



Department
for Education

Early Years Foundation Stage: A survey of early years providers

Research report

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Executive Summary

The Early Years Foundation Stage (EYFS) statutory framework¹ sets the standards that all early years providers in England must meet to ensure that children learn and develop well and are kept healthy and safe.

On 31 May 2023, the government launched a public consultation on a number of proposed changes to the EYFS. The aim of the proposed changes was to remove burdens and offer more flexibility for providers within the EYFS, while maintaining quality and safety standards.

A survey of early years providers ran alongside the consultation, asking providers whether they thought that they would adopt the changes proposed in the consultation and, if so, what impact they thought that this might have on their provision. This report summarises the findings of this survey.

English as an Additional Language (EAL)

The consultation proposed changing the EYFS so that, instead of saying that early years providers “must” take reasonable steps to provide opportunities for children with EAL to develop and use their home language in play and learning, it said that they either “should” or “may” provide these opportunities.

- Nine per cent of providers said that, if the regulations changed, it was “very likely” (4 per cent) or “fairly likely” (4 per cent) that they would cut back or stop providing opportunities to children with EAL to develop and use their home language.
- Twenty-seven per cent of providers said that, if the regulations changed, it was “very likely” (12 per cent) or “fairly likely” (15 per cent) that they would offer more places to children with EAL.

Childminders

The EYFS currently states that childminder applicants must complete training in the EYFS, and demonstrate knowledge and understanding of it, when they register with Ofsted or a childminder agency. The consultation proposed removing the requirement for applicants to complete training.

- Sixty-eight per cent of childminders who had registered in the last five years said that, if they hadn’t needed to complete training in the EYFS in order to become a childminder, it was “very likely” (45 per cent) or “fairly likely” (23 per cent) that they would have done the training anyway.

¹ <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

The EYFS states that every child looked after by a childminder must be assigned a “key person”. The consultation proposed changing regulations so that, where appropriate, childminding *assistants*, rather than just childminders, were allowed to take on “key person” responsibilities.

- Seventy per cent of childminders that currently employed an assistant said that, if they were allowed to take on the role of “key person”, it was either “very likely” (48 per cent) or “fairly likely” (21 per cent) that they would give them this role. Sixty-six per cent of childminders thought that it was “very likely” (40 per cent) or “fairly likely” (26 per cent) that their assistant would *want* to take on the role of “key person”.
- Seventeen per cent of respondents to the survey who *didn't* currently employ an assistant said that, if they were able to give assistants the role of “key person” it was “very likely” (10 per cent) or “fairly likely” (7 per cent) that they would start to employ an assistant.

Changes to staff qualifications

The EYFS states that, in order to count in staff:child ratios at Level 3, staff qualified to Level 3 must also hold a Level 2 qualification in maths. The consultation proposed removing this requirement.

- Eighty-four per cent of providers said that, if allowed, it was “very likely” (64 per cent) or “fairly likely” (20 per cent) that they would count staff that had a full and relevant Level 3 qualification, but didn't have a Level 2 qualification in maths, in the Level 3 staff:child ratios.
- Sixty-eight per cent of providers said that, if staff were no longer required to have a Level 2 qualification in maths to count in the Level 3 staff:child ratios, it would be “much easier” (41 per cent) or “a bit easier” (27 per cent) to recruit staff that counted in the ratios.
- Thirteen per cent of providers said that the quality of education and care in their setting would be “a lot worse” (10 per cent) or “a bit worse” (3 per cent), compared with 10 per cent who said that it would “improve a lot” (6 per cent) or “improve a bit” (4 per cent) and 71 per cent who said that there would be “no impact”.

The consultation proposed the introduction of a new, “experience-based” route for practitioners to gain approved status to work in the Level 3 staff:child ratios.

- Eighty-eight per cent of group-based providers who thought that at least one member of their staff would be suitable to undertake an “experience-based” route to count in the Level 3 staff:child ratios said that they would be “very likely” (60 per cent) or “fairly likely” (28 per cent) to encourage them to do so.
- Group-based providers further estimated that 90% of staff who would be suitable to undertake an “experience-based” route to count in the Level 3 staff:child ratios would *prefer* to go through this route, as opposed to gaining a “full and relevant” Level 3 qualification.

The consultation proposed that, if the provider was satisfied that they were “sufficiently competent and responsible”, students and apprentices studying towards an approved Level 3 qualification should be allowed to count in the Level 2 staff:child ratios; while those working towards an approved Level 6 qualification should be allowed to count in the Level 3 staff:child ratios.

According to providers:

- Eighty-five per cent of staff that didn't have a “full and relevant” Level 2 qualification, but were working towards an approved Level 3 qualification, were sufficiently “competent and responsible” to count in the Level 2 staff:child ratios; and
- Eighty-seven per cent of staff that didn't have a “full and relevant” Level 3 qualification, but were working towards an approved Level 6 qualification, were sufficiently “competent and responsible” to count in the Level 3 staff:child ratios.

Currently, the EYFS states that, in addition to a member of staff qualified to Level 3 being present at a childcare setting, “at least half of all other staff must hold an approved Level 2 qualification”. The consultation proposed changing this to a smaller percentage (for example, 30 per cent or 40 per cent of all other staff).

- Fifty-seven per cent of providers said that, if the regulations changed, so that 30 per cent of “other” staff were required to be qualified to Level 2, they wouldn't need fewer Level 2 staff. Twenty-one per cent of providers said that they *would* need fewer staff.
- Roughly half (46 per cent) of the providers that said that they would need fewer Level 2 staff said that it was “very likely” (24 per cent) or “fairly likely” (22 per cent) that they would employ fewer Level 2 staff.

The consultation proposed changing qualification requirements for staff:child ratios, so that these would not apply outside of “peak” working hours (for example, 9am-5pm).

- Seventeen per cent of providers said that, if regulations for qualifications ratios were changed, so that they didn't apply outside of “peak” working hours, it was “very likely” (9 per cent) or “fairly likely” (8 per cent) that they would change the way that they delivered childcare. Seventy-one per cent said that this was “not very likely” (27 per cent) or “not at all likely” (44 per cent).
- Nearly 40 per cent of providers who said that they would change the way that they delivered childcare, if qualification regulations for ratios did not apply outside of “peak” working hours, said that they “didn't know” or “preferred not to say” how many (if any) fewer Level 2 and Level 3 staff they'd need. Forty-two per cent of providers, however, thought that they *would* need fewer Level 2 staff and 44 per cent thought that they would need fewer Level 3 staff.

Other questions asked on the survey

The survey asked providers a number of other questions, about topics not directly related to the consultation, but that were relevant to the announcement that the government made in the 2023 Spring Budget, that it was going to extend government-funded childcare places to children from the age of 9 months onwards.

- Forty-five per cent of providers who currently looked after children aged under 3 said that, in light of the Spring Budget, it was “very likely” (28 per cent) or “fairly likely” (18 per cent) that they would offer more. Forty-three per cent said that it was “not very likely” (19 per cent) or “not at all likely” (23 per cent) and 12 per cent said that they “didn’t know” or “preferred not to say”.
- Thirty-nine per cent of providers who did not currently look after any children aged under 3 said that, in light of the Spring Budget, it was “very likely” (25 per cent) or “fairly likely” (14 per cent) that they would start offering places. Forty-two per cent said that it was “not very likely” (15 per cent) or “not at all likely” (28 per cent).
- Providers most commonly said that space was a barrier to offering childcare places to children under the age of 3. The next most common reasons were insufficient funding rates and (for school-based and group-based providers) staff recruitment.
- Recruiting staff (37 per cent), lack of support from the local authority (24 per cent) and funding (18 per cent) were the most commonly reported barriers to offering places to children with special educational needs and disabilities (SEND).

Providers were asked about the idea of “floor space” requirements being removed from the EYFS regulations.

- Most childminders (62 per cent) said that they supported being allowed to decide for themselves how much floor space they needed for the children that they looked after. Twenty-five per cent were against this idea.
- Thirty-five per cent said that they would be able to look after more children than they currently do if this requirement was removed.
- Group-based providers were the most likely to say that they would be able to look after more children (46 per cent) if “floor space” requirements were removed from the EYFS and school-based providers the least likely (23 per cent). Most (75 per cent) of the providers that said they would be able to look after more children said that it was “very likely” (40 per cent) or “fairly likely” (35 per cent) that they would do so.

The survey finished by asking childminders whether issues relating to their home had affected their ability to set up and run a childminding business.

- Nine per cent of childminders who owned their home said that they had needed planning permission to work as a childminder. Twenty-two per cent said that they had been put off expanding their business because they needed to seek planning permission.
- One per cent of childminders who owned their home said that a covenant on a property they owned had prevented them from working as a childminder. Another one per cent said that a covenant on a property they owned had initially prevented them from working as a childminder but that they were able to change it.
- Fourteen per cent of childminders who rented their home said that a problem with a tenancy agreement (either at their current home *or a previous one*) had prevented them from working as a childminder. Most said that they had tried, but failed, to re-negotiate their tenancy.

Introduction

EYFS consultation

The Early Years Foundation Stage (EYFS) statutory framework² sets the standards that all early years providers in England must meet to ensure that children learn and develop well and are kept healthy and safe. It 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 registered with an early years childminder agency.

In the 2023 Spring Budget, the government announced changes to childcare in England, including an expansion of government-funded “entitlement” places and an increase in the funding rate paid by the government to childcare providers.

In order to help ensure that providers are ready and able to offer these new entitlements, on 31 May 2023, the government launched a public consultation on a number of proposed changes to the EYFS. The aim of the changes was to remove burdens and offer more flexibility for providers within the EYFS. Proposals included:

- changing the requirement to provide children with English as an Additional Language with opportunities to develop their home language from “must” to “should” or “may”;
- allowing childminder assistants to hold the role of “key person”; and
- altering some of the qualification requirements for staff – for instance, that, in order to count towards Level 3 staff:child ratios, as well as holding a recognised Level 3 qualification, staff are additionally required to have a Level 2 qualification in maths.

The consultation closed on 26 July 2023. The government has published its response to the consultation – describing the feedback that the consultation received and, based on this, which of the proposals it intends to implement.

Survey of providers

In tandem with the consultation, the Department for Education (DfE) commissioned IFF Research to conduct a survey of early years providers. The aim of the survey was to understand how the more significant changes proposed in the consultation might affect the way that they delivered childcare. It asked providers, for instance, about (i) the likelihood of them adopting the changes proposed in the consultation; and (ii) if they were to do so, the likely impact that these changes would have on provision.

In addition, the survey asked providers about a number of other issues relating to the expansion of childcare provision – about barriers to providing childcare to children aged under 3; about barriers to providing childcare to children with special educational needs and disabilities (SEND); about “floor space” requirements; and about how issues relating to someone’s home affects their ability to set up and run a childminding business.

² <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

This report describes the findings of this survey. A more detailed analysis of the impact that the proposed changes might have, which monetises the likely impact of the changes, will be set out in a forthcoming Regulatory Impact Assessment.

Survey methodology

The survey was delivered online and designed to take providers around 15 to 20 minutes to complete. It was sent to providers who completed DfE's Survey of Childcare and Early Years Providers (SCEYP) and agreed to be re-contacted for follow-up research³. A total of 1,349 providers responded to the survey, made up of:

- 635 “group-based providers” i.e. childcare providers registered with Ofsted and operating on non-domestic premises;
- 620 childminders i.e. childcare providers registered with Ofsted and operating on domestic premises; and
- 94 school-based providers i.e. maintained and non-maintained schools delivering childcare either exclusively (“maintained nursery schools”) or alongside provision for older children⁴.

The survey asked providers a number of hypothetical questions, about how, *if* regulations changed, they *might* change the way that they delivered childcare and the impact that these changes *might* have. It is likely that, before receiving it, some providers would not have fully thought through the issues covered by the survey in detail, and that these providers, in particular, would have found the survey difficult to complete⁵.

Accordingly, in their answers to some questions, a relatively large number of providers said that they either “didn’t know” or “preferred not to say”, whether they would choose to adopt changes proposed in the consultation or, if they did adopt these changes, what impact this would have. Rather than only analysing responses from providers who gave definitive answers to questions, these “don’t know’s” have been included, to illustrate the level of uncertainty surrounding answers to some of the questions on the survey.

Where the report describes differences in the responses given by different types of providers as “significant”, these differences are statistically significant.⁶ In some cases, when total figures have been broken down, these do not add up exactly to totals due to rounding.

³ The survey was initially sent to 7,893 providers who had completed the 2023 SCEYP and agreed to be re-contacted about future research. It soon became apparent that response rates to the survey were lower than expected, so the survey was sent to a further 5,246 providers who had completed the 2022 SCEYP (but not the 2023 SCEYP) and agreed to be re-contacted about future research. Of the 1,349 respondents to the survey, approximately 200 came from this latter group.

⁴ Responses from school-based providers may have been hampered by the timing of the survey – shortly before schools closed for the summer holiday – and by ongoing industrial action.

⁵ Nearly half of respondents to a survey asking providers how they would respond to proposed changes to staff:child ratios reported at the end of the survey that they had found the questions either “very” or “quite” difficult to answer. [Findings from the early years staff-child ratio consultation survey \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁶ At the 5% level. Any differences observed are sufficiently large that there is no more than a 5% probability of them occurring by chance rather than as a result of genuine differences between types of providers.

Questions related to the EYFS consultation

Most of the survey questions concerned changes proposed in the EYFS consultation. The survey asked providers, for instance, about (i) the likelihood of them adopting the changes proposed in the consultation; and (ii) if they were to do so, the likely impact that these changes would have on provision. In this section of the report, each of the main proposals covered by the survey are considered in turn.

English as an Additional Language

The survey began with questions asking all types of providers about their provision of childcare to children with English as an Additional Language (EAL).

Consultation proposal

The EYFS currently states that:

“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”.

The consultation proposed changing this requirement from “must take reasonable steps” to either “should take” or “may take” reasonable steps. The aim of changing this requirement would be to alleviate what could be an unreasonable demand on some providers – for instance, where staff working at the provider do not speak any language other than English, or where children with multiple languages spoken at home attend. A change would also allow settings to spend more time focusing on developing children’s English language skills.

Background

According to the survey, approximately 20 per cent of children registered with early years providers had EAL – 11 per cent of children registered with childminders, 18 per cent of children registered with group-based providers and 36 per cent of children registered with school-based providers.

Forty-two per cent of providers (6 per cent of school-based providers, 17 per cent of group-based providers and 72 per cent of childminders) said that they had no children with EAL attending. In 11 per cent of group-based providers and 23 per cent of school-based providers, however, the *majority* of children had EAL.

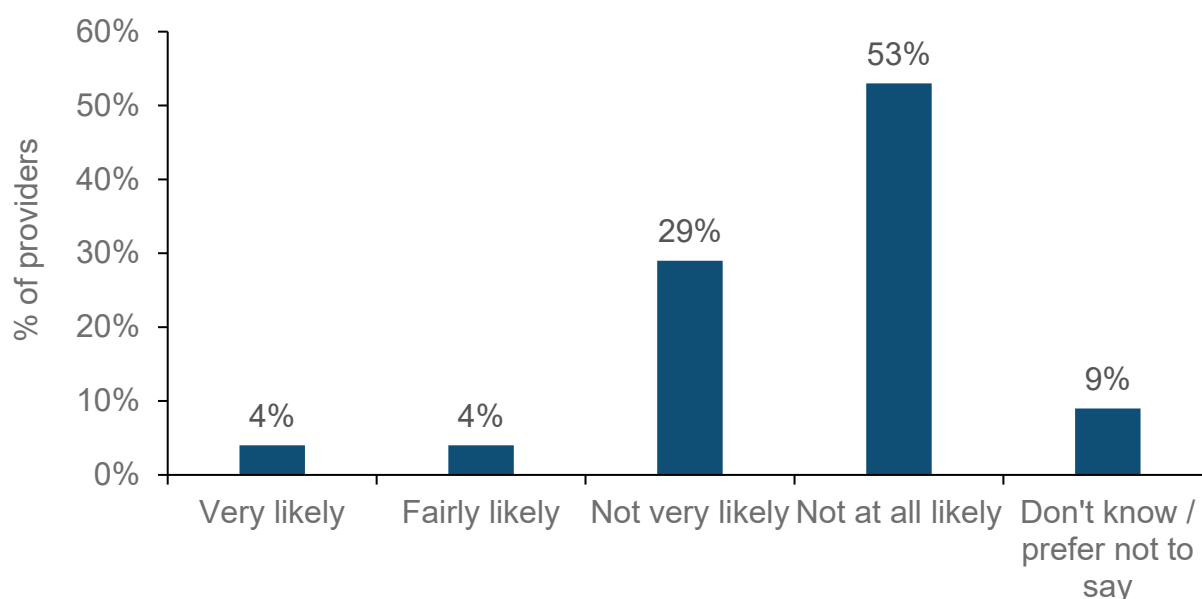
Sixty-one per cent of providers that looked after children with EAL said that they currently provided these children with opportunities to develop their home language (32 per cent said that they didn’t provide opportunities while 7 per cent either “didn’t know” or “preferred not to say”).

Most (62 per cent) of the providers who said that they currently provided children with EAL opportunities to develop their home language said that this *did not* involve spending any more time with these children. Twenty-seven per cent of providers said that providing these opportunities *did* involve spending more time children with EAL – on average, they said, they spent an extra 4.1 hours per week with them.

Likelihood of implementing change

Eighty-three per cent of providers that provided opportunities to children with EAL to develop their home language said that it was either “not very likely” (29 per cent) or “not at all likely” (53 per cent) that, if the regulations changed, they would cut back or stop the number of opportunities that they provided. Nine per cent of providers said that it was “very likely” (4 per cent) or “fairly likely” (4 per cent) that they *would* cut back or stop providing these opportunities (Figure 1).

Figure 1: If EYFS regulations no longer said providers “must” provide children EAL opportunities to develop their home language, how likely is it that you would cut back or stop the number of opportunities that you provided children to do this?



Likely impact of change

Providers who said that it was “very likely” or “fairly likely” that they would cut back or stop the number of opportunities that they provided to children with EAL to develop their home language were asked what impact it would have on the service provided to these children. Seventeen per cent said that they thought it would make the services that they gave to these children either “a lot worse” (7 per cent) or “a bit worse” (10 per cent). Most, however, thought that the service would either “improve a lot” (18 per cent) or “improve a bit” (17 per cent) or that there would be “no impact” (41 per cent).

Twenty-seven per cent of providers said that it was “very likely” (12 per cent) or “fairly likely” (15 per cent) that, if the regulations changed, they would offer more places to children with EAL.

The answers that providers gave to these questions were somewhat contradictory. It is unclear, for instance, why 27 per cent of providers said that they would be likely to offer more places if the regulations changed, considering that only 9 per cent said that they would deliver provision differently. It does, however, indicate that at least some providers would expand their provision if the changes proposed in the consultation were adopted.

Childminders

The next set of questions were asked to childminders only.

Childminder training

Consultation proposal

The EYFS currently states that “*Childminders must have completed training which helps them to understand and implement the EYFS before they can register with Ofsted or a childminder agency*”.

The consultation proposed removing the requirement to *have completed training*. Applicants would still, however, have to *demonstrate knowledge and understanding* of the EYFS in order to register as a childminder. The aim would be to allow people applying to become a childminder to choose how to achieve the required level of knowledge and understanding of the EYFS. In particular, those who already had the required knowledge, such as childminder assistants and nursery workers, would not have to undertake unnecessary training.

Background

Currently, someone applying to become a childminder has to complete training in the EYFS and then demonstrate knowledge and understanding of the EYFS to the body (either Ofsted or a childminder agency) registering them. This training varies, both in cost (from free of charge to around £300) and duration (some courses consist of a short webinar, while others run across a number of weeks).

This question was asked to childminders who said that they had registered in the last 5 years, as childminders who registered prior to that might not have remembered much about the training that they undertook, or the training that they undertook might have been significantly different to the training offered now.

Likelihood of implementing change

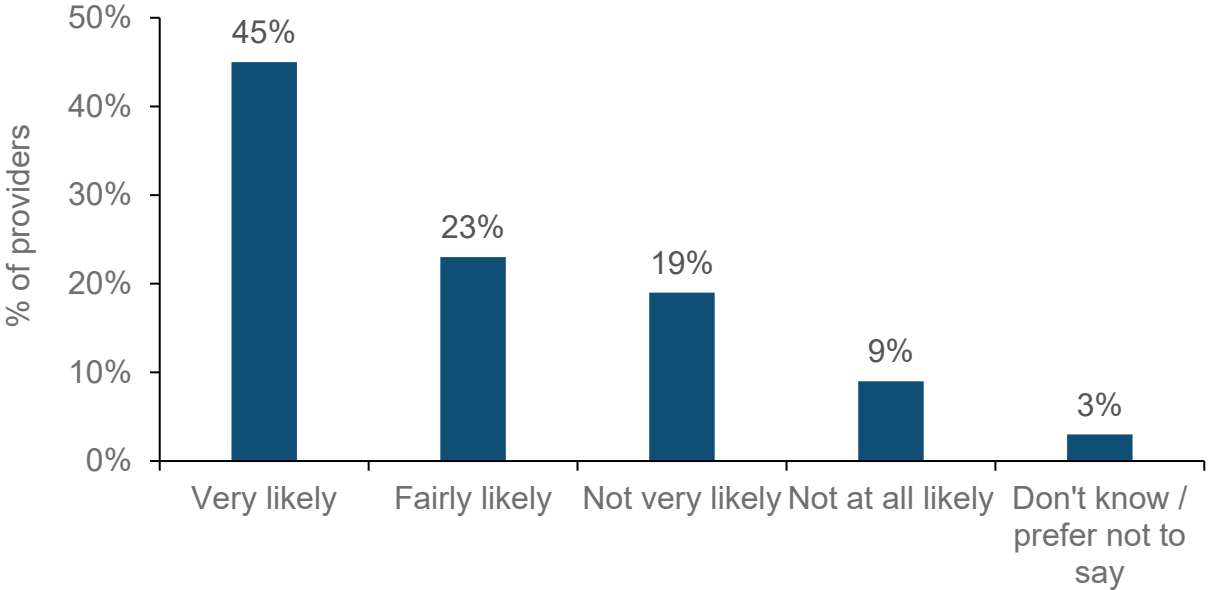
Sixty-eight per cent of childminders who had registered in the last five years said that, if they hadn't needed to complete training in EYFS in order to become a childminder, it was “very likely” (45 per cent) or “fairly likely” (23 per cent) that they would have done the training anyway (Figure 2).

Likely impact of change

In 2022-23, 1,697 people registered with Ofsted as childminders⁷. If the results of the survey were replicated, just over a quarter of these people would be likely to opt out of training in EYFS. For these people, the process of applying to be a childminder would be cheaper (by up to around £300) and quicker. They would still, however, have to demonstrate knowledge and understanding of the EYFS and would still be required to undertake training in child protection and paediatric first aid.

⁷ [A focus on childminders - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Figure 2: If you hadn't needed to complete training in EYFS in order to become a childminder, how likely is it that you would have still done the training anyway?



Childminder “key person”

Consultation proposal

The EYFS states that every child looked after by a childminder must be assigned a “key person”. Their role is to help ensure that the child’s care is tailored to meet their individual needs, to help the child become familiar with the setting, offer a settled relationship for the child and build a relationship with their parents / carers.

The consultation proposed changing regulations so that, where appropriate, childminding *assistants*, rather than just childminders, were allowed to take on “key person” responsibilities.

The aim would be to reduce childminders’ workload, while giving their assistants greater responsibility and offering career development opportunities.

Background

In 2022, 14 per cent of childminders employed an assistant and a further 5 per cent of childminders reported that they were considering employing an assistant⁸. Employing an assistant allows childminders to increase the number of children that they look after⁹.

⁸ [Childcare and early years provider survey, Reporting year 2022 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://www.gov.uk/government/statistics/childcare-and-early-years-provider-survey-reporting-year-2022)

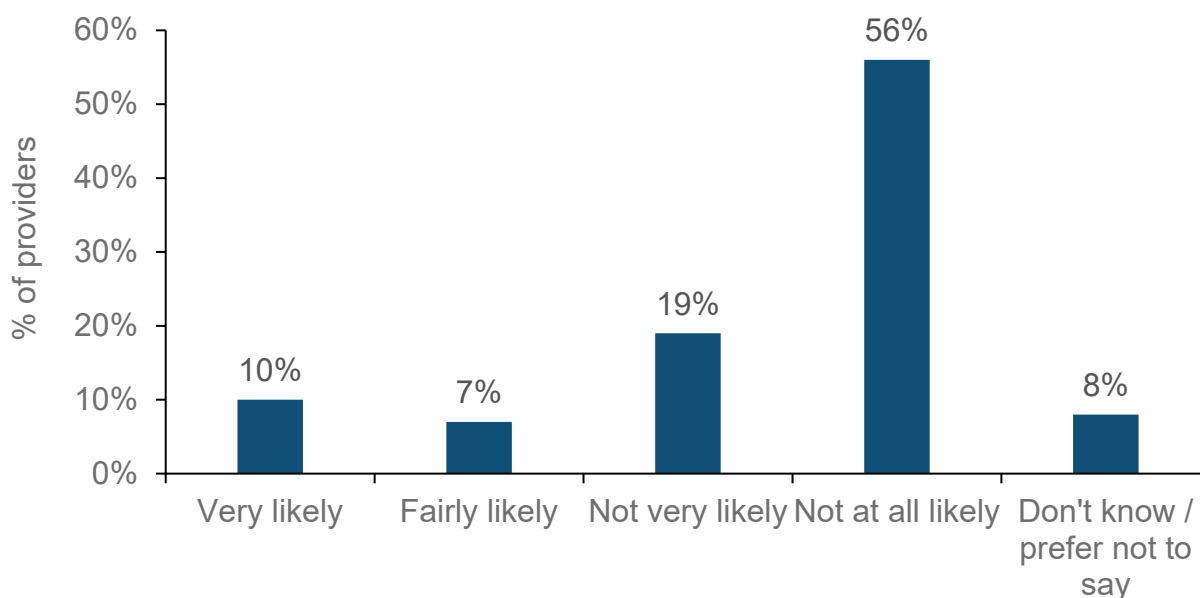
⁹ Childminders who work alone are allowed to look after a maximum of six children under the age of eight. Of these six children, a maximum of three may be young children, and there should only be one child under the age of one. A child is a “young” child up until 1 September following his or her fifth birthday. If a childminder employs an assistant, or works with another childminder, each of these is allowed to look after the same number of additional children as a childminder who works alone is allowed to look after.

Likelihood of implementing change

Seventy per cent of childminders that currently employed an assistant said that, if they were allowed to take on the role of “key person”, it was either “very likely” (48 per cent) or “fairly likely” (21 per cent) that they would give them this role. Sixty-six per cent of childminders thought that it was “very likely” (40 per cent) or “fairly likely” (26 per cent) that their assistant would want to take on the role of “key person”. Twenty-four per cent thought that it was “not very likely” (14 per cent) or “not at all likely” (10 per cent) that their assistant would want to take on the role while 10 per cent “didn’t know” or “preferred not to say”.

Seventeen per cent of respondents to the survey who *did not* currently employ an assistant said that, if they were able to give assistants the role of “key person” it was “very likely” (10 per cent) or “fairly likely” (7 per cent) that they would start to employ an assistant (Figure 3).

Figure 3: If childminding assistants were allowed to take on the role of “key person”, how likely is it that you would start to employ an assistant?



Likely impact of change

If *all* childminders who did not currently employ an assistant, but said that it was “likely” that they would start to employ an assistant, did so, this would see the proportion of childminders employing assistants approximately double from its current 14 per cent, and the number of assistants employed by childminders increase by just under 3,500, allowing them to deliver approximately 10,000 more places¹⁰.

¹⁰ Based on childminders that employ an assistant taking on 3 additional young children.

Changes to staff qualifications

Questions about proposed changes to staff qualifications were asked to school-based and group-based providers only.

Level 2 maths qualifications

Consultation proposal

The EYFS states that, in order to count in staff:child ratios at Level 3, staff qualified to Level 3 must also hold a Level 2 qualification in maths. The consultation proposed removing this requirement, as it can be a barrier to settings making full use of their qualified staff and does not align with the skills needed to support numeracy development in young children.

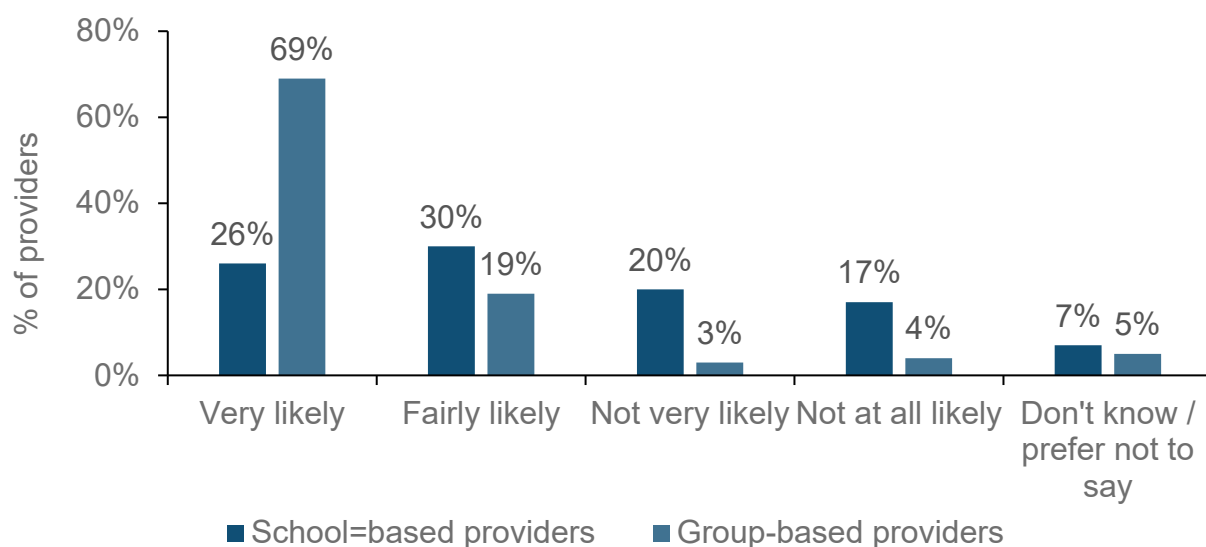
Background

According to the survey, 88 per cent of staff with a “full and relevant” Level 3 qualification had a Level 2 qualification in maths.

Likelihood of implementing change

Eighty-four per cent of providers said that, if allowed, it was “very likely” (64 per cent) or “fairly likely” (20 per cent) that they would count staff that had a full and relevant Level 3 qualification, but didn’t have a Level 2 qualification in maths, in the Level 3 staff:child ratios. This proportion was significantly higher for group-based providers (88 per cent) than it was for school-based providers (56 per cent) (Figure 4).

Figure 4: If staff no longer needed a Level 2 qualification in Maths to count in “Level 3” ratios, how likely is it you would count staff with “full and relevant” Level 3 qualifications, but no Level 2 qualifications in Maths, in the “Level 3” ratios?



Likely impact of change

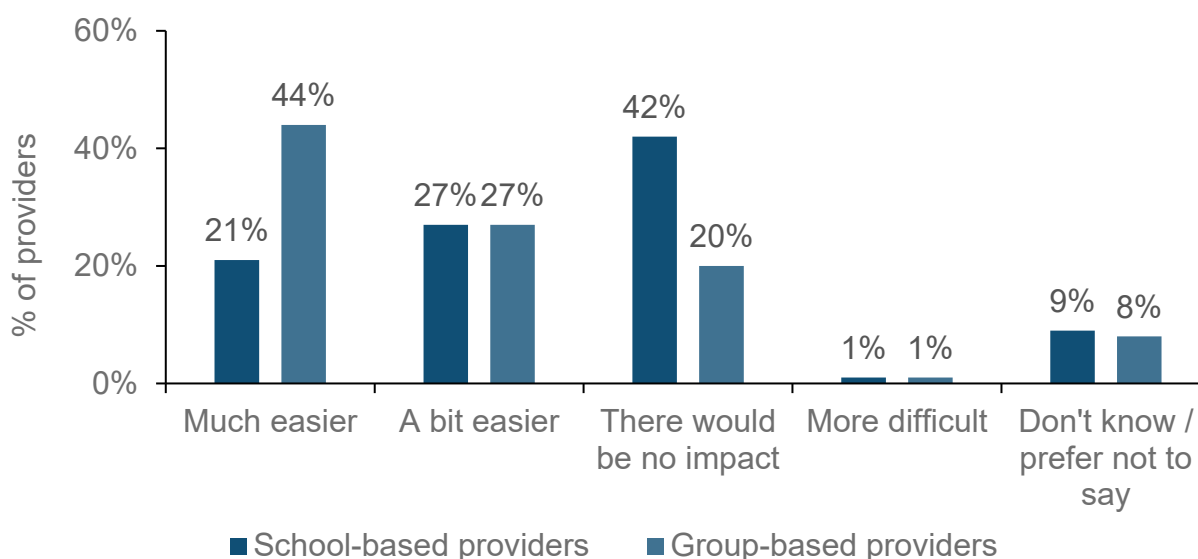
Providers told us that they employed an average 1.3 members of staff who had a recognised Level 3 qualification but *didn't* have a Level 2 qualification in maths. If the proposal was adopted, and, as indicated, 84 per cent of the 31,200 school-based and group-based providers in England counted these members of staff in their Level 3 staff:child ratios, this would allow approximately 41,000 additional staff to count in ratios.

A significantly higher proportion of group-based providers (71 per cent) than school-based providers (48 per cent) said that, if staff were no longer required to have a Level 2 qualification in maths to count in the Level 3 ratios, it would be “much easier” or “a bit easier” for their setting to recruit staff that counted in the Level 3 ratios (Figure 5).

A significantly higher proportion of school-based providers (36 per cent) than group-based providers (10 per cent), on the other hand, said that the quality of education and childcare in their setting would be “a lot worse” or “a bit worse” if staff were no longer required to have a Level 2 qualification in maths in order to count in the Level 3 ratios.

In a survey of childcare providers carried out in November 2022, a significantly higher proportion of group-based providers (68 per cent) than school-based providers (55 per cent) reported issues recruiting and retaining enough staff, while half of group-based providers had a vacancy at the time of the survey, compared with a quarter of school-based providers¹¹. The answers given to questions on this survey were consistent with this i.e. group-based providers were significantly more likely than school-based providers to say that they would take advantage of the proposed change, and significantly more likely to say that this would make recruiting and retaining staff “easier”.

Figure 5: If staff were no longer required to have a Level 2 qualification in maths to count in the 'Level 3' ratios, would it be easier for your setting to recruit staff that counted in the 'Level 3' ratios?



¹¹ <https://www.gov.uk/government/publications/the-impact-of-rising-costs-on-childcare-and-early-years-providers>

Experience-based routes to Level 3

Consultation proposal

The consultation proposed the introduction of a new, “experience-based” route for practitioners to gain approved status to work in the Level 3 staff:child ratios. The aim of this change would be to allow more staff to enter and progress within the workforce.

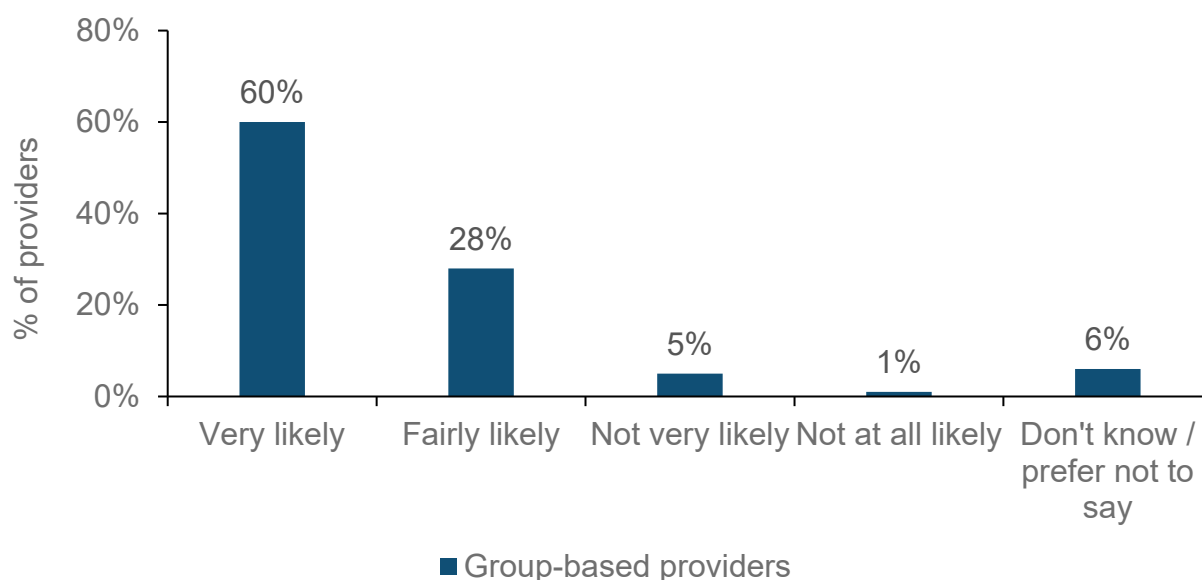
Background

The proposed new route would be available to practitioners holding a qualification identified as meeting most of the relevant Level 3 “Early Years Educator” criteria. Candidates would meet missing criteria by working in their setting whilst under the supervision of a senior member of staff. The manager would be required to submit evidence to the DfE that the missing criteria had been met in order for the practitioner to become approved to count in the ratios. Once approved, these practitioners would be eligible to count in the Level 3 staff:child ratios, although they would not gain a formal qualification.

Likelihood of implementing change

Almost 90 per cent of group-based providers who thought that at least one member of their staff would be suitable to undertake an “experience-based” route to Level 3 said that they would be “very likely” (60 per cent) or “fairly likely” (28 per cent) to encourage them to do so (Figure 6).

Figure 6: How likely would your setting be to encourage staff to go through 'experience-based' routes? (Group-based providers who had at least one member of staff that was “suitable”)



Group-based providers further estimated that 90 per cent of staff who would be suitable to undertake an “experience-based” route to count in the Level 3 ratios would *prefer* to go through this route, as opposed to gaining a “full and relevant” Level 3 qualification.

Likely impact of change

Providers who told us that they had staff suitable to undertake “experience-based” training thought that, on average, 2.2 of their staff would want to undertake this training. If adopted, this would see an estimated 20,000 Level 2 staff undertaking training.

Counting staff working towards Level 3 / Level 6 qualifications in Level 2 / Level 3 staff:child ratios

Consultation proposal

The consultation proposed that, if the provider was satisfied that they were “sufficiently competent and responsible”, students and apprentices studying towards an approved Level 3 qualification should be allowed to count in the Level 2 staff:child ratios; while those working towards an approved Level 6 qualification should be allowed to count in the Level 3 staff:child ratios.

The aim would be to give trainees opportunities to gain relevant experience, and to relieve staffing pressures within providers by allowing them to count suitably competent and responsible staff in their Level 2 and Level 3 ratios.

Background

The proposal was only pertinent to staff that were working towards an approved Level 3 (or Level 6) qualification and *did not already have* an approved Level 2 (or Level 3) qualification. Those who had a Level 2 (or Level 3) qualification would already count in the Level 2 (or Level 3) staff:child ratios.

Likelihood of implementing change

According to providers:

Eighty-five per cent of staff that didn’t have a “full and relevant” Level 2 qualification, but were working towards an approved Level 3 qualification, were sufficiently “competent and responsible” to count in the Level 2 ratios; and

Eighty-seven per cent of staff that didn’t have a “full and relevant” Level 3 qualification, but were working towards an approved Level 6 qualification, were sufficiently “competent and responsible” to count in the Level 3 ratios.

It was assumed that, if they were able to, providers would choose to count all staff that they thought were sufficiently “competent and responsible” in their staff:child ratios.

Likely impact of change

Just under half (45 per cent) of providers said that they had at least one staff member who did not have a “full and relevant” Level 2 qualification, but was working towards an approved Level 3 qualification. On average, these providers said that they had 1.7 staff members that were suitably “competent and responsible” to count in Level 2 ratios.

Based on this, if the changes proposed in the consultation were adopted, an additional 24,000 staff in England would be able to count in Level 2 ratios.

Six per cent of providers said that they had at least one member of staff who did not have a “full and relevant” Level 3 qualification, but was working towards an approved Level 6 qualification. On average, these providers said that they had 1.3 staff members that were suitably “competent and responsible” to count in Level 3 ratios.

Based on this, if the changes proposed in the consultation were adopted, an additional 2,400 staff in England would be able to count in Level 3 ratios.

Reducing Level 2 requirement from 50% to 30%

Consultation proposal

Currently, the EYFS states that, in addition to a member of staff qualified to Level 3 being present at a childcare setting, “at least half of all other staff must hold an approved Level 2 qualification”. The consultation proposed changing this to a smaller percentage (for example, 30 per cent or 40 per cent of all other staff).

The aim would be to allow providers to staff their settings more effectively, by enabling them to employ staff who, for example, were not qualified to Level 2 but were extremely experienced, or who were waiting for confirmation of their qualification.

Background

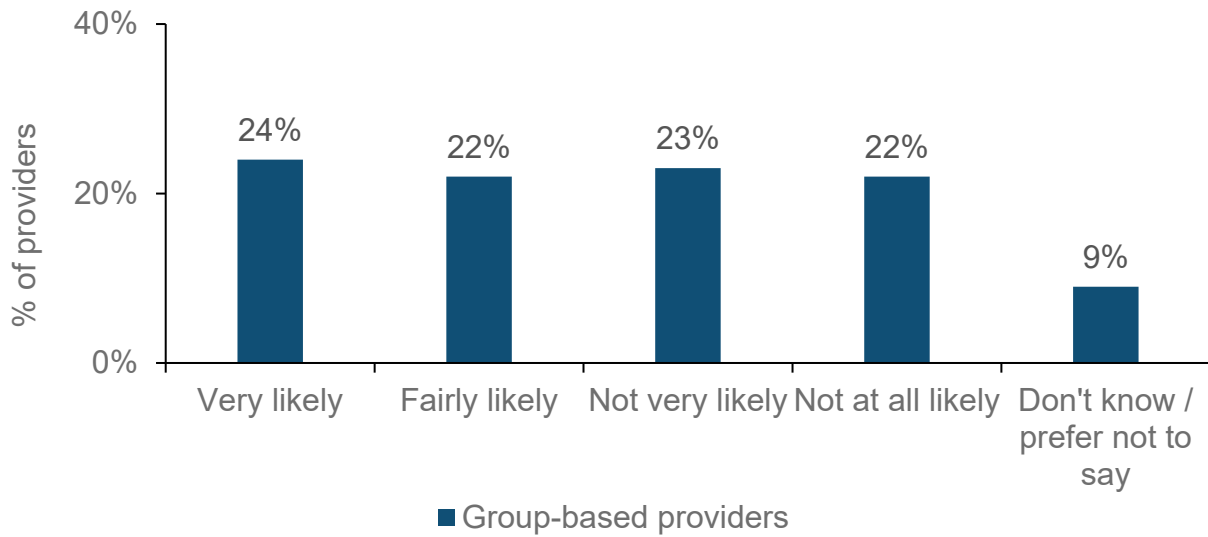
Depending on the size of the setting, it is possible that, even if the *proportion* of staff required to be qualified to Level 2 fell from 50 per cent to 30 per cent, the *number* of staff required to be qualified to Level 2 might stay the same. At the time of the survey, the maximum allowed staff:child ratio for 2-year-old children was 1:4. If a setting had a group of twelve 2-year-old children, it would need to have 3 members of staff present. One of those would need to be qualified to Level 3, while 50 per cent of other staff i.e. one member of staff would need to be qualified to Level 2. Even if this requirement reduced to 30 per cent, it would still be the case that one member of staff would need to be qualified to Level 2.

The survey, therefore, asked providers whether or not they thought they would need fewer Level 2 staff, if the requirement for Level 2 staff changed from 50 per cent of “other” staff to 30 per cent; and then whether, if they *would* need fewer Level 2 staff, they would *choose* to have fewer Level 2 staff present.

Likelihood of implementing change

Roughly half (46 per cent) of providers that said that they would need fewer Level 2 staff if they changed the percentage of “other” staff qualified to Level 2 from 50 per cent to 30 per cent, said that it was “very likely” (24 per cent) or “fairly likely” (22 per cent) that they would make this change (Figure 7).

Figure 7: If the EYFS regulations were to change, and this reduced the number of staff qualified to Level 2 that you needed to have, how likely would you be to change the proportion of other staff present that were qualified to Level 2 from 50 per cent to 30 per cent?



Likely impact of change

Over 20 per cent of providers said that they “didn’t know” or “preferred not to say” whether, if the EYFS regulations changed, from saying that 50 per cent of “other” staff present were required to be qualified to Level 2 to saying that 30 per cent were required to be qualified to Level 2, they would need to employ fewer Level 2 staff. Of those who did, however, nearly three quarters (i.e. 57 per cent of all respondents) said that they didn’t think that they’d need fewer Level 2 staff.

On average, providers said that they would need 0.7 fewer Level 2 staff if the threshold for Level 2 staff changed from 50 per cent to 30 per cent. If, as indicated, 46 per cent of providers that said they would need fewer Level 2 staff chose to employ fewer Level 2 staff, approximately 10,000 fewer Level 2 staff would be required.

Over four-fifths (83 per cent) of providers said that if the EYFS regulations changed, to say that 30 per cent of “other” staff were required to be qualified to Level 2, it would be either “much” (44 per cent) or “a bit” (39 per cent) easier to recruit staff. It is unclear, however, *why* so many thought it would be easier, considering that, excluding providers who “didn’t know”, nearly three quarters said that they wouldn’t need to have fewer Level 2 staff.

Staff required outside of “peak” working hours

Consultation proposal

The consultation proposed changing qualification requirements for staff:child ratios, so that these would not apply outside of “peak” working hours (for example, 9am-5pm). The aim would be to relieve pressure on settings, by allowing them greater flexibility in how they used staff across the working day.

Background

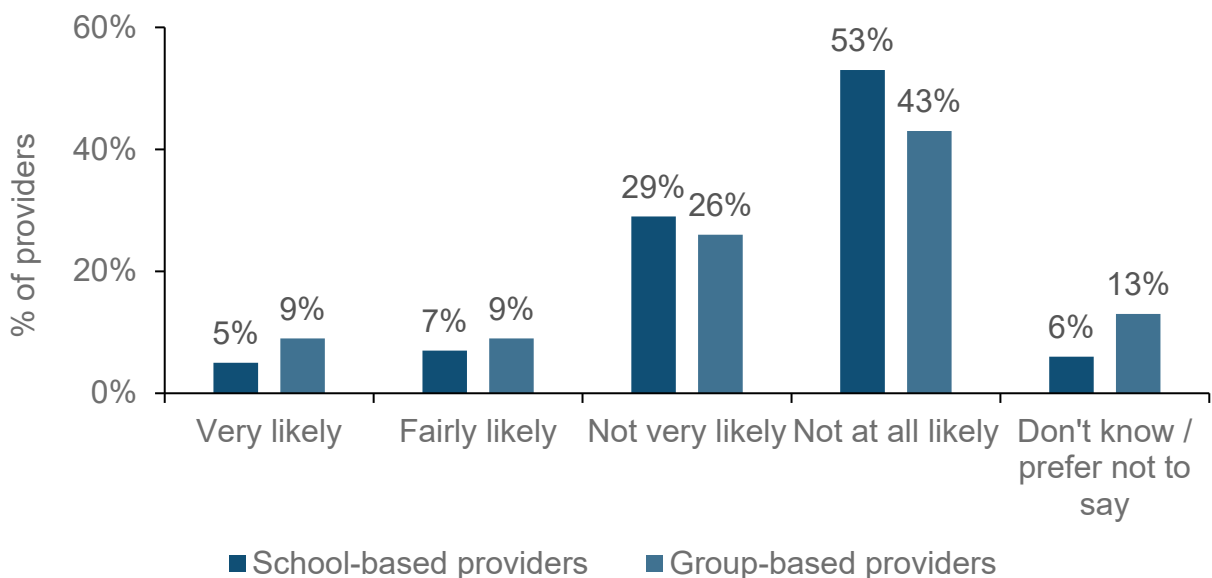
The proposal assumed that most learning delivered by childcare providers was confined to the “peak” hours of 9am to 5pm and that, while safety requirements would remain, it would not be necessary for staff working outside these hours to hold approved qualifications.

Likelihood of implementing change

Seventeen per cent of providers said that, if regulations for qualifications ratios were changed, so that they didn’t apply outside of “peak” working hours, it was “very likely” (9 per cent) or “fairly likely” (8 per cent) that they would change the way that they delivered childcare. Seventy-one per cent said that this was “not very likely” (27 per cent) or “not at all likely” (44 per cent).

School-based providers (82 per cent) were significantly more likely than group-based providers (69 per cent) to say that they were “unlikely” to change the way that they delivered childcare (Figure 8).

Figure 8: If the proposal to change qualification regulations for ratios so that these would not apply outside of peak working hours was adopted, how likely would your setting be to change the way that it delivers childcare?



Likely impact of change

Nearly 40 per cent of providers who said that they would change the way that they delivered childcare, if qualification regulations for ratios did not apply outside of “peak” hours, said that they “didn’t know” or “preferred not to say” how many (if any) fewer Level 2 and Level 3 staff they would need. Forty-two per cent of providers, however, thought that they *would* need fewer Level 2 staff (an average of 1.5 fewer staff) and 44 per cent thought that they would need fewer Level 3 staff (an average of 1.6 fewer staff). Overall, around 8,000 fewer Level 2 staff and 8,500 fewer Level 3 staff would be required.

Other questions asked on the survey

In addition to asking about proposals in the EYFS consultation, the survey asked about other issues relevant to the expansion of government-funded childcare places.

Places for children aged under 3

The survey asked providers whether, in light of the changes proposed in the 2023 Spring Budget, they were likely to either offer more places to children aged under 3 (if they currently offered places) or begin offering places to children aged under 3 (if they didn't currently offer places).

Background

Currently, all parents of children aged 3 to 4, and parents of certain children aged two¹², are entitled to 15 hours of free childcare per week¹³, funded by the government. Working parents of children aged 3 to 4 are entitled to 30 hours of free childcare per week¹⁴.

In the 2023 Spring Budget, the Government announced that entitlement to free childcare would be extended so that, by September 2025, all eligible working parents of children from the age of 9 months onwards would be eligible for 30 hours of free childcare per week¹⁴.

Currently, under 10 per cent of children registered with school-based childcare providers are aged under 3 (and under 1 per cent are aged under 2) compared with nearly half of children registered with group-based providers and childminders¹⁵. Differences in the way that childcare is delivered might make some schools unsuitable settings for the very youngest children to attend.

The proposed government funding rates for children aged under 3 are expected to be significantly higher than the funding rate for 3 and 4 year olds. This reflects, for instance, smaller staff:child ratios being required for younger age groups. It is possible, therefore, that providers would choose to offer additional places for children under 3 at the expense of existing places for children aged 3 and 4. The survey therefore asked providers who said that they expected to offer more childcare places to children under 3 whether they thought that this would be the case i.e. whether additional places would be completely new or whether they would replace existing places for older children.

¹² For instance, parents receiving universal credit and parents of children with special educational needs and disabilities.

¹³ Parents are entitled to free childcare equivalent to 15 hours per week for 38 weeks of the year, although they are able to split this in a way of their choosing.

¹⁴ There are certainly eligibility criteria e.g. in two-parent families, both parents must be working.

¹⁵ Unpublished analysis of 2022 SCEYP data.

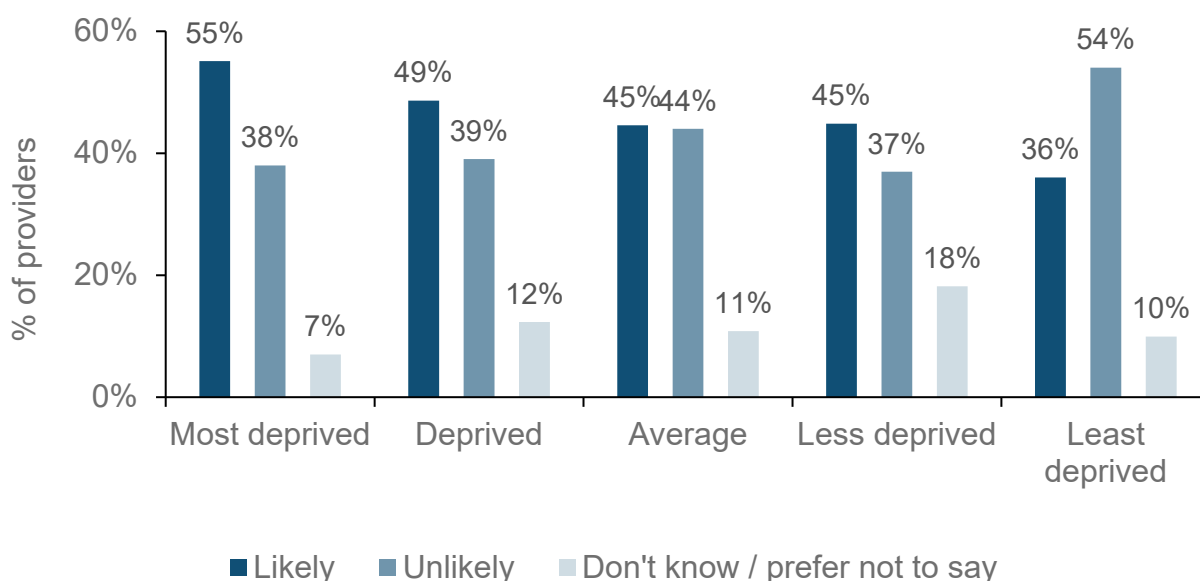
Likelihood of offering more places to children aged under 3

Forty-five per cent of providers who currently looked after children aged under 3 said that, in light of the Spring Budget, it was either “very likely” (28 per cent) or “fairly likely” (18 per cent) that they would offer more. Forty-three per cent said that it was either “not very likely” (19 per cent) or “not at all likely” (23 per cent) and 12 per cent either “didn’t know” or “preferred not to say”.

A significantly higher proportion of providers in the “most deprived” areas (55 per cent) said that it was “likely” that they would offer more places to children aged under 3 than providers in the “least deprived” areas (36 per cent) (Figure 9).

Figure 9: In light of the Spring Budget, how likely is it that, by September 2025, you will offer more places to children aged under 3?

(Providers who currently offer places to children aged under 3)



A very similar proportion of group-based providers (46 per cent) and childminders (45 per cent) said that it was “very likely” or “fairly likely” that they would offer more places to children aged under 3¹⁶.

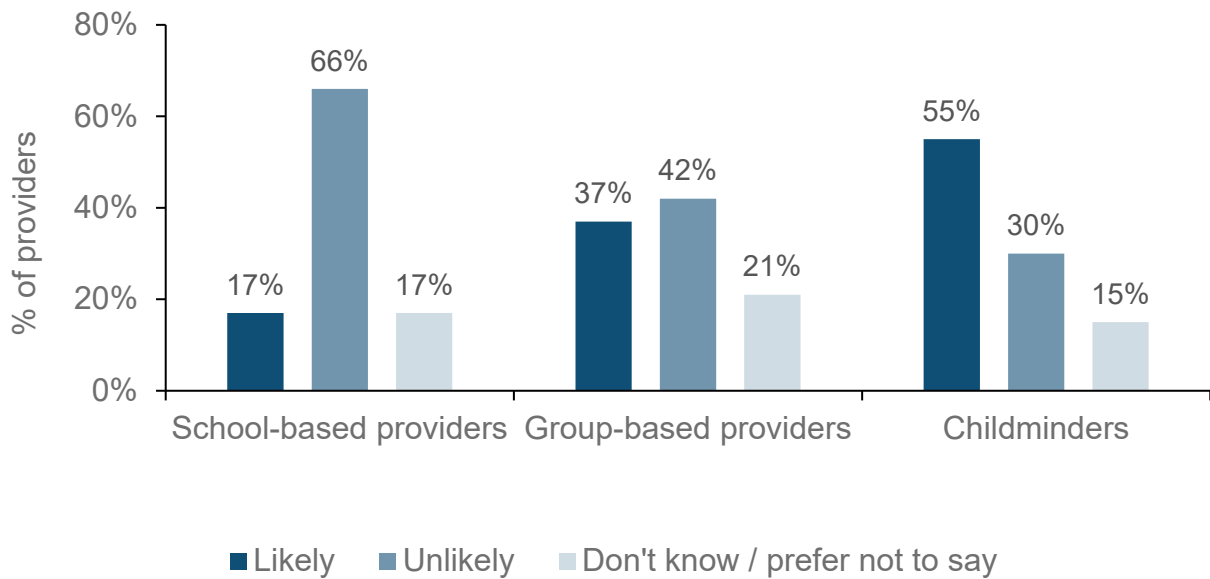
Likelihood of starting to offer places to children aged under 3

Thirty-nine per cent of providers who did not currently look after any children aged under 3 said that, in light of the Spring Budget, it was either “very likely” (25 per cent) or “fairly likely” (14 per cent) that they would start offering places. Forty-two per cent said that this was either “not very likely” (15 per cent) or “not at all likely” (28 per cent).

In this case, there were not significant differences between different areas of deprivation. However, school-based providers (17 per cent) were significantly less likely to say that they were “likely” to start offering places than childminders (55 per cent) (Figure 10).

¹⁶ Only a handful of school-based providers that responded to the survey said that they currently looked after children aged under 3.

Figure 10: In light of the Spring Budget, how likely is it that, by September 2025, you will start to offer places to children aged under 3? (Providers who do not currently offer places to children aged under 3)



Fifty per cent of providers who said that they were “likely” to offer more places to children under 3, or start to offer places to children under 3, said that these were “very likely” (24 per cent) or “fairly likely” (26 per cent) to be additional places (as opposed to places that used to be offered to older children). Thirty-nine per cent said that it was “not very likely” (22 per cent) or “not at all likely” (17 per cent) that they would be additional places.

Barriers to offering places to children under the age of 3

The survey asked providers what, if any, barriers there were to them offering childcare places to children under the age of 3. They were given the option of ticking one or more of a number of suggested barriers, and also given the option to suggest other barriers.

At the time of the survey, some providers might not have fully worked through the impact that the expansion of government-funding childcare places to younger children might have on the way that they deliver childcare.

Additionally, the survey didn’t ask providers how big a barrier they thought the barriers to offering childcare places to children under the age of 3 were. Something that was a small barrier to a lot of childcare providers might be less significant than something that was a bigger barrier to fewer providers.

Answers given to this question, therefore, should be treated with caution. They are, however, indicative of the kind of barriers that providers might face in offering places to children under the age of 3 and provide a basis for further research.

Barriers to provision

Table 1 shows the issues that providers thought were a barrier to them looking after children aged under 3.

Table 1: Which, if any, of these do you think are a barrier to you looking after children under the age of 3?¹⁷

	School-based providers	Group-based providers	Childminders
The space requirements within the EYFS do not allow us to take on more children	70%	42%	31%
Proposed funding rates are insufficient	36%	40%	25%
We don't think we could recruit enough staff to offer places to children aged under 3	28%	41%	N/A
The way that we deliver learning makes our setting unsuitable	24%	8%	N/A
No demand from parents in the area	10%	5%	5%
I would need to employ an assistant and I am not able to do this because of recruitment and retention difficulties	N/A	N/A	9%
Don't have the necessary knowledge/experience	13%	3%	0%
My premises aren't suitable	N/A	N/A	3%
Other ¹⁸	24%	14%	18%
Don't know/Prefer not to say	1%	2%	5%
There are not any barriers	11%	19%	32%

¹⁷ Not all types of providers were able to choose all of the options. Only group-based providers and school-based providers, for instance, were asked whether recruiting staff was a barrier, while only childminders were asked whether needing to employ a childminding assistant was a barrier.

¹⁸ Providers suggested a variety of “other” barriers to looking after children under the age of 3 e.g. “not eligible” or “not interested” in doing so.

Providers most commonly said that space was a barrier to offering childcare places to children under the age of 3. Seventy per cent of school-based providers, 42 per cent of group-based providers and 31 per cent of childminders said that this was a barrier for them. “Space”, in this context, could mean different things to different providers. For some providers, it could mean that there was insufficient space in existing rooms to accommodate more children. For others, it could mean that they lacked space to build new rooms.

The second most common barrier to looking after children under the age of 3 was insufficient funding rates. At the time of the survey, the formula for calculating funding rates was still being consulted on. So, the exact level of funding that the provider would receive – which depends on factors such as levels of local deprivation and the number of children with SEND attending – was still to be decided. The survey told providers, however, that the *average* funding rate for 2-year-old children was expected to increase to around £8 per hour, and that the average rate for children under 2 would be around £11 per hour.

Twenty-eight per cent of school-based providers and 41 per cent of group-based providers said that recruiting staff was a barrier. A much larger proportion of school-based providers (24 per cent) than group-based providers (8 per cent) said that “the way that we deliver learning makes our settings unsuitable” and that they “don’t have the necessary knowledge / experience” (13 per cent compared with 3 per cent). As previously noted, only around 10 per cent of children currently registered at school-based providers are aged under 3 and school-based providers might not be suitable settings for the very youngest children.

Twenty-four per cent of school-based providers suggested an “other” barrier to looking after children aged under 3. These barriers were varied e.g. “not eligible”, “not interested”, “staff:child ratios are too restrictive” etc. Eleven per cent of school-based providers said that there were “no barriers” to them looking after children aged under 3. This proportion was significantly higher for group-based providers (19 per cent) and childminders (32 per cent).

Barriers to offering places to children with special educational needs and disabilities (SEND)

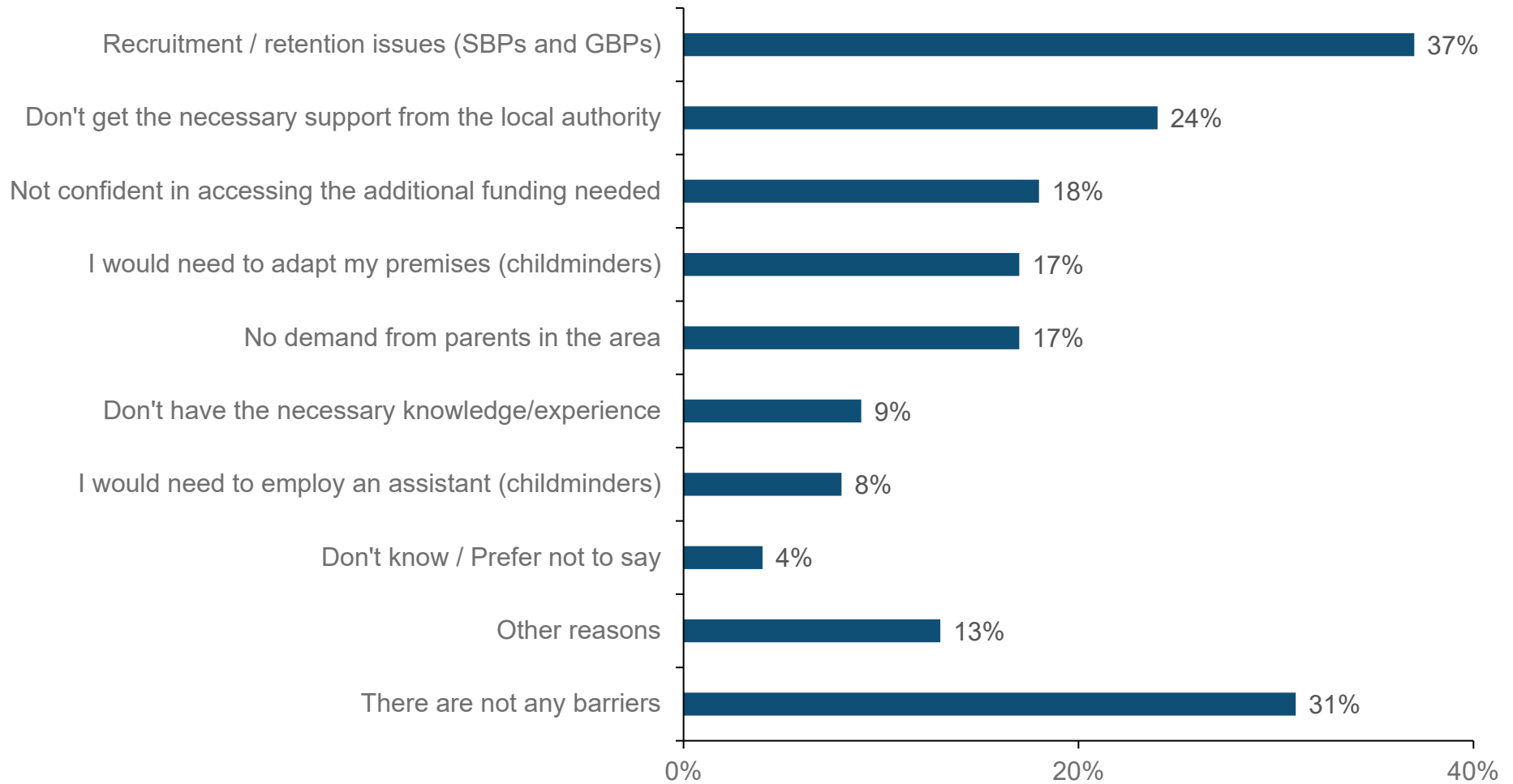
Childcare providers are finding it difficult to provide sufficient childcare places to children who need support for special educational needs and disabilities.¹⁹ The survey, therefore, asked childcare providers what barriers there were to them looking after children with SEND. They were given the option of ticking one or more of a number of suggested barriers, and also given the option to suggest other barriers.

Figure 11 shows the issues that providers thought were a barrier to them looking after children with SEND. Thirty-one per cent of providers (34 per cent of school-based providers, 27 per cent of group-based providers and 36 per cent of childminders) said that there were “no barriers” to looking after children with SEND.

Recruiting staff (37 per cent), local authority support (24 per cent) and funding (18 per cent) were the most commonly reported barriers.

¹⁹ “Support for childcare and the early years”. House of Commons Education Committee. <https://committees.parliament.uk/publications/41066/documents/200023/default/>

Figure 11: Which, if any, of these are a barrier to you looking after children with SEND?



Seventeen per cent of providers said that “no demand from parents in the area” was a barrier to looking after children with SEND. This varied, however, from 0 per cent of school-based providers and 8 per cent of group-based providers to 29 per cent of childminders. According to the survey, 8 per cent of children that childminders looked after, 12 per cent of children that group-based providers looked after and 17 per cent of children that school-based providers looked after were identified with SEND. Relative levels of demand reported by different types of providers were consistent with this.

Floor space requirements

One way of making childcare more flexible, but which wasn't included in the current consultation, is to allow childcare providers to decide for themselves how much floor space they need for the children that they look after.

According to EYFS regulations²⁰, childcare providers are required to provide:

- Children under two years – 3.5m² floor space per child;
- Two year olds – 2.5m² floor space per child; and
- Children aged three to five years – 2.3m² floor space per child.

The survey asked childminders whether they would support these requirements being removed and asked providers whether, if the requirements were removed, they would be able, and likely, to look after more children²¹.

Most childminders (62 per cent) said that they supported being allowed to decide for themselves how much floor space they needed for the children that they looked after. Twenty-five per cent were against this idea. Fourteen per cent said that they either “didn't know” or “preferred not to say” whether they supported it or not.

Although most childminders supported the *idea* of deciding for themselves how much floor space they needed, only 35 per cent said that they would be able to look after more children than they currently do if this requirement was removed.

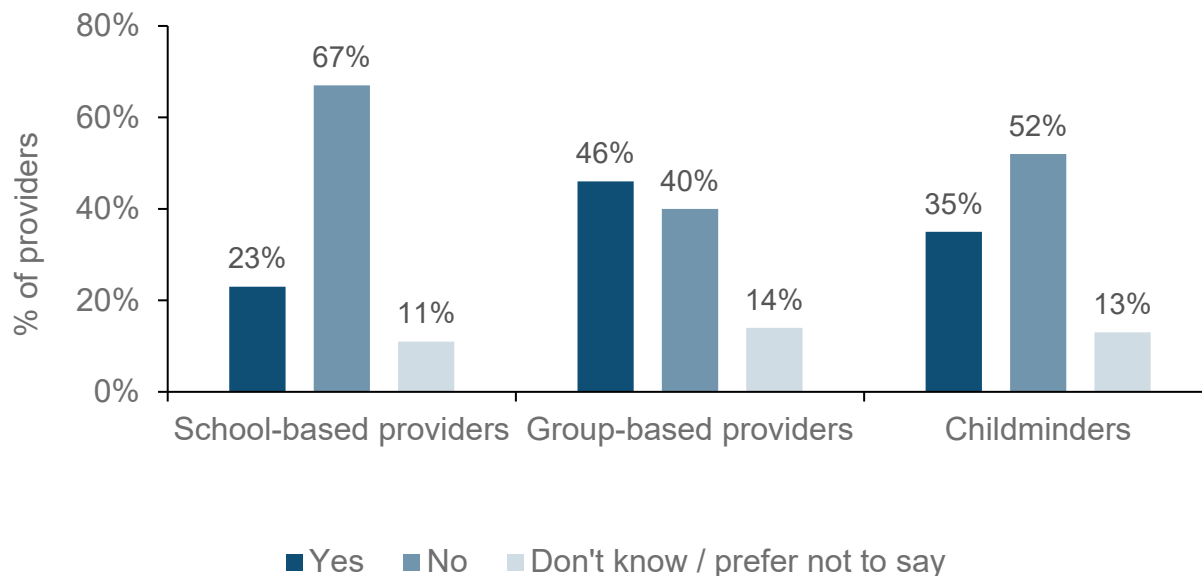
Group-based providers were the most likely to say that they would be able to look after more children if “floor space” requirements were removed (46 per cent – compared with 40 per cent who said that they wouldn't be able to look after more children). School-based providers were the least likely to say that they would be able to look after more children (23 per cent – compared with 67 per cent said that they wouldn't be able to look after more children) (Figure 12).

Most (75 per cent) of the providers that said they would be able to look after more children if “floor space” requirements were removed said that it was “very likely” (40 per cent) or “fairly likely” (35 per cent) that they would choose to do so. Twenty-one per cent said that it was “not very likely” (14 per cent) or “not at all likely” (7 per cent) while 4 per cent said that they “didn't know” whether they would or not.

²⁰ <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

²¹ Only childminders were asked whether they agreed with the *idea* of “floor space” requirements being removed. All providers were asked what *impact* removing “floor space” requirements might have.

Figure 12: If regulations were changed, so that you didn't have to provide a minimum amount of floorspace, would you be able to look after more children than you currently do?



Childminder premises

According to data collected by a childminder agency, landlord and local authority objection is the second most commonly cited reason for prospective childminders to drop out of training (cited by 12 per cent of all those who left the process).²² While childminders who own their properties are sometimes being blocked by so-called “restrictive covenants”.²³

The survey finished, therefore, with questions asking childminders whether issues such as these had hindered them from registering as a childminder.

Childminders were firstly asked whether they owned or rented their home. Eighty-one per cent of childminders said that owned their home while 16 per cent said that they rented (3 per cent “preferred not to say”). The proportion of childminders who rent their home is much lower than the proportion of the general population that rent (37 per cent).²⁴

Nine per cent of childminders who owned their home said that they had needed planning permission to work as a childminder - either when they started working as a childminder (6 per cent) or when they grew their business (3 per cent). Roughly half of these said that it was “very easy” (27 per cent) or “fairly easy” (20 per cent) to find out information about planning permission.

²² Tiney Ltd. Written evidence to House of Commons Education Committee. committees.parliament.uk/writtenevidence/116837/html/

²³ [Minister urges social landlords to open the door to childminders - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/minister-urges-social-landlords-to-open-the-door-to-childminders)

²⁴ [Housing, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/housing)

Twenty-two per cent of childminders who owned their home said that they'd been put off expanding their business because they needed to seek planning permission.

One per cent of childminders who owned their home said that a covenant on a property they owned had prevented them from working as a childminder. Another one per cent said that a covenant on a property they owned had initially prevented them from working as a childminder but that they were able to change it.

Fourteen per cent of childminders who rented said that a problem with a tenancy agreement (either at their current home *or a previous one*) had prevented them from working as a childminder. Most said that they had tried, but failed, to re-negotiate their tenancy.

Note: Some people will have wanted to become a childminder but, because of problems with their tenancy agreement or with planning permission, been unable to do so. As the survey was only sent to people who actually *are* childminders, it will give an incomplete picture of the impact that property-related issues have on childminders and the figures given here are likely to be underestimates.



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