
STATUTORY INSTRUMENTS

2007 No. 1772

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Early Years Foundation Stage (Learning
and Development Requirements) Order 2007**

Made - - - - - *20th June 2007*
Laid before Parliament *27th June 2007*
Coming into force - - - *1st September 2008*

In accordance with section 45(2) of the Childcare Act 2006⁽¹⁾ (“the Act”) the Secretary of State for Education and Skills has given notice of his proposal to make this Order.

And in accordance with section 45(3) of the Act the Secretary of State has considered the evidence and representations submitted to him in pursuance of section 45(2), and has published a draft of this Order and any associated documents and a summary of the views expressed to him.

Accordingly the Secretary of State, in exercise of the powers conferred by sections 39(1)(a), 42(1) to (5) and 44(1) to (4) of the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 and comes into force on 1st September 2008.

Interpretation

2. In this Order—

“the Act” means the Childcare Act 2006;

“the Document” means the Document entitled “Statutory Framework for the Early Years Foundation Stage” published by the Secretary of State⁽²⁾.

Specification of the learning and development requirements

3.—(1) It is directed that the provisions in Section 2 of the Document have effect for the purposes of specifying the learning and development requirements⁽³⁾ under section 39(1)(a) of the Act.

(1) 2006 c.21.

(2) ISBN 978-1-84478-921-4.

(3) The learning and development requirements cover six areas of learning; the Statutory Framework for the Early Years Foundation Stage (“the Document”) specifies early learning goals and educational programmes in relation to each area and includes arrangements required for assessing children’s achievements in relation to the early learning goals (see section 41(1) to (3) of the Childcare Act 2006 (“the Act”).

(2) Early years providers(4) to whom section 40 of the Act (duty to implement Early Years Foundation Stage) applies must have regard to the guidance in Section 2 of the Document in securing that the early years provision they provide meets the learning and development requirements.

Further provisions about assessment arrangements

4.—(1) An English local authority must make provision to ensure the accuracy and consistency of the assessments(5) made by early years providers in their area.

(2) An English local authority must have regard to any guidance given by the Qualifications and Curriculum Authority(6) in exercising their function under paragraph (1).

(3) An early years provider must permit any person authorised by an English local authority for the purposes of exercising their function under paragraph (1)—

- (a) to enter the premises on which the early years provision is provided;
- (b) to observe the implementation of the assessment arrangements; and
- (c) to inspect, and take copies of, documents and other articles relating to EYFS profiles and assessment arrangements.

(4) In this article “EYFS profile” has the same meaning as in Section 2 of the Document(7).

Requirement on Chief Inspector

5. The Chief Inspector(8) must have regard to the requirements and guidance in Section 2 of the Document in exercising her functions under Part 3 of the Act.

Matters to be considered by the Chief Inspector

6. Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in Section 2 of the Document; or
- (b) failed to have regard to the guidance in Section 2 of the Document

may be taken into account by the Chief Inspector in the exercise of her functions under Part 3 of the Act.

Proceedings under Part 3 of the Act

7. Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in Section 2 of the Document; or
- (b) failed to have regard to the guidance in Section 2 of the Document

may be taken into account in any proceedings under Part 3 of the Act.

(4) For the definition of “early years provider” see section 96(3) of the Act.

(5) The arrangements required for assessing children’s achievements in relation to the early learning goals are set out in paragraphs 2.19 to 2.26 in Section 2 of the Document.

(6) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997 (c. 44).

(7) See in particular paragraph 2.21 of Section 2 of the Document.

(8) For the definition of “the Chief Inspector” see section 98(1) of the Act, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c. 40).

20th June 2007

Beverley Hughes
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order made under the Childcare Act 2006 (“the Act”) specifies the learning and development requirements in relation to each of the areas of learning and development that early years providers must secure in providing early years provision.

Article 3 specifies the learning and development requirements and gives legal effect to the Statutory Framework for the Early Years Foundation Stage, published by the Secretary of State for Education and Skills. Early years providers are required to have regard to the guidance in the Statutory Framework for the Early Years Foundation Stage in securing that the early years provision they provide meets the learning and development requirements.

Article 4 sets out further provisions about assessment arrangements. Local authorities are required to make provision to ensure the accuracy and consistency of assessments made by early years providers.

Article 5 requires the Chief Inspector to have regard to the requirements and guidance in Section 2 of the Statutory Framework for the Early Years Foundation Stage in exercising functions under Part 3 of the Act.

Article 6 enables the Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”), in exercising her functions under Part 3 of the Act, to take into account allegations that an early years provider has failed to meet the learning and development requirements, or failed to have regard to guidance in Section 2 of the Statutory Framework for the Early Years Foundation Stage. Article 7 allows any such allegation to be taken account in any proceedings under Part 3 of the Act.

The learning and development requirements, together with welfare requirements specified under section 39(1)(b) of the Act, make up the Early Years Foundation Stage. The learning and development requirements will replace the curriculum guidance for the foundation stage which was given legal effect by the Education (National Curriculum) (Foundation Stage Early Learning Goals) (England) Order 2003 [S.I. 2003/391](#).

Copies of the Statutory Framework for the Early Years Foundation Stage (ISBN 978-1-84478-921-4) referred to in Article 3, can be obtained from DfES publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 0DJ (Tel 0845 6022260), email dfes@prolog.uk.com. Ref 00012-2007PCK-EN.

A regulatory impact assessment has been prepared for this Order. It is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website <http://www.opsi.gov.uk>.