

2014 No. 913

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Learning and Development Requirements and Exemptions from Registration) (Amendment) Order 2014

<i>Made</i>	- - - -	<i>3rd April 2014</i>
<i>Laid before Parliament</i>		<i>8th April 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 33(2) and (3), 34(3) and (4), 39(1)(a), 42(1) and (2), 44(1) to (4), 52(2) and (3), 53(3) and (4) and 104(2) of the Childcare Act 2006(a).

In accordance with section 42(A1) of that Act the Secretary of State has consulted the Office of Qualifications and Examinations Regulation.

Citation and commencement

1. This Order may be cited as the Childcare (Learning and Development Requirements and Exemptions from Registration) (Amendment) Order 2014 and comes into force on 1st September 2014.

Amendments to the Early Years Foundation Stage (Learning and Development Requirements) Order 2007

2. The Early Years Foundation Stage (Learning and Development Requirements) Order 2007(b) is amended as follows.

3. In Article 2 (interpretation), in the definition of “the Document” for “27th March 2012” substitute “31st March 2014”.

4. In Article 5 (requirement on the Chief Inspector)—

- (a) after “Chief Inspector” insert “and early years childminder agencies”(c);
- (b) omit “her”; and
- (c) in the heading, after “Chief Inspector” insert “and early years childminder agencies”.

(a) 2006 c. 21. Sections 34(3) and 53(3) were amended by paragraphs 5 and 16 respectively of Schedule 4 to the Children and Families Act 2014 (c. 6) (“the 2014 Act”). Section 42 was amended by section 160(2) of, and paragraph 40 of Schedule 12 and Part 4 of Schedule 16 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the ASCLA 2009”) and by paragraph 17 of Schedule 8 to the Education Act 2011 (c. 21). Section 44 was amended by paragraph 41 of Schedule 12 to the ASCLA 2009 and by paragraph 11 of Schedule 4 to the 2014 Act.

(b) S.I. 2007/1772, amended by S.I. 2008/1952, S.I. 2010/677 and S.I. 2012/937.

(c) Early years childminder agency is defined in section 98(1) of the Childcare Act 2006, as amended by paragraph 62 of Schedule 4 to the 2014 Act.

5.—(1) Article 6 is renumbered as paragraph (1) of that Article.

(2) In that paragraph omit “her”.

(3) After that paragraph insert—

“(2) Any allegation that an early years childminder agency has failed to meet the requirement in Article 5 may be taken into account by the Chief Inspector in the exercise of functions under Part 3 of the Act.”.

6. After Article 6 insert—

“Matters to be considered by early years childminder agencies

6A. Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in Sections 1 and 2 of the Document; or
- (b) failed to have regard to the matters in Sections 1 and 2 of the Document,

may be taken into account by an early years childminder agency in the exercise of functions under Part 3 of the Act.”.

7.—(1) Article 7 is renumbered as paragraph (1) of that Article.

(2) After that paragraph insert—

“(2) Any allegation that an early years childminder agency has failed to meet the requirement in Article 5 may be taken into account in any proceedings under Part 3 of the Act.”.

Amendments to the Childcare (Exemptions from Registration) Order 2008

8. The Childcare (Exemptions from Registration) Order 2008(a) is amended as follows.

9.—(1) In Article 2(2) after “Section 34(1)” insert “and (1A)”.

(2) In Article 2(4) after “Section 53(1)” insert “and (1A)”.

10.—(1) In Article 3(1)—

(a) after sub-paragraph (b) insert—

“(bb) for a child or children for 3 hours or less per day if—

- (i) in the course of a friendship with the parents of that child or children;
- (ii) for reward; and
- (iii) on domestic premises;”;

(b) at the end of sub-paragraph (c) omit “or”.

(2) In Article 3(2)—

(a) after “paragraph (1)” omit “(e)”; and

(b) after ““local authority foster parent” has the same meaning as in section 22C(12) of the Children Act 1989;” insert—

“payment” means a payment of money or money’s worth but does not include the provision of goods or services;”.

(a) S.I. 2008/979, as amended by S.I. 2010/744 and S.I. 2011/584.

3rd April 2014

Elizabeth Truss
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (“the 2007 Order”) and the Childcare (Exemptions from Registration) Order 2008 (“the Exemptions Order”).

The 2007 Order specifies the learning and development requirements that early years providers must secure in providing early years provision and gives legal effect to the learning and development requirements in the Statutory Framework for the Early Years Foundation Stage (“the Document”).

Article 3 of this Order amends the definition of “the Document” in the 2007 Order so that it refers to a new version of the Document published on 31st March 2014 which mainly contains amendments to the welfare requirements in Section 3 of the Document. There is one change to Section 2 on Assessment in the Document. No amendments have been made to the early learning goals or educational programmes in Section 1 of the Document and as a result, the consultation procedure under section 45 of the Childcare Act 2006 has not been conducted on this occasion.

Articles 4 to 7 of this Order are consequential on amendments made to the Childcare Act 2006 (“the 2006 Act”) by section 84 of, and Schedule 4 to, the Children and Families Act 2014. Those amendments allow for the registration of persons who propose to provide childcare on domestic premises with childminder agencies as an alternative to registration in one of the registers maintained by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”).

Article 4 amends the 2007 Order to impose a requirement on early years childminder agencies to have regard to the requirements and matters in Sections 1 and 2 of the Document. Amendments made to the 2007 Order by Article 5 enable the Chief Inspector to take into account allegations that a childminder agency has failed to have regard to Sections 1 and 2 of the Document in the exercise of its functions and Article 7 allows any such allegations to be taken into account in any proceedings under Part 3 of the 2006 Act.

Article 6 inserts a new provision into the 2007 Order which would enable an early years childminder agency to take into account allegations that an early years provider registered with it has failed to meet the learning and development requirements or failed to have regard to the matters in Sections 1 and 2 of the Document.

The Exemptions Order specifies the circumstances in which the provision of childcare does not attract the requirement for registration. Article 9 of this Order is consequential on amendments made to sections 34 and 53 of the 2006 Act by Schedule 4 to the Children and Families Act 2014. Article 10(1) of this Order provides for an exemption where a child is looked after by a family friend for three hours or less per day on domestic premises and for reward. Article 10(2) inserts the definition of payment into Article 3 of the Exemptions Order.

The new version of the Document can be found on the website of the Department for Education at <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2> and copies of the Document can be viewed at the Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

A validation impact assessment of the effect that the exemption from registration will have is available alongside the Explanatory Memorandum for this instrument at www.legislation.gov.uk.

An impact assessment has not been produced in relation to the other measures in the instrument as no impact on businesses, civil society organisations or the public sector is foreseen.

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