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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for exemptions from the learning and development requirements, which are part of the Early Years Foundation Stage.

The learning and development requirements are set out in Section 2 of the document entitled “Statutory Framework for the Early Years Foundation Stage” published by the Department for Children, Schools and Families, and are made up of educational programmes, early learning goals and assessment arrangements.

Part 2 of the Regulations provides that the Secretary of State may grant an exemption from the learning and development requirements for a particular early years provider on two different grounds.

Regulations 3 and 4 enable an exemption to be granted, provided that the majority of parents of children receiving the early years provision support an application for exemption, where the principles which govern the early years provision cannot be reconciled with the learning and development requirements. The provider must also have sought the views of the local authority. Regulation 4 provides that the Secretary of State can modify or disapply any of the early learning goals or assessment arrangements, but can only modify an educational programme. The exemption may last for a maximum of 2 years.

Regulations 5 and 6 enable an exemption to be granted where the early years provider is temporarily unable to secure that the early years provision meets the learning and development requirements, but the Secretary of State is satisfied that the provider will be able to do so within a period of 12 months. The early years provider must have sought the views of parents and the local authority. Regulation 6 provides that any of the learning and development requirements may be modified or disapplied. The exemption may last for a maximum of 12 months.

Part 3 of the Regulations provides that exemptions may be granted by early years providers themselves, in relation to particular children, and at the request of a child’s parent. An exemption may be given where a parent’s religious or philosophical convictions cannot be reconciled with aspects of the learning and development requirements. The early years provider must have sought the views of the relevant local authority. Regulation 9 provides that an early learning goal or assessment arrangement may be modified or disapplied for that child, but an educational programme may only be modified. The exemption may last for a maximum of 12 months.

Copies of the “Statutory Framework for the Early Years Foundation Stage” can be obtained from DCSF Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham, NG15 0DJ (telephone number: 0845 6022260). It can also be downloaded from the DCSF website [www.standards.dcsf.gov.uk/eyfs](http://www.standards.dcsf.gov.uk/eyfs)

An Impact Assessment has been produced for the Early Years Foundation Stage and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).