apply to the total number of staff available to work directly with children, but do not need to be applied outside of

peak working hours of 9am to 5pm. Providers must continue to ensure staffing arrangements meet the needs of all children and ensure their safety at all times.

This new proposed wording can be found at paragraphs 3.39 of the EYFS for school and group-based providers.

### Question

Do you agree that qualification requirements for ratios should not apply outside of peak working hours?

- Yes
- No
- Don't know

If yes, how should peak working hours be defined? For example, these could be standard across settings or dependant on individual settings' peak hours.

[Free text, 1500 characters]

What mitigations (if any) are needed to ensure that the quality and safety of early years provision is maintained if qualification requirements for ratios no longer apply outside of peak hours?

[Free text, max 1500 characters]

**Relevant to:** group and school-based providers

### Intentions:

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.

This change would only be applicable to paragraphs 3.32, 3.33, 3.35, and 3.37 of the current 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'.

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.

For example, the EYFS currently sets out that, for children aged two:

- there must be at least one member of staff for every four children
- at least one member of staff must hold an approved level 3 qualification
- **at least half of** all other staff must hold an approved level 2 qualification

**Proposed new wording:**

- there must be at least one member of staff for every four children
- at least one member of staff must hold an approved level 3 qualification
- **at least [30%] [40%] of** all other staff must hold an approved level 2 qualification

This new proposed wording can be found at 3.40 of the EYFS for group and school-based providers.

### Question

Do you agree with the proposal to reduce the requirement for 'at least half of all other staff' to be level 2 staff per ratios?

- Yes
- No
- Don't know

If yes, do you think it should be amended to:

- **30%** of all other staff must hold an approved level 2 qualification [per applicable ratio]
- **40%** of all other staff must hold an approved level 2 qualification [per applicable ratio]
- Other

Please explain your rationale for your choice above and share any comments you wish to be considered [Free text 1500 characters limit]

## Ratios

**Relevant to:** group and school-based providers

### Intentions:

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 3.34, 3.35, 3.36, and 3.37 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).

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.

### Proposed new wording:

- ‘Where a person with Qualified Teacher Status, Early Years Professional Status or Early Years Teacher Status, is working directly with children: [Ratio bullets to follow]
- ‘For children aged three and over in registered early years provision where a person with Qualified Teacher Status, Early Years Professional Status or Early Years Teacher Status is not working directly with children’ [Ratio bullets to follow]
- ‘For children aged three and over in independent schools (including in nursery classes in free schools and academies) where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, an instructor<sup>2</sup>, or another suitably qualified overseas trained teacher, is working directly with children’ [Ratio bullets to follow]
- ‘For children aged three and over in independent schools (including in nursery classes in free schools and academies) where there is no person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, no instructor, and no suitably qualified overseas trained teacher, working directly with children’ [Ratio bullets to follow]

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<sup>2</sup> An instructor is a person at the school who provides education which consists of instruction in any art or skill, or in any subject or group of subjects, in circumstances where: (a) special qualifications or experience or both are required for such instruction; and (b) the person or body of persons responsible for the management of the school is satisfied as to the qualifications or experience (or both) of the person providing education.



This new proposed wording can be found at paragraphs 3.42, 3.43, 3.44 and 3.45 of the EYFS for group and school-based providers.

### **Question**

Do you agree with these proposed changes to the ratios section of the Safeguarding and Wellbeing requirements for group and school-based providers?

- Yes
- No
- Don't know

### **Paediatric First Aid (PFA)**

**Relevant to:** group and school-based providers only

**Intentions:**

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' (3.25)

**Proposed new wording:**

- '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.'

This new proposed wording can be found at paragraph 3.31 of the EYFS for school and group-based providers.

The aim of this proposal is to clarify that, for a PFA certificate to remain valid, this must be renewed every 3 years.

### Question

Do you agree with the proposed clarification to the wording of the Paediatric First Aid requirement in the group and school-based provider version of the EYFS, to make it explicit that all staff who have obtained a level 2 and/or level 3 qualification since 30 June 2016 must also hold a valid PFA qualification to be included in the required staff:child ratios?

- Yes
- No
- Don't know

## EYFS – general

**Relevant to:** childminders and group and school-based providers

### Question

Do you foresee any unintended consequences for early years providers as a result of these changes to the EYFS framework? Please state the specific area you foresee any issues in your response.

- Yes
- No
- Don't know

#### **[Free text response – 1500 character limit]**

Do you think any further changes should be made to the EYFS framework to provide flexibility to early years providers?

- Yes
- No
- Don't know

#### **[Free text response – 1500 character limit]**

## Further comments

### Questions

1. What are your concerns (if any) about how the proposals may affect you or individuals (both children and adults, including staff and volunteers) in your organisation with protected characteristics?  
*Recommended response = not more than 1500 characters*
2. How would you mitigate against these concerns?  
*Recommended response = not more than 1500 characters*
3. Are you content for us to use your comments in any reporting? Comments will be anonymised.  
*Yes/No*
4. Would you be happy for the DfE or a research body working on its behalf to potentially contact you to discuss your response to this consultation? If you agree, your personal data and responses to the consultation will be shared to allow them to contact you about your response.  
*Yes - willing to be re-contacted*  
*No - not willing to be re-contacted*
5. {If willing to be contacted} For us to contact you about possible additional research, we need a named contact, email address and telephone number. Please provide these in the boxes below.  
*Name/position*  
*Organisation name (if different from above)*  
*Email address*  
*Contact telephone number*

# Annex A: Glossary of terms

## **Consultation**

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

## **Childcare**

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

## **Childminder**

An individual providing childcare on domestic premises (usually the childminder's own home). Childminders can also work from non-domestic premises for up to half their time and with up to two other adults.

## **Childminder agency**

Childminder agencies are organisations that register childminders as an alternative to Ofsted. In addition to the registration and quality assurance of childminders, childminder agencies also help childminders with training, business support, advice and finding parents. Parents can also use childminder agencies to find a childminder.

## **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, baby-sitters, breakfast clubs, after-school clubs and holiday clubs.

## **Group-based setting**

Childcare providers registered with Ofsted and operating in non-domestic premises.

## **Informal childcare**

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

## **Maintained Nursery Schools**

Local authority-maintained schools for 2-, 3- and 4-year-olds.

## **Private, voluntary and independent nurseries**

Run by businesses, charities or community groups, range from small independent nurseries to large chain run settings, including workplace nurseries.

## **School based nurseries**

Nurseries in either local authority maintained or academy primary schools.



Department  
for Education

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