
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 ^{M1} (“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:

Marginal Citations

M1 [2006 c.21](#).

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;

[^{F1}“the Document” means the Document entitled “Statutory Framework for the Early Years Foundation Stage” published by the Secretary of State on [^{F2}3rd March 2017 on the gov.uk website].]

[^{F3}“the relevant provisions of the Document” means the provisions in Sections 1 and 2 of the Document that use the word “should”.]

Status: Point in time view as at 24/04/2020.

Changes to legislation: There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007. (See end of Document for details)

Textual Amendments

- F1** Words in art. 2 substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, 3
- F2** Words in art. 2 substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(2)(a)**
- F3** Words in art. 2 inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(2)(b)**

Specification of the learning and development requirements

3. [^{F4}Subject to article 3A,]

(1) It is directed that the provisions in [^{F5}Sections 1 and 2] of the Document [^{F6}that, by virtue of their use of the word “must”, express requirements,] have effect for the purposes of specifying the learning and development requirements^{M2} under section 39(1)(a) of the Act.

(2) Early years providers^{M3} to whom section 40 of the Act (duty to implement Early Years Foundation Stage) applies must have regard to the [^{F7}matters in [^{F8}the relevant provisions]] of the Document in securing that the early years provision they provide meets the learning and development requirements.

Textual Amendments

- F4** Words at the beginning of art. 3 inserted (24.4.2020) by virtue of [The Early Years Foundation Stage \(Learning and Development and Welfare Requirements\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/444\)](#), regs. 1, 4 (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by [S.I. 2023/1338](#), regs. 1(2), **5(a)**)
- F5** Words in art. 3(1) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, 4
- F6** Words in art. 3(1) inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(3)(a)**
- F7** Words in art. 3(2) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, 5
- F8** Words in art. 3(2) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(3)(b)**

Marginal Citations

- M2** 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”).
- M3** For the definition of “early years provider” see section 96(3) of the Act.

[^{F9}Temporary modification of learning and development requirements in the Document

3A.—(1) During the relevant period, the learning and development requirements prescribed in Section 1 of the Document are to be treated as discharged if a provider uses its reasonable endeavours to discharge the requirement during the relevant period.

(2) The relevant period starts when this regulation comes into force and ends on 25th September 2020.

(3) The learning and development requirements prescribed in Section 2 of the Document and specified in the first column of the table in paragraph (4) do not apply to the extent specified in the second column of that table.

(4)

<i>Learning and Development Requirement</i>	<i>Extent specified</i>
Paragraphs 2.3 to 2.5 (progress check at age 2)	in relation to the carrying out of any progress check before 25 th September 2020.
Paragraphs 2.6 to 2.11 (assessment at the end of the EYFS – the EYFSP)	in relation to an assessment which would, but for this provision, have been undertaken in the academic year commencing with 1st August 2019 and ending with 31st July 2020.]

Textual Amendments

F9 Art. 3A inserted (24.4.2020) by [The Early Years Foundation Stage \(Learning and Development and Welfare Requirements\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/444\)](#), regs. 1, 5 (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by [S.I. 2023/1338](#), regs. 1(2), 5(a))

Further provisions about assessment arrangements

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

(2) An English local authority must have regard to any guidance given by the [^{F10}Secretary of State] 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.

Textual Amendments

F10 Words in art. 4 substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, 6

Requirement on Chief Inspector [^{F11}and early years childminder agencies]

5. The Chief Inspector [^{M4}[^{F12}and early years childminder agencies] must have regard to the [^{F13}learning and development requirements and matters in the relevant provisions] of the Document in exercising [^{F14}... functions under Part 3 of the Act.

Status: Point in time view as at 24/04/2020.

Changes to legislation: There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007. (See end of Document for details)

Textual Amendments

- F11** Words in art. 5 heading inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(c)**
- F12** Words in art. 5 inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(a)**
- F13** Words in art. 5 substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(4)**
- F14** Word in art. 5 omitted (1.9.2014) by virtue of [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(b)**

Marginal Citations

- M4** 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 \(c. 40\)](#).

Matters to be considered by the Chief Inspector

6.—^[F15](1) Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in ^[F16]Sections 1 and 2] of the Document; or
- (b) failed to have regard to the ^[F17]matters in ^[F18]the relevant provisions]] of the Document

may be taken into account by the Chief Inspector in the exercise of ^{F19}... functions under Part 3 of the Act.

^[F20](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.]

Textual Amendments

- F15** Art. 6(1): art. 6 renumbered as art. 6(1) (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(1)**
- F16** Words in art. 6(a) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **4**
- F17** Words in art. 6(b) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **5**
- F18** Words in art. 6(1)(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(5)**
- F19** Word in art. 6(1) omitted (1.9.2014) by virtue of [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(2)**
- F20** Art. 6(2) inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(3)**

^[F21]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 [F22the relevant provisions] 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.]

Textual Amendments

- F21** Art. 6A inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **6**
- F22** Words in art. 6A(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(6)**

[F23Matters to be considered by early years childminder agencies: effect of temporary closure directions

6B.—(1) In relation to a period during which a temporary closure direction has effect in relation to an early years provider, an early years childminder agency must, in exercising functions under Part 3 of the Act, take account of the direction in dealing with any allegation under article 6A(a) or (b).

(2) In paragraph (1) “temporary closure direction” means a direction issued under section 37(1) and paragraph 3(2)(b) of Schedule 16 to the Coronavirus Act 2020.]

Textual Amendments

- F23** Art. 6B inserted (24.4.2020) by [The Early Years Foundation Stage \(Learning and Development and Welfare Requirements\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/444\)](#), regs. 1, **6** (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by [S.I. 2023/1338](#), regs. 1(2), **5(a)**)

Proceedings under Part 3 of the Act

7.—[F24(1)] Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in [F25Sections 1 and 2] of the Document; or
- (b) failed to have regard to the [F26matters in [F27the relevant provisions]] of the Document
- may be taken into account in any proceedings under Part 3 of the Act.

[F28(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.]

Textual Amendments

- F24** Art. 7(1): art. 7 renumbered as art. 7(1) (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **7(1)**
- F25** Words in art. 7(a) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **4**
- F26** Words in art. 7(b) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **5**

Status: Point in time view as at 24/04/2020.

Changes to legislation: There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007. (See end of Document for details)

- F27** Words in art. 7(1)(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(7)**
- F28** Art. 7(2) inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **7(2)**

[^{F29}Review

- 8.—**(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision in this Order,
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 3rd April 2022.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a review carried out under this article must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this article, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 (see section 32 of that Act).]

Textual Amendments

- F29** Art. 8 inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(8)**

Department for Education and Skills

Beverley Hughes
Minister of State

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>.

Status:

Point in time view as at 24/04/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007.