
STATUTORY INSTRUMENTS

2023 No. 1338

CHILDREN AND YOUNG PERSONS, ENGLAND

The Early Years Foundation Stage (Learning and Development, Early Years Register and Welfare Requirements) (Amendment) Regulations 2023

<i>Made</i>	- - - -	<i>7th December 2023</i>
<i>Laid before Parliament</i>		<i>8th December 2023</i>
<i>Coming into force</i>	- -	<i>4th January 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 35(3) and (5)(a), 39(1), 43(1), 44 and 104(2) of the Childcare Act 2006(1).

In accordance with section 43(2) of the Childcare Act 2006, the Secretary of State has consulted His Majesty's Chief Inspector of Education, Children's Services and Skills and other appropriate persons.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Early Years Foundation Stage (Learning and Development, Early Years Register and Welfare Requirements) (Amendment) Regulations 2023.

(2) These Regulations come into force on 4th January 2024.

(3) These Regulations extend to England and Wales.

Amendment of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007

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

(2) In article 2 (interpretation), for the definition of “the Document”, substitute—

““the Document” means—

(1) 2006 c. 21. Section 35(3) and (5) was amended by paragraph 6 of Part 2 of Schedule 4 to, the Children and Families Act 2014 (c. 6). Section 44 was amended by paragraph 41 of Schedule 12 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and paragraph 11 of Part 2 of Schedule 4 to, the Children and Families Act 2014.

(2) S.I. 2007/1772. Relevant amending instruments are S.I. 2012/937, 2014/913, 2017/361, 2020/444 and 939, 2021/234 and 432 and 2023/780.

- (a) in the case of a person who is an early years childminder⁽³⁾, the document entitled “Early Years Foundation Stage Statutory Framework for Childminders” dated 8th December 2023 and published by the Secretary of State on the gov.uk website⁽⁴⁾;
- (b) in the case of an early years provider⁽⁵⁾ other than an early years childminder, the document entitled “Early Years Foundation Stage Statutory Framework for Group and School-based Providers” dated 8th December 2023 and published by the Secretary of State on the gov.uk website⁽⁶⁾”.

Amendment of the Childcare (Early Years Register) Regulations 2008

3.—(1) The Childcare (Early Years Register) Regulations 2008⁽⁷⁾ are amended as follows.

(2) In Schedule 1 (applications for registration: early years childminders), omit paragraph 3A (requirement for the applicant to have completed a course).

Amendment of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012

4.—(1) The Early Years Foundation Stage (Welfare Requirements) Regulations 2012⁽⁸⁾ are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “the Document” substitute—

““the Document” means—

- (a) in the case of a person who is an early years childminder, the document entitled “Early Years Foundation Stage Statutory Framework for Childminders” dated 8th December 2023 and published by the Secretary of State on the gov.uk website;
- (b) in the case of an early years provider other than an early years childminder, the document entitled “Early Years Foundation Stage Statutory Framework for Group and School-based Providers” dated 8th December 2023 and published by the Secretary of State on the gov.uk website”.

(3) In regulation 3⁽⁹⁾ (specification of the welfare requirements)—

(a) for paragraph (2), substitute—

“(2) It is directed that—

- (a) the obligatory provisions of the Document; and
- (b) the Qualifications Document, insofar as it specifies qualifications and training requirements to be met by early years providers who are not early years childminders,

have effect, for the purposes of specifying the welfare requirements under section 39(1)(b) of the Act.”;

(b) in paragraph (2A), for “paragraphs 3.16, 3.17, 3.18, 3.53, 3.54, 3.78 and 3.79” substitute—

“—

(3) For the definition of “early years childminder”, see section 96(4) and (5) of the Childcare Act 2006, amended by section 76 of the Small Business, Enterprise and Employment Act 2015 (c. 26). Section 96(4) is prospectively amended by section 237 of the Levelling Up, Housing and Regeneration Act 2023 (c. 55) from a date to be appointed.

(4) Early Years Foundation Stage Statutory Framework for Childminders published at <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>.

(5) For the definition of “early years provider”, see section 96(3) of the Childcare Act 2006.

(6) Early Years Foundation Stage Statutory Framework for Group and School-based Providers published at <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>.

(7) S.I. 2008/974. Relevant amending instruments are S.I. 2012/939 and 2014/912.

(8) S.I. 2012/938. Relevant amending instruments are S.I. 2015/1562, 2017/361, 2020/444 and 939, 2022/1133 and 2023/780.

(9) Regulation 3 was amended by S.I. 2015/1562, 2017/361 and 2022/1133.

- (a) paragraphs 3.9, 3.19, 3.20, 3.56, 3.58, 3.62 and 3.86 of the Document referred to in sub-paragraph (a) of the definition of the Document;
- (b) paragraphs 3.9, 3.18, 3.19, 3.20, 3.58, 3.60, 3.64, 3.88 and 3.89 of the Document referred to in sub-paragraph (b) of the definition of the Document.”;
- (c) after paragraph (3), insert—
 - “(4) “Qualifications Document” means the document entitled “Early years qualification requirements and standards” dated 8th December 2023 and published by the Secretary of State on the gov.uk website(10).”.

Revocations

- 5. The following statutory instruments are revoked—
 - (a) the Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2020(11);
 - (b) the Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020(12);
 - (c) the Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021(13).

Signed by authority of the Secretary of State for Education

7th December 2023

David Johnston
Parliamentary Under-Secretary of State
Department for Education

(10) Early years qualification requirements and standards published at <https://www.gov.uk/government/publications/early-years-qualification-requirements-and-standards>.

(11) [S.I. 2020/444](#).

(12) [S.I. 2020/939](#).

(13) [S.I. 2021/234](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (“the 2007 Order”), the Childcare (Early Years Register) Regulations 2008 (S.I. 2008/974) (“the 2008 Regulations”) and the Early Years Foundation Stage (Welfare Requirements) Regulations 2012 (S.I. 2012/938) (“the 2012 Regulations”).

Regulation 2 amends the 2007 Order. Regulation 4 amends the 2012 Regulations. Both regulation 2(2) and regulation 4(2) contain amendments which provide for reference to be made to a new document entitled “Early Years Foundation Stage Statutory Framework for Childminders”, which applies to early years childminders, and a new document entitled “Early Years Foundation Stage Statutory Framework for Group and School-based Providers”, which applies to early years providers other than early years childminders.

Regulation 4(3)(a) amends regulation 3(2) of the 2012 Regulations to give effect to a new document entitled “Early years qualification requirements and standards”, which applies to early years providers other than early years childminders. Regulation 4(3)(b) amends regulation 3(2A) of the 2012 Regulations to exclude certain paragraphs of the document entitled “Early Years Foundation Stage Statutory Framework for Childminders”, and the document entitled “Early Years Foundation Stage Statutory Framework for Group and School-based Providers” from the definition of the “obligatory provisions”, as these paragraphs explain obligations imposed in regulations 7, 8 and 9 of the 2012 Regulations themselves.

These documents are available on the gov.uk website at these links: <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2> and <https://www.gov.uk/government/publications/early-years-qualification-requirements-and-standards>. Hard copies of these documents can be viewed at the Department for Education, Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT.

Regulation 3 amends the 2008 Regulations to omit a requirement for the completion of a course on the Early Years Foundation Stage requirements by a person who is applying for registration as an early years childminder with an early years childminding agency or the Chief Inspector in accordance with section 35 of the Childcare Act 2006 (c. 21).

Regulation 5 revokes three instruments that contained temporary provision applicable during the coronavirus pandemic.

A full impact assessment has been prepared for these Regulations. It is annexed to the Explanatory Memorandum which is available alongside the instrument on <https://www.legislation.gov.uk>.