



Department  
for Education

# **Early Years Foundation Stage (EYFS): Regulatory Changes**

**Government consultation response**

**27 October 2023**

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## Introduction

Supporting the early years and childcare sector is a priority for this Government. Early years practitioners deliver invaluable, high-quality education and care to millions of children each day. They play a crucial role in enriching the lives of the children they care for and enable parents and carers to access the labour market.

The [Early Years Foundation Stage \(EYFS\) statutory framework](#) is mandatory for all early years settings, including maintained schools, non-maintained schools, independent schools, all nurseries and childminders on the Early Years Register, and all childminders and childcare on domestic premises (CoDP) providers registered with an early years childminder agency. It sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

The government wants to ensure providers can operate successfully and practitioners can focus on providing children in their care with a high-quality early education, and have opportunities to progress their careers. This document sets out the government's official response to the consultation on changes to the EYFS, held between 31 May and 26 July 2023.

This consultation forms part of the Smarter Regulation programme of regulatory reform announcements that began in May with the publication of Smarter Regulation to Grow the Economy. Through the Smarter Regulation programme, the Government will take action to reduce the burdens on business, reduce the cost of living, deliver choice to consumers, turbocharge science and innovation and drive infrastructure development.

## Background to the EYFS changes

In the Government's Spring Budget, the government announced the single biggest investment in childcare ever made in England - with 15 funded hours of childcare available to working parents of two-year-olds from April 2024, 15 funded hours from nine months to the start of school available from September 2024, with this rising to 30 free hours from September 2025.

We want to work closely with the sector to ensure early years providers are ready and able to offer these new entitlements. We are particularly focused on helping providers address the challenges they are facing recruiting and retaining the right staff. This includes through work to ensure regulation is proportionate and appropriately flexible whilst maintaining high standards of education and care.

The government launched an 8-week Early Years Foundation Stage (EYFS) consultation on 31 May 2023, which closed on 26 July 2023. This consultation sought views on a range of proposals to remove burdens and offer more flexibility for providers within the EYFS, while maintaining quality and safety standards. The consultation also proposed making the framework easier for all practitioners to use, through the creation of streamlined childminder and group and school-based provider versions of framework. The consultation was separated into three sections: the first covered changes relevant to all provider types; the second covered changes relevant to childminders; and the third covered changes to group and school-based providers.

This document sets out a summary of views from the consultation and the government's response. The qualitative consultation responses were analysed by an independent organisation, ICF Consulting Services Limited, while quantitative responses were analysed by the Department for Education (DfE). Figures provided throughout this document have been rounded to the nearest whole number, which in places might result in totals being slightly different from the sum of their parts.

In addition, to help us understand how the more significant proposed changes might affect early years provision, the DfE commissioned IFF Research to conduct a survey with early years providers. This received 1,349 responses from school-based providers, group-based providers and childminders. The survey of providers did not ask questions related to every proposal included in this consultation, which is why provider survey responses are available for some, but not all, proposals. It also included questions out of scope of this consultation.

The changes outlined in this document do not reopen the changes made to the EYFS as part of the 2021 reforms to learning and development and assessment requirements.

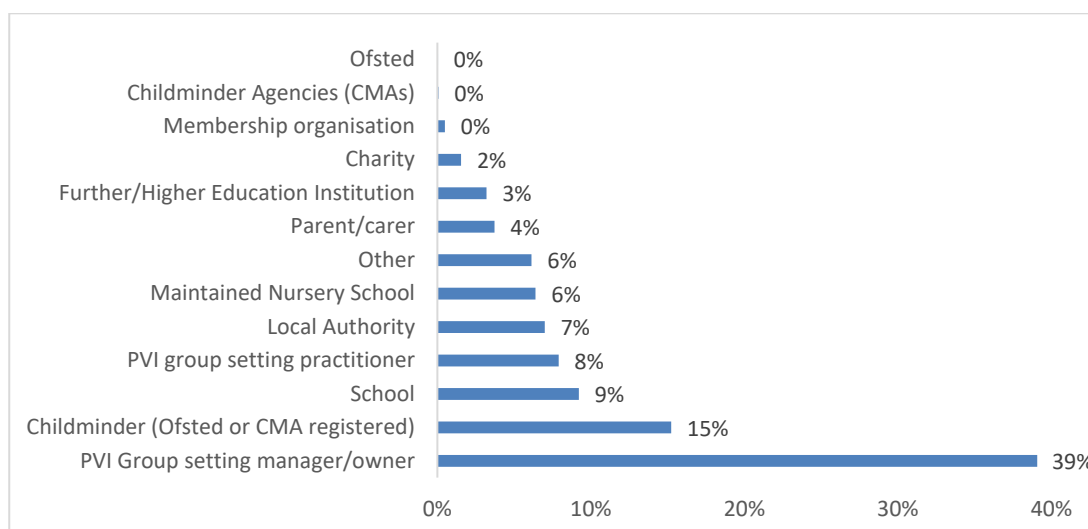
## Summary of responses received and the government’s response

The ‘Early Years Foundation Stage government consultation’ was launched on 31 May 2023 and closed on 26 July 2023.

In total, the consultation received 2,659 responses.

Respondent group <sup>1</sup>	Count
PVI group setting Manager/Owner	1,039
Childminder (Ofsted or CMA registered)	405
School	245
PVI group setting Practitioner	210
Local authority	186
Maintained Nursery School	170
Other	163
Parent/carer	99
Further/higher education institution	85
Charity	41
Membership organisation	13
Childminder Agencies (CMAs)	2
Ofsted	1

Figure 1.1: Overview of consultation responses by respondent group

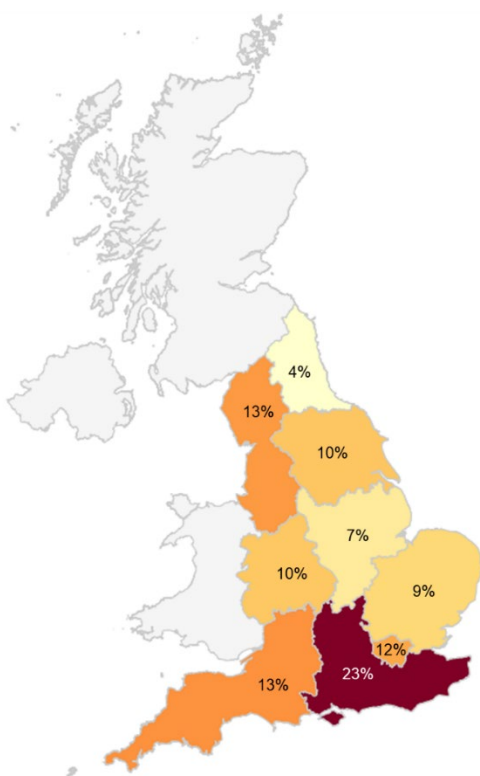


<sup>1</sup> Groups were self-declared by respondents. The DfE does not verify self-declared groupings.

As shown in Figure 1.1, the highest proportion of responses to the consultation came from private, voluntary and independent (PVI) childcare setting managers/owners (39%, 1,039). In addition, there were a good number of responses from childminders, schools, maintained nursery schools, PVI practitioners, local authorities, and parents/carers.

Figure 1.2: Respondents by region

Colour	Key
>20%	High concentration of respondents
~10%	Medium concentration of respondents
<5%	Low concentration of respondents



Location	Count
East of England	230
Yorkshire and The Humber	262
South East	618
East Midlands	177
London	313
South West	351
West Midlands	260
North West	337
North East	103

Please note, the darkness/lightness of orange denotes the concentration of respondents geographically. This is broadly representative of the population, although there were proportionally more responses from the South East and South West, and proportionally fewer from London, than would be expected from population distributions in England<sup>2</sup>.

<sup>2</sup> Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland - Office for National Statistics (ons.gov.uk).

Consultation responses were received from all regions in England, as shown in Figure 1.2. The highest proportion of respondents were from the South East (23%, 618) followed by the South West and North West each representing 13% (351 and 337 respectively). This is representative of the number of early years providers in each region.

### **Summary of government's response**

The DfE consulted on 25 proposals in total. Taking into account the consultation responses and findings from the survey of providers, the department will proceed with implementing the majority of the proposals.

We aim to implement the majority of the proposals consulted on for January 2024.

The department will **not** proceed with the following two proposals:

- Reducing the percentage of level 2 qualified staff required per ratio from 'at least half' to 30% or 40% of all other staff (relevant to: group and school-based providers only).
- Changing qualification requirements outside of peak hours (relevant to: group and school-based providers only).

This document details reasoning behind each of the decisions made, following the analysis of consultation responses.



# Main findings from the consultation

Relevant to: [all providers](#)

## Proposed EYFS language changes

### We asked

To what extent do you think the draft frameworks published alongside this consultation are easier to understand than the existing EYFS?

### We heard

The majority (59%) of respondents agreed that the changes made to the draft frameworks, which were published alongside the consultation, made the documents easier to understand.

62% of childminders who responded said that the frameworks published were much or slightly easier to read.

37% of respondents said the draft frameworks made no change to ease of understanding.

Very few (4%) respondents said the changes made the framework harder to understand.

This question allowed respondents to provide written feedback via a free text box.

Among the respondents that felt the draft frameworks were easier to understand, the most commonly reported themes in free text responses were:

- Having separate documents for childminders and group and school-based settings improved clarity and ease of use.
- The changes resulted in clearer wording, as well as improved presentation and layout.

A few respondents felt that the creation of two frameworks would be a negative development and worried about the creation of a two-tier system.

### Government response

Having carefully considered all the responses, the department will **proceed** with implementing two versions of the EYFS framework: one for childminders and one for

group and school-based providers. The aim of this change is to make the EYFS easier to navigate and implement.

In both versions of the framework, the department has modified language, reordered sentences and paragraphs, changed references to provider type where relevant, and removed elements not relevant to the provider type.

As outlined above, a few respondents raised concerns about the creation of a two-tier system of education and impacts to the perception of childminders. This is not the view or intention of the government. To mitigate against this, all communications from the department will make it clear that the new frameworks do not diminish the quality of provision offered by childminders, as all registered providers must meet the requirements set out in the EYFS.

## English as an Additional Language

### We asked

What do you think the expectation in the EYFS frameworks for all provider types should be in regards to how they support children whose home language<sup>3</sup> is not English?

- Providers **must** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.
- Providers **should** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.
- Providers **may** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.
- Don't know.

### We heard

The majority of respondents (84%) supported a change from the existing requirement in the EYFS.

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<sup>3</sup> In this document, when 'home language' is referred to, this is to mean a language other than English which is spoken in the child's home.

The current requirement states, “For children whose home language is not English, providers **must** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home” (1.13).

'**May**' was the most popular option, with support from 45% of respondents, while '**should**' was preferred by 39%.

A small number of respondents used free text boxes provided under other questions to note concerns that a change to 'may' might have negative impacts on certain groups of children. For example, children in urban and disadvantaged areas.

### **Findings from the provider survey: English as an Additional Language (EAL)**

27% of providers that currently provide opportunities for children with EAL to use their home language within their setting said that, if wording in the EYFS changed from 'must', it was “likely” that they would offer more places to children with EAL.

83% of providers that currently provide opportunities for children with EAL to use their home language within their setting said that it was either “not very likely” (29%) or “not at all likely” (53%) that, if wording in the EYFS changed, they would cut back or stop the number of opportunities that they provided.

### **Government response**

The aim of changing this requirement is to alleviate what could be an unreasonable request of some providers, especially if multiple home languages are represented by children in the setting. This change could also allow settings to spend more time focusing on the acquisition of English, and there is evidence that the longer a child with EAL spends in an English-based setting, the stronger their fluency and competency with the English language becomes<sup>4</sup>.

Having carefully considered all the responses, as well as evidenced indications that a change could result in *more* children with EAL accessing early years provision, the department will **proceed** with allowing flexibility around this requirement by changing the wording from 'must' to 'may'.

This change will offer providers flexibility to best address the support needs of individual children. As indicated by data from the survey of providers, for some providers, this will involve identifying opportunities for children's home languages to feature in play and learning.

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<sup>4</sup> English proficiency of pupils with English as an additional language (publishing.service.gov.uk).

## Collection of physical evidence

### We asked

Do you agree with the proposed language change around the collection of physical evidence, currently found in section 2.2 of the EYFS, for all providers?

### We heard

We proposed changing the language on assessment in section 2.2 of the EYFS to:

“When assessing whether an individual child is at the expected level of development, [practitioners/childminders] should draw on their knowledge of the child and their own expert professional judgement. [Practitioners/Childminders] are not required to prove this through collection of any physical evidence”.

The vast majority of respondents (85%) agreed with the proposed change around collecting physical evidence of children’s progress.

Very few respondents (11%) opposed the change.

### Government response

The aim of this change is to strengthen the Department’s position that we do not require the collection of physical evidence for EYFS assessment purposes, or for partnership working with parents and carers, and to emphasise this time would be better spent focussing on quality interactions with children.

Having carefully considered all the responses, the department will **proceed** with making this change to reinforce messaging regarding collection of physical evidence from previous reforms to the EYFS in 2021.

## Child Protection

### We asked

Do you agree to the proposed change in both versions of the framework regarding electronic devices?

### We heard

The EYFS currently states that: “The safeguarding policy and procedures must include an explanation of the action to be taken when there are safeguarding concerns about a

child and in the event of an allegation being made against a member of staff and cover the use of mobile phones and cameras in the setting” (3.).

In both versions of the EYFS, alongside clarifications to ease understanding of the current requirement, DfE proposed adding “other electronic devices with imaging and sharing capabilities” to the requirement.

Almost all (93%) of respondents agreed with this proposed change to include “other electronic devices with imaging and sharing capabilities” in the safeguarding and welfare requirement.

Very few (3%) respondents opposed the change.

## **Government response**

This change will reflect that new technologies, for example smart watches, have imaging and sharing capabilities that should be accounted for in regulation.

Having carefully considered all the responses, the department will **proceed** with making this change to improve the safety and protection of children in settings.

## **Qualifications, training support and skills**

### **We asked**

Do you agree with the proposal to introduce a qualification standards document, setting out the current Level 2 Early Years Practitioner and current and new Level 3 Early Years Educator criteria?

### **We heard**

The majority (82%) of respondents agreed with the introduction of this new document.

Very few (8%) respondents opposed introducing this new document.

## **Government response**

This new statutory document will set out the current Level 2 Early Years Practitioner criteria and the current and new Level 3 Early Years Educator criteria.

This is a technical change that will put no new demands on the sector. The information contained in the document is already available on various gov.uk pages, but transferring that information into one place will make it more accessible to those seeking to understand the early years qualification standards.

The aim of this change is to better formalise the professional standards for early years, bringing the sector more in line with other regulated professions.

Having carefully considered all the responses, the department will **proceed** with introducing a qualification standards document.

## Changes relevant to childminders only

### Early Learning Goals (ELGs)

#### **We asked**

Do you agree with the proposed reformatting of the Learning and Development section of the EYFS framework for childminders?

#### **We heard**

We proposed moving the Early Learning Goals (ELGs) from the childminder EYFS framework to an annex.

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, most (81%) agreed with the proposed changes to reformat the Learning and Development section of the EYFS framework for childminders.

15% disagreed with the proposal.

#### **Government response**

The aim of this change is to clarify that the ELGs are to be used as part of the EYFS Profile assessment (usually carried out at the end of reception year by the reception teacher). It is rare that childminders will need to complete the EYFS Profile assessment.

The ELGs are not a curriculum.

Having carefully considered all the responses, the department will **proceed** with implementing these changes.

In July 2021, the department published an updated version of [Development Matters](#), non-statutory curriculum guidance which supports the delivery of the EYFS framework. Childminders and other early years settings may wish to use this to build their curriculum.

In the rare cases where a childminder must do an EYFS Profile assessment, the ELGs are provided in an annex to the childminder version of the EYFS. Further information on assessment can be found in the [EYFS Profile handbook](#).

## Proposed changes to Section 2: Assessment

### EYFS Profile and RBA

#### We asked

Do you agree with the proposed reformatting of the Assessment section of the EYFS framework for childminders?

#### We heard

We proposed reducing the existing Assessment section in the EYFS framework for childminders, including removing paragraphs relating to information to be provided to local authorities. We also proposed that the section would also reference that information about the ELGs can be found in Annex B for those rare circumstances a childminder may be completing the EYFS Profile.

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, most (86%) agreed with the proposed changes to reformat the Assessment section of the EYFS framework for childminders.

10% disagreed with the proposal.

#### Government response

Much of the information in this section of the EYFS is not relevant to the vast majority of childminders. For example, the Reception Baseline Assessment (RBA) is only undertaken in reception year at schools. It would not be carried out by childminders.

Having carefully considered all the responses, the department will **proceed** with implementing these changes.

This may help clarify expectations around assessment for childminders.



## Child Protection

### We asked

Do you agree with the proposed changes to child protection section of the Safeguarding and Welfare requirements in the EYFS framework for childminders?

### We heard

The EYFS currently states that, “The lead practitioner is responsible for liaison with local statutory children’s services agencies, and with the Local Safeguarding Partners (LSP)” (3.5).

We proposed the following new wording:

- “In the case of childminders working together, each childminder is responsible for meeting the requirements of their own registration. Childminders must know that they have a shared responsibility when working together for the well-being of all the children present. Therefore, where childminders work together, each childminder also has a responsibility to refer any concerns where another childminder does not continually meet the requirements of their registration.”
- “Childminders must know how to contact the local statutory children’s services, and the LSP (local safeguarding partners)”.

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, a significant majority (91%) agreed with the proposed changes to clarify safeguarding responsibilities, including when childminders are working in a group.

Only 5% of respondents disagreed with proposals.

### Government response

These changes are intended to clarify existing requirements, given childminders will not have a ‘lead practitioner’. It had also been flagged to DfE that it was previously unclear which childminder takes responsibility when a group of childminders work together. The additional information provided here is intended to clarify responsibilities in these situations, strengthening safeguarding in practice.

Having carefully considered all the responses, and the need for further clarity which has the potential to improve the safety and protection of children, the department will **proceed** with implementing these changes.

## Suitable People

### We asked

Do you agree with this proposed change to the suitable people section of the Safeguarding and Welfare requirements for childminders?

### We heard

The EYFS currently states, “Providers must have effective systems in place to ensure that practitioners, and any other person who may have regular contact with children (including those living or working on the premises), are suitable” (3.9).

Proposed new wording:

- “Childminders and any assistants must be suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Any person who may have regular contact with children (for example, someone living or working on the same premises where the childminding is being provided), must also be suitable.”
- “Ofsted, or a childminder’s CMA, is responsible for checking the suitability of childminders, any other person looking after children in the setting, and of any other person aged 16 and over living or working on the same premises the childminding is being provided.”

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, a significant majority (91%) agreed with the proposed changes.

Only 5% of respondents disagreed with the proposals.

### Government response

The aim of this change is to clarify that it is the responsibility of the childminder agency (CMA) or Ofsted to carry out suitability checks on behalf of the childminder.

Having carefully considered all the responses, and the improved clarity it provides, the department will **proceed** with implementing these changes, especially given it aims to improve the safety and protection of children, which this Government prioritises.

## Qualifications, training, support and skills

### We asked

Do you agree with removing the requirement in the Early Years Foundation Stage for childminder applicants to have completed training which helps them to understand and implement the EYFS? This would be replaced with a requirement for them to demonstrate knowledge and understanding but not necessarily through formal training.

### We heard

There was no overall consensus on this proposal. Equal numbers of respondents supported or opposed (both 47%).

Some respondents used free text boxes provided under other questions to expand on their response to this question. Feedback from those who opposed, particularly childminders, included that removing this requirement could:

- Lead to the profession becoming further devalued.
- Negatively impact the services provided.

### Findings from the provider survey: Childminder EYFS training

68% of childminders, who registered within the last 5 years, said that it was “very likely” (45%) or “fairly likely” (23%) that they would still have done the EYFS training anyway (even if it was not a requirement in order to become a childminder).

29% said that it was “not very likely” or “not at all likely” that they would have done the training.

### Government response

The department will **proceed** with implementing this change, replacing the requirement in the EYFS for childminder applicants to have completed training which helps them to understand and implement the EYFS with a requirement to demonstrate knowledge and understanding.

This change will give applicants the freedom to decide how to achieve the required level of knowledge and understanding, in a way that best suits their needs. It will ensure that

those who already have the required knowledge, such as childminder assistants and nursery practitioners, do not have to undertake training that is unnecessary, as we know that the registration process can be time-consuming and costly.

The survey of providers only sought the views of current childminders, rather than members of the wider population who could be interested in a future career in childminding. However, the results from current childminders may imply that many prospective childminders would likely still be interested in completing EYFS training before starting their role. These courses will still be available but will now be optional for people to complete. We would encourage childminder applicants, particularly those with no experience of working in early years who do not feel confident that they have the required knowledge of the EYFS, to complete training if they see fit.

There will be no change to the requirement for childminders to understand, and be able to implement, the EYFS. Childminders will still be expected to demonstrate this knowledge to Ofsted, or their CMA, and they will continue to be assessed in the same way, at their pre-registration visit.

Ofsted and CMAs carry out rigorous assessments of applicants' knowledge prior to registration, and we are confident that quality will not be impacted by this change. Childminders will continue to be required to undertake training in child protection and paediatric first aid, ensuring safeguarding standards are maintained.

Childminders will continue to be supported to gain and improve their knowledge of child development and the EYFS through a variety of programmes funded by the department. This includes training through the [early years recovery programme](#) or the website [Help For Early Years Providers](#).

## Paediatric First Aid (PFA) – certificate

### We asked

Do you agree with the proposed change to the Paediatric First Aid (PFA) section of the Safeguarding and Welfare requirements for childminders?

### We heard

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, the majority (86%) agreed with the proposal to remove the requirement for childminders to physically display PFA certificates and instead make these available on request.

Only 11% of respondents disagreed with proposals.

## Government response

Having carefully considered all the responses, the department will **proceed** with implementing this change.

This will alleviate the potentially unreasonable requirement to make childminders physically display a certificate when, for example, hosting a digital copy on a website may be easier for the childminder and more accessible for a parent.

## Key person

### We asked

Do you agree with the proposal to allow childminding assistants to hold the role of key person?

### We heard

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, most (82%) agreed with the proposed change to allow childminding assistants to hold the role of key person.

Only 13% of respondents disagreed with proposals.

### Findings from the provider survey: childminder assistant as key person

64% of childminders that currently employed an assistant said that if assistants were allowed to take on the role of “key person”, it was either “very likely” (45%) or “fairly likely” (20%) that they would give them this role.

17% of childminders who did not currently employ an assistant said that it was “very likely” (10%) or “fairly likely” (7%) that they would start to employ an assistant if this change was made.

## Government response

Having carefully considered all the responses, and the potential for this change to encourage some childminders to expand their provision and offer assistants more opportunities for professional development, the department will **proceed** with implementing this change.

The department anticipates this change will alleviate the workload for some childminders, by giving their assistants greater opportunity for responsibility, and offering career development opportunities for assistants. The survey of providers indicates a significant proportion of childminders would utilise this additional flexibility.

It will be the childminder's responsibility to assess whether an assistant is suitable to take on this role, and we trust they will make the right decisions for the children in their care to ensure quality and safeguarding standards are maintained.

## **Safety and suitability of premises, environment and equipment - kitchens**

### **We asked**

Do you agree with this proposed change to the premises requirement in the Safeguarding and Welfare section for childminders? [in relation to removal of "kitchens" from a list of areas that cannot be included in total useable space by childminders].

### **We heard**

The department proposed updating premises requirements to reflect that "childminders should also consider what areas within their kitchens are safely usable".

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, a significant majority (93%) agreed with the proposed change to remove the current reference to "kitchen" from a list of areas that should not be considered in space requirements for childminding settings.

Only 3% of respondents disagreed with proposals.

### **Government response**

Having carefully considered all the responses, and the opportunity to better reflect the realities of a home-based setting, the department will **proceed** with implementing this

change to remove the current reference to “kitchen” from a list of areas that should not be considered in space requirements.

We heard through engagement prior to the consultation that this requirement did not reflect the realities of the home environment, which can include open plan or combined living and kitchen areas. This change will alleviate a potential burden on some childminders, potentially allowing them to expand their provision where appropriate.

Every individual childminder’s home will be set up differently. Childminders will continue to be responsible for ensuring children are safe at all times.

## **Safety and suitability of premises, environment and equipment – area to talk to parents and/or carers confidentially**

### **We asked**

Do you agree with this proposed change to the premises requirement in the Safeguarding and Welfare section for childminders? [in relation to areas for confidential conversations].

### **We heard**

The EYFS currently states, “Providers must also ensure that there is an area where staff may talk to parents and/or carers confidentially” (3.62).

The consultation proposed the new wording:

- “Childminders must ensure [...] on request, they can make available an area where they may talk to parents and/or carers confidentially [...]”.

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, most (89%) agreed with the proposed change on confidential areas.

Only 7% of respondents disagreed with proposals.

### **Government response**

Having carefully considered all the responses, the department will **proceed** with implementing this change to remove a potentially unreasonable requirement of childminders and better reflect the home environment.

## Safety and information – certificate of registration

### We asked

Do you agree with this proposed change to the information requirements in the Safeguarding and Welfare section for childminders?

### We heard

In the EYFS framework for childminders, the department proposed changing the current requirement around certificates of registration, so childminders will no longer be required to physically display a copy of their certificate of registration. The change would mean that instead, they can be displayed digitally and must be made available on request.

Many respondents chose not to answer this question. We anticipate this is because the change only applies to childminders, so some may have felt this was not relevant to them.

However, of those who responded, most (82%) agreed with the proposed change to allow childminders to digitally display a copy of their certificate of registration and make it available on request.

15% of respondents disagreed with proposals.

### Government response

Having carefully considered all the responses, the department will **proceed** with implementing this change, to alleviate a potential burden on childminders and make it easier for them to share the required information.



## Changes relevant to group and school-based providers

### Suitable people – physical copies of qualifications

#### We asked

Do you agree with this proposed change to the suitable people requirements in the Safeguarding and Welfare section for group and school-based providers?

- Yes
- No
- Don't know

#### We heard

We proposed adding a clarification in the group and school-based provider version of the EYFS framework, to state that while qualifications must be verified, employees do not have to provide physical copies of their qualifications.

Most respondents (74%) agreed with the proposed change to state that while qualifications must be verified, employees do not have to provide physical copies of their qualifications.

20% of respondents disagreed with the proposal.

#### Government response

Prior to the consultation, we heard this could be an issue for prospective practitioners when seeking employment, as some settings will refuse to accept digital copies of certificates. Having carefully considered all the responses, and the potential to ease recruitment burdens and better reflect modern digital systems, the department will **proceed** with implementing this change.

## Qualifications, training support and skills: group and school-based providers

### We asked

Do you agree with the proposal to remove the requirement for practitioners to hold a level 2 maths qualification to count within the Level 3 staff:child ratios?

To ensure quality, do you agree that the requirement to hold a level 2 maths qualifications should instead be placed on setting managers?

If we were to remove the requirement for practitioners to hold a level 2 maths qualification, what additional or alternative training should we consider, to ensure all level 3 practitioners have the right maths knowledge to deliver the curriculum?

### We heard

The majority of respondents (67%) agreed with the proposal to remove the requirement for practitioners to hold a level 2 maths qualification, to count within the level 3 staff:child ratios.

Although respondents in the consultation were not asked to explain why they did (or did not) support the proposals, some chose to provide this information in the free text box provided for the subsequent question, which asked about additional or alternative training.

Among respondents who agreed that the requirement for practitioners to hold a level 2 maths qualification to count within the level 3 staff:child ratios should be removed, the most commonly reported themes were:

- That it is not necessary for practitioners to hold a qualification in maths to work in an early years setting.
- The requirement for a level 2 maths qualification may have discouraged some practitioners from completing their level 3 childcare qualification.

30% of respondents disagreed with the proposal.

Among those who felt the requirement should not be removed, and elaborated on their response, a common reported theme was:

- A level 2 maths qualification is needed to support quality teaching.

A smaller majority (52%) agreed to the proposal to instead place the requirement to hold a level 2 maths qualifications on setting managers.

Again, respondents to the consultation were not asked to explain their views in relation to this question. However, some provided this information voluntarily in the free text box provided for the subsequent question, which asked specifically about alternative training. Among respondents who were in favour of the view that managers should be required to have a level 2 maths qualification, a common theme received was:

- Maths skills at Level 2 are needed by managers.

44% of respondents disagreed with this proposal.

Among respondents who disagreed with the requirement to hold a level 2 maths qualifications being placed on setting managers, and elaborated on their response, the common themes were:

- Managers do not need a maths qualification to succeed in the role and making this change may incur a shortage in managers.
- The requirement could hamper career progression in the sector.

Qualitative responses in the consultation also made clear that additional training on early years mathematics would be very much welcomed, whether this proposal was taken forward or not. A total of 1,284 respondents provided responses on what additional or alternative training should be considered to ensure all level 3 practitioners have the right maths knowledge to deliver the curriculum. The most commonly reported suggestion for additional or alternative training was:

- To provide training which focuses specifically on delivering mathematics learning effectively in the early years.

There was no consensus on how the training should be delivered. Responses varied from online, in-house, or training delivered through the local authority. A few respondents also suggested creating a new (basic) maths test or assessment.

### **Findings from the provider survey: Level 2 maths qualification**

84% of providers said that, if allowed, it was “likely” that they would count staff that had a full and relevant level 3 qualification but did not have a level 2 qualification in maths, in level 3 ratios.

If staff were no longer required to have a level 2 qualification in maths to count towards the level 3 ratio, 68% of providers said it would be easier to recruit staff that counted towards the level 3 staff:child ratio.

## Government response

We recognise the importance of high-quality early maths teaching in the early years. That is why one of the main aims of the 2021 EYFS education reforms was to improve early years outcomes for all children, by focusing on and strengthening the critical areas of EYFS curriculum and teaching that build the foundations for later success, such as mathematics.

Through this consultation, we heard from the sector that the level 2 maths requirement can be a barrier to using qualified and experienced staff to their full potential. We have also heard feedback that a level 2 maths qualification does not provide practitioners with the skills they need to effectively teach early years maths to young children.

The consultation and findings from the survey of providers indicate a positive sector response (67% in favour) and a high likelihood that this change would result in behaviour change from providers. Most notably, 68% of providers said it would be easier to recruit staff that counted towards the level 3 staff:child ratio.

Having carefully considered all the responses, and the burden the current requirement is placing on recruitment and retention, the department will **proceed** with the change to remove the requirement for practitioners to hold a level 2 maths qualification to count within the level 3 staff:child ratios. Instead, the requirement to hold a level 2 maths qualifications will be placed on setting managers.

Early years maths pedagogy has already been strengthened in the new Early Years Educator (level 3) criteria. Existing support funded by the department via the [Early Years Recovery Package](#) will ensure practitioners have access to high-quality maths-related professional development. This includes the new maths module in the [Online Child Development Training programme](#), which is free to access for all, as well as the early maths module included in phase three of the Professional Development Programme (PDP 3), which aims to reach up to 10,000 practitioners over two years.

A majority (52%) of respondents agreed that the qualification requirement should instead be placed on setting managers. We believe this requirement is an important form of quality assurance, to ensure that the person responsible for quality in settings has a wider overview of mathematics and to enable them to accurately assess their own staff's training needs. We intend to **proceed** with implementing this change and to place the requirement to hold a Level 2 maths qualifications on setting managers.

This change will only apply to new managers or managers who move to a new role after these changes are implemented. Setting managers employed on or after 4 January 2024 must hold a level 2 maths qualification, or they must achieve one within 2 years of starting in the position.

For managers already in post, and remain in the same post, there will be no action to take.

## **We asked**

Do you agree that an experience-based route should be introduced that allows practitioners to meet any missing level 3 criteria and gain approval to count within the Level 3 staff:child ratios?

## **We heard**

The majority of respondents (73%) agreed with the proposal to introduce an experience-based route for practitioners.

In free text responses, there were some respondents from PVI group settings and Maintained Nursery Schools, who expressed frustration at the fact that although some of their staff members are highly competent and experienced, they cannot be counted in ratios because they do not have a formal qualification.

Some respondents expressed concern about how this proposal will work in practice and the potential impact on quality. Those that disagreed with the proposal (23%) most commonly reported:

- Managers may have different opinions in what they consider “suitable”.
- This could result in differences in quality between settings and could risk children’s safety.

### **Findings from the provider survey: Experienced-based route**

88% of group-based providers who thought that at least one member of their staff would be suitable to undertake an “experience-based” route to reach level 3, said that they would be “very likely” or “fairly likely” to encourage them to do so.

Group-based providers estimated that 90% of staff, who would be suitable to undertake an “experience-based” route to reach level 3, would prefer to go through this route, as opposed to gaining a “full and relevant” level 3 qualification.

## **Government response**

We want to support the sector to make full use of the wealth of skills and experience available within their workforce. Providing an alternative pathway to progression could present a significant opportunity for those staff who hold an early years qualification

that is not approved, and for prospective staff wishing to join the early years workforce from a related sector.

Having carefully considered all the responses, the department intends to **proceed** with this change to introduce an experienced-based route for practitioners.

To ensure high-quality implementation, we will work with Awarding Organisations, stakeholder experts and practitioners to develop the criteria and process for a new experienced-based route. We will continue to monitor the needs of the EY workforce as the new entitlements begin to roll out and will use this to inform how we develop the route and when it will be introduced. We will provide more information in due course.

As a result, this change will not come into force or be referenced in a January 2024 EYFS framework, or the new qualifications standards document referenced in this consultation response.

### **We asked**

Do you agree that students on long-term placements and apprentices should be able to count within the level 2 staff:child ratios at the level below their level of study, if the provider is satisfied that they are competent and responsible?

What mitigations (if any) are needed to ensure that the quality and safety of early years provision are maintained if students on long-term placements and apprentices are working within the staff:child ratios at the level below their level of study?

### **We heard**

The majority of respondents (69%) agreed with the proposal that students on long-term placements and apprentices should be able to count within the level 2 staff:child ratios, at the level below their level of study.

Among those who explained why they agreed with the proposed change in free text responses, a common theme was:

- Managers are qualified and experienced enough to determine whether apprentices and students are competent to be included within level 2 staff:child ratios.

27% of respondents disagreed with the proposal.

Among those who disagreed with the proposal to allow long-term placements and apprentices to be able to count within the level 2 staff:child ratios at the level below their level of study, the main theme was:

- This change could be open to interpretation. Managers may differ in what they consider suitable, which could result in differences in quality between settings.

Respondents were asked to provide their views on what mitigations (if any) are needed to ensure that the quality and safety of early years provision is maintained if this proposal was introduced.

Views on mitigations were varied. They most commonly included:

- Effective supervision of students and apprentices.
- Supervision should be documented to monitor competency and conducted by a Level 3 qualified member of staff.
- A mentoring scheme for students and apprentices. Some respondents explained that it would be useful to have an assigned mentor with appropriate qualifications and experience in childcare, to monitor progress and offer support.

Other less commonly cited mitigations included:

- DBS checks.
- Manager assessments.
- Risk assessments.
- Introducing a requirement for students and apprentices to complete safeguarding or first aid training.

### **Findings from the provider survey: students and apprentices**

According to providers, 85% of staff that did not have a “full and relevant” level 2 qualification, but were working towards a level 3 qualification, were sufficiently “competent and responsible” to count towards the level 2 ratios.

Providers also said that 87% of staff that did not have a “full and relevant” level 3 qualification, but were working towards a level 6 qualification, were sufficiently “competent and responsible” to count towards the level 3 ratios.

### **Government response**

Having carefully considered all the responses, and data suggesting this will ease staffing pressures, the department will **proceed** with this change.

This proposal would allow students on placement and apprentices to count in staff:child ratios at the level below their level of study only if their manager deems them sufficiently

competent and responsible. For example, a level 3 apprentice who is judged by their manager to be performing well could count within the level 2 staff:child ratios; equally, a level 6 trainee could be brought into the level 3 staff:child ratios.

We recognise that managers are best placed to understand the skills of their staff and the needs of the young children in their care. This proposed change would empower managers to identify trainees who are already demonstrating competence in curriculum delivery and relieve staffing pressures by counting those trainees in staff:child ratios. Trainees themselves could benefit by taking on more responsibilities, granting them valuable experience and the skills they need to flourish in their early years career.

We acknowledge concerns raised around ensuring quality as a result of implementing this change. We believe these concerns will be mitigated by structures already in place. For example, assessment processes for trainees (managed by awarding organisations/training providers). Apprentices and trainees have regular meetings with their training provider, where concerns about their use in staff:child ratios can also be flagged and mediated. Separately, Ofsted will continue to carry out regular inspections of EY registered providers, to evaluate the overall quality and standards of its early years provision in line with the principles and requirements of the EYFS.

### **We asked**

Do you agree that qualification requirements for ratios should not apply outside of peak working hours?

If yes, how should peak working hours be defined? For example, these could be standard across settings or dependant on individual settings' peak hours.

What mitigations (if any) are needed to ensure that the quality and safety of early years provision is maintained if qualification requirements for ratios no longer apply outside of peak hours?

### **We heard**

The majority (59%) of respondents disagreed with this proposal. Almost a third (32%) supported the proposal.

This question allowed respondents to provide written feedback via a free text box.

The respondents who agreed that the qualification requirements for ratios should not apply outside of peak working hours were asked how they felt peak hours should be defined. Respondents most commonly reported peak working hours should be defined as:

- 9am-3pm (reported by 35% of respondents – 76 respondents in total).



- 9am-5pm (reported by a quarter (25% - 54 respondents in total)).

Those that disagreed most commonly flagged:

- The level of care and education given to children should remain equal, irrespective of the time of day.
- That safeguarding outside of peak hours would be compromised.
- “Off-peak” times at the beginning and end of the day are when most interactions with parents/carers occur, and they should have access to qualified staff.

Respondents also provided opinions on possible mitigations, should this proposal be implemented, in a free text response. The most commonly reported mitigation was:

- Requiring a manager or deputy on site.

Some also suggested that there should be minimum training requirements in first aid, health and safety, and safeguarding.

### **Findings from the provider survey: Peak hours**

17% of providers said that, if regulations for qualifications ratios were changed so that they did not apply outside of “peak working hours”, it was “likely” that they would change the way that they delivered childcare. 71% said that this was “not very likely” (27%) or “not at all likely” (44%).

### **Government response**

Having carefully considered all the responses, the department will **not proceed** with this change.

We recognise the concerns raised by respondents relating to safety and quality of essential activities at these times of the day, such as parent handover and mealtimes. The quality of early years education and the safety of our youngest children remains a priority of the utmost importance.

We also recognise that for some providers the additional flexibility would help with their staffing arrangements, and we remain committed to providing flexibility to providers to help meet the needs of children in their care.

The EYFS specifies particular ratios for specific settings, however, it also allows for some flexibility (under paragraph 3.31 in the current EYFS) whereby in exceptional circumstances, changes to ratios may be made. Providers can make exceptions to the statutory ratios in exceptional circumstances, provided that the setting manager is confident that quality of care and safety can be maintained.

## **We asked**

Do you agree with the proposal to reduce the requirement for “at least half of all other staff” to be level 2 staff per ratios?

If yes, do you think it should be amended to:

- **30%** of all other staff must hold an approved level 2 qualification [per applicable ratio].
- **40%** of all other staff must hold an approved level 2 qualification [per applicable ratio].
- Other.

Please explain your rationale for your choice above and share any comments you wish to be considered.

## **We heard**

There was no clear consensus on this proposal – with similar numbers of respondents supporting and opposing this proposal (49% in favour and 45% against, 6% responded that they ‘don’t know’).

Those who agreed were asked to choose what percentage of all other staff must hold a level 2 qualification. The majority (51%) suggested this should be changed to a 30% requirement, 32% suggested a 40% requirement, and 17% selected ‘other’.

This question allowed respondents to provide written feedback via a free text box. In free text responses, the commonly reported themes behind reasoning for selecting the 30% or 40% included:

- It would facilitate the hiring of practitioners who have experience but not qualifications.
- It would help resolve recruitment issues facing the sector.

Among those that disagreed with the proposal, most commonly reported themes included:

- Concerns about the standards of care.
- Concerns about the potential lowering of standards and devaluation of the sector.
- Concerns that the new ratio would be more complex or difficult to calculate.

## **Findings from the provider survey: Reduction of Level 2 staff in ratios**

Most (57%) of providers said they wouldn't need fewer level 2 staff, if this requirement was changed to 30%, with only 21% saying they would.

Of those respondents who could reduce their level 2 staff, less than half (46%) said they were "fairly likely" or "very likely" to actually make use of the change.

## **Government response**

We recognise the concerns raised by respondents relating to quality and standards of care provided to children.

Having carefully considered all the responses, including the concerns regarding quality and safety, and given the evidence that implementing this change would have a low impact on the delivery of early education and childcare for providers, the department **will not proceed** with this change.

## **Ratios – clarification that only staff who hold Qualified Teacher Status (QTS), Early Years Teacher Status (EYTS) or Early Years Professional Status (EYPS) can unlock the Level 6 staff:child ratios**

### **We asked**

Do you agree with these proposed changes to the ratios section of the Safeguarding and Welfare requirements for group and school-based providers?

### **We heard**

The majority of respondents (70%) agreed with the proposed change to clarify that practitioners can only operate in Level 6 staff:child ratios if they hold Qualified Teacher Status (QTS), Early Years Teacher Status (EYTS) or Early Years Professional Status (EYPS).

18% of respondents disagreed with the proposal.

## **Government response**

The department's policy is that only those with Qualified Teacher Status, Early Years Teacher Status and Early Years Professional Status can operate in Level 6 staff:child ratios (3.43).

Although the majority of respondents were in favour of this change, the department is taking some time to consider the routes available to gain early years teacher status and how these requirements can be communicated more clearly to the sector. We therefore do not currently intend to update related wording in the EYFS to be published in January 2024 and will keep Level 6 staff:child requirements under review as this work develops.

## Paediatric First Aid (PFA)

### We asked

Do you agree with the proposed clarification to the wording of the Paediatric First Aid requirement in the group and school-based provider version of the EYFS, to make it explicit that all staff who have obtained a level 2 and/or level 3 qualification since 30 June 2016 must also hold a valid PFA qualification to be included in the required staff:child ratios?

### We heard

The majority of respondents (88%) agreed with this proposed change to the wording of the Paediatric First Aid (PFA) requirement in the group and school-based provider version of the EYFS.

Very few respondents (9%) opposed the change.

### Government response

Having carefully considered all the responses, the department will **proceed** with making this change, especially given it aims to improve the safety of children.

## EYFS – general

### We asked

Do you foresee any unintended consequences for early years providers as a result of these changes to the EYFS framework? Please state the specific area you foresee any issues in your response.

Do you think any further changes should be made to the EYFS framework to provide flexibility to early years providers?

## **We heard**

There were mixed views in response to these questions. These questions allowed respondents to provide written feedback via a free text box.

Equal numbers of respondents reported that they did, and did not, foresee any unintended consequences for early years providers as a result of these changes to the EYFS framework (40% each respectively).

Those that foresaw unintended consequences most commonly reported that, if government were to introduce all of the changes consulted on, the cumulative effect may lead to a reduction in the quality of care and teaching provided to children.

A few respondents specifically attributed the potential lowering of quality standards to the proposal to lower the requirement for 50% of level 2 staff in ratios. They felt that this would reduce quality of care and interactions.

A larger proportion of respondents (42%) did not think further changes (than those proposed) should be made to the EYFS framework to provide flexibility to early years providers than those that did think further changes should be made (31%).

Some respondents who indicated that further changes should be made called for individual settings to be granted more freedom in managing the ratios between qualified and unqualified staff. They explained that more flexibility was needed, in part due to the current issues settings are experiencing with staff recruitment. They also felt that managers, in particular, are best placed to make such decisions as they have a better understanding of the needs of children in their care.

There were a few respondents who commented that the government could increase the funding allocated to the early years sector.

## **Government response**

In the Government's Spring Budget, the Chancellor announced transformative reforms to childcare for parents, children, the economy and women. By 2027-28, this Government will expect to be spending in excess of £8bn every year on free hours and early education, helping working families with their childcare costs. This represents the single biggest investment in childcare in England ever.

The early years workforce makes a huge contribution to young children's lives. Supporting and growing this workforce to deliver the transformative reforms announced by the Chancellor in the Spring Budget is a priority for the department.

That is why the government is providing £204m next year, increasing to £288m by 2024-25, for local authorities to increase the hourly funding rate to providers, increasing

year on year to meet rising cost pressures. This will include an average of 30% increase in the national average 2-year-old hourly rate from September this year, and mean that in 2024 the average hourly 2-year-old rate will be more than £8 and around £11 per hour for under 2s. This is in addition to £4.1bn by 2027-28 to deliver the new offers.

The additional funding announced to deliver the new entitlements, combined with a significant uplift in funding for existing entitlements, gives providers greater opportunity to increase staff pay.

The department also understands that the recruitment and retention of qualified staff is a key issue for the early years sector. That is why, after carefully considering the responses to this consultation as well as the individual and cumulative potential impacts of the proposals, we will be implementing this package of flexibilities for providers to help them meet the ambition of the Spring Budget investment.

Changes to the EYFS are just one way government will be helping alleviate workforce pressures. DfE will launch a new national recruitment campaign in early 2024 to support the recruitment and retention of talented staff. Alongside this, we will consider how to introduce new accelerated apprenticeship and degree apprenticeship routes so everyone from junior staff to senior leaders can easily move into a career in the sector.

The government is continuing to provide a package of training, qualifications, expert guidance, and targeted support for the early years sector to focus on the development of the youngest and most disadvantaged children and help to address existing recruitment and retention challenges. We are funding a range of programmes, including additional funding for graduate level specialist training leading to early years teacher status.

In addition to supporting the early years workforce, we continue to prioritise ensuring that child receives a high standard of early education.

The changes we will make to the EYFS follow on from the 2021 reforms where a key aim was to improve outcomes for all children, particularly in early language, literacy and maths, which evidence shows are critical areas for later success, and especially for disadvantaged children. The independent evaluation of those reforms indicates the 2021 changes will make a positive difference to children's outcomes.

## Further comments

### We asked

What are your concerns (if any) about how the proposals may affect you or individuals (both children and adults, including staff and volunteers) in your organisation with protected characteristics?

How would you mitigate against these concerns?

### We heard

Respondents were asked if they had any concerns about how the proposals may affect them or individuals (both children and adults, including staff and volunteers) with protected characteristics.

This question allowed respondents to provide written feedback via a free text box. The majority of responses to this question, repeated points they had made in previous questions.

Across all respondent groups, the most commonly reported concern was that qualification changes would lead to a less qualified workforce.

A few respondents explained that lowering these requirements would have an adverse impact on children with SEND in particular, as they have more support needs which require qualified staff.

Very few respondents expressed concern that the changes regarding EAL would negatively impact children with a home language other than English. They felt that this could jeopardise certain children's sense of belonging and potentially lay the groundwork for discrimination.

Respondents were then asked about how they would mitigate against these concerns.

Respondents' views in response to this question were disparate. Some respondents, particularly membership organisations, called for there to be high-quality, ongoing training for all childcare practitioners. A few stated that this training could include addressing the needs of those with protected characteristics. Others echoed this sentiment, making the suggestion that all practitioners should be trained in working with children with SEND.

Across all groups, a few respondents felt that their concerns could be mitigated if the childcare sector received an adequate level of government funding.

## Government response

Access to high-quality early years provision is key to ensuring all children get the best start in life. Disadvantaged children, in particular, benefit from attending early childhood care and education, and they benefit most when they start it earlier. Over 1.2 million disadvantaged two-year-olds have benefitted from 15 hours free childcare since the entitlement began in September 2013.

The reforms announced at Spring Budget will expand the free early education entitlements offer, so that eligible working parents in England will be able to access 30 hours of childcare per week, over 38 weeks of the year, from when their child is 9 months old to when they start school.

The reforms announced build on our current entitlements and childcare offers, which includes the universal 15-hour offer for all 3- and 4-year-olds, a 15-hour offer for the most disadvantaged 2-year-olds, the existing 30 hours offer for 3- and 4-year-olds, as well as Tax-Free Childcare and the childcare element of Universal Credit.

The government is committed to ensuring access to quality early years provision. The 2021 EYFS reforms aimed to improve outcomes at age 5, particularly in early language and literacy and especially for disadvantaged children. The evaluation of those reforms indicates the 2021 changes will make a positive difference to children's outcomes.

Practitioners are vital to the creation of quality early years provision. But the department understands that the recruitment and retention of qualified staff is a key issue for the early years sector. That is why, after carefully considering the responses to this consultation as well as the individual and cumulative potential impacts of the proposals, we will be implementing this package of flexibilities for providers.

Since the pandemic, the department has also committed up to £180 million on early years education recovery programmes to train early years staff and support settings to enable best outcomes for all children. This includes training practitioners to support parents to improve their home learning environment through the new family-hubs network, which launched in late 2022. Two-thirds of all primary schools have signed up for the Nuffield Early Language Intervention (NELI), which has been shown to help children make four months progress in their language skills, with seven months progress for children eligible for free school meals. To date, the NELI programme has screened over 500,000 children for speech and language difficulties and provided the targeted intervention to support 160,000 children over the last 3 years.

Recovery funding also includes funded training for up to 5,000 early years Special Educational Needs Coordinators (SENCOs) to gain an accredited Level 3 EY SENCO qualification. The Level 3 EY SENCO training became available in October 2022 and will run until August 2024. SENCOs working in group-based and childminder settings



are eligible for this package of support, which is nationally available, with targeting in specific areas based on levels of disadvantage.

We are also investing £300 million to transform Family Hubs and Start for Life services in half of the council areas across England. This builds on the £39.5 million already committed to family hubs.

As part of the government's long-term education recovery plan, £184 million of new funding for fully-funded National Professional Qualification (NPQ) training scholarships is being spent over the course of this parliament. The NPQ in Early Years Leadership (NPQEYL) is a professional development course which has been designed with leaders and practitioners in mind, using the latest and best available evidence and collective wisdom of the profession to ensure every child in every setting gets the best start in life. It is designed to support early years leaders to develop expertise in leading high-quality education and care, as well as in effective staff and organisational management. The first two cohorts began in 2022/2023. Two further funded cohorts are starting in this academic year, the first in October 2023 and the second in February 2024.

## Next steps

This Government remains committed to ensuring parents can access high quality, flexible childcare, and that they understand the support they are entitled to. This Government will continue to work with early years childcare providers, schools, parents, and carers to ensure we build upon the strengths of the current system and work towards a childcare offer that works for families now and in the future.

This Government will **proceed** with the following changes to:

- Create two separate EYFS frameworks (one for childminders and one for group and school-based providers).
- Introduce a new Statutory Document on Qualification Criteria.
- Remove the requirement for Level 3 practitioners to hold a Level 2 maths qualification to count within staff:child ratios and instead place this requirement on managers (for group and school-based providers only).
- Change wording on English as an Additional Language (EAL) requirement, from “must” to “may”.
- Allow students and apprentices to count in staff:child ratios (for group and school-based providers only).
- Remove the requirement for childminders to complete EYFS training before registration and instead continue to require EYFS knowledge and understanding (for childminders only).
- Allow childminder assistants to hold the role of key person (for childminders only).
- Allow ‘kitchens’ to be considered within floor space requirements (for childminders only).
- Move the Early Learning Goals (ELGs) from the childminder EYFS to an annex (for childminders only).
- Change language on collection of physical evidence.
- Significantly amend the section on the EYFSP in the childminder EYFS (including removing the RBA) (for childminders only).
- Include “other electronic devices with imaging and sharing capabilities’ to safeguarding requirement.
- Provide further information on safeguarding responsibilities when childminders are working in a group (including change on child protection language) (for childminders only).
- Clarify that while qualifications must be verified, employees do not have to provide physical copies of their qualifications (for group and school-based providers only).
- Change wording on suitable person (for childminders only).
- Change wording on confidential areas for childminders (for childminders only).
- Remove the requirement for childminders to display PFA certificates, instead make these available on request (for childminders only).
- Clarify the wording on the validity of PFA certificates (group and school-based

providers only).

- Allow childminders to display a copy of their certificate of registration digitally and make available on request (for childminders only).

These changes are intended to come into force for January 2024, subject to parliamentary process.

This government also intends to proceed with the following changes, at a later date, to:

- Introduce an experience based route to working in ratios (for group and school-based providers only).
- Clarify that practitioners can only operate in Level 6 staff:child ratios if they hold Qualified Teacher Status (QTS), Early Years Teacher Status (EYTS) or Early Years Professional Status (EYPS) (for group and school-based providers only).

This government will not proceed with the following proposals to:

- Change qualification requirements outside of peak hours.
- Reduce the percentage of Level 2 qualified staff required per ratio from 'at least half' to 30% or 40% of all other staff.

The department will continue to work with the sector to consider what is best to support early years providers deliver high quality, flexible childcare provision, and make sure providers understand these regulatory changes.



Department  
for Education

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