



Department
for Education

Early Years Foundation Stage (EYFS) guidance on exemptions

**For early years providers and individual
children**

January 2026

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Summary

About this guidance

The Early Years Foundation Stage (EYFS) is the statutory framework¹ that sets the standards and requirements that all early years providers in England must follow to ensure every child has the best start in life and is prepared for school.

The framework is flexible enough to accommodate most circumstances. However, in relation to the learning and development requirements, there are two types of exemption that can be applied for individual children or at provider level.

There may be rare instances where a family's religious or philosophical beliefs cannot be reconciled with one or more of the learning and development requirements in the EYFS. For these cases **only**, there is a process available that enables early years providers to consider modifying or exempting one or more of the learning and development requirements for a child where their family requests this due to religious or philosophical beliefs. This form of modification or exemption is referred to in this guidance as an 'individual exemption'. There are no other circumstances that allow exemptions for individual children.

There are also circumstances where an early years provider can be exempt from the EYFS learning and development requirements. This form of exemption is referred to in this guidance as a 'provider exemption'.

The two circumstances in which an early years provider can be granted an exemption are:

- if the provider is an independent school that meets the conditions outlined; and
- when the provision is governed by established principles which cannot be reconciled with the EYFS learning and development requirements.

This guidance outlines the circumstances that must be met before individual and provider exemptions can be granted and explains how the different processes work.

The Childcare Act 2006 does not allow for any exemptions from the **safeguarding and welfare** requirements of the EYFS. This means that all early years providers must meet the safeguarding and welfare requirements of the EYFS, including when a provider has been granted an exemption from any learning and development requirements.

This guidance uses the word "must" where the provision is a legal requirement. The word "should" is used where the guidance is not mandatory, but EY providers are expected to take it into account and generally to follow it unless there is good reason not to.

¹ www.gov.uk/government/publications/early-years-foundation-stage-framework--2

Who is this publication for?

This guidance is for:

- all early years providers in England: maintained schools; non-maintained schools; independent schools (including free schools and academies); childminders; and all providers on the Early Years Register
- local authorities
- parents (Parent is defined throughout this guidance as any individual who has parental responsibility for a child; or care of a child – this does not include a childminder)

What legislation does this guidance refer to?

- The Childcare Act 2006²
- The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.I. 2007/1772)³
- The Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008 (S.I. 2008/1743)⁴
- The Early Years Foundation Stage (Exemptions from Learning and Development Requirements) (Amendment) Regulations 2012 (S.I. 2012/2463)⁵
- The Education (Independent Schools Standards) Regulations 2014 (S.I. 2014/3283)⁶

² <https://www.legislation.gov.uk/ukpga/2006/21/contents>

³ <https://www.legislation.gov.uk/uksi/2007/1772/made>

⁴ <https://www.legislation.gov.uk/uksi/2008/1743/contents/made>

⁵ <https://www.legislation.gov.uk/uksi/2012/2463/contents/made>

⁶ <https://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Individual exemptions

This section explains the process for providers wishing to take up an exemption for an individual child and outlines the circumstances which must be met before an individual exemption can be granted. For exemptions relating to providers, please see the '[Provider exemptions](#)' section of this document.

Who are individual exemptions available for?

Where a family's religious or philosophical beliefs cannot be reconciled with one or more of the learning and development requirements in the EYFS, including the assessment arrangements, early years providers can consider modifying or disapplying these for a child where their family requests this.

As set out in part 3 of the Exemptions Regulations⁷, there are four circumstances that **must** be met before the early years provider can decide whether to grant an exemption for an individual child. These are:

1. the early years provider has received a written request for an exemption from a parent or guardian of the child;
2. the application specifies any early learning goal, educational programme or assessment arrangement⁸ that should apply with modifications, or should not apply, to that child, and the reasons why;
3. the early years provider is satisfied that the parent of the child has **religious or philosophical convictions** which cannot be reconciled with one or more of the learning and development requirements; and
4. the early years provider has sought the views of the relevant local authority as to whether the exemption should be granted.

Children must not be granted individual exemptions for circumstances such as transitioning to/from another setting or country, being absent from a setting, including due to illness, or having special educational needs and disabilities (SEND).

What exemptions can individual children obtain?

Exemptions can be granted in full and/or modifications can be made against the learning and development in the EYFS.

There are no exemptions available from the safeguarding and welfare requirements of the EYFS.

⁷ The Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008 SI 2008/1743 as amended by SI 2012/2463 (legislation.gov.uk).

⁸ The educational programmes, early learning goals and assessment arrangements are set out in sections 1 and 2 of the EYFS.

Table 1: A table showing whether EYFS requirements can be modified and/or disapplied

EYFS requirements	Can this be modified?	Can this be disapplied?
Educational programmes	Yes	No
Early learning goals	Yes	Yes
Assessment requirements	Yes	Yes
Safeguarding and welfare requirements	No	No

Guidance on individual exemptions for parents/carers

The EYFS is intended to accommodate a wide range of religious and philosophical beliefs and convictions. If a parent believes that the learning and development requirements (or elements of them) conflict with their religious or philosophical beliefs, they should talk to their provider/prospective provider before making an application.

If, after talking to their provider, a parent still wishes to pursue an exemption, then they need to apply to the provider in writing. Parents must include:

- i. a list of the learning and development requirements (i.e. each educational programme, early learning goal, and/or assessment requirement) for which modification or exemption is being sought;
- ii. the reason why each of these conflicts with their philosophical or religious beliefs; and
- iii. whether they are seeking a modification or exemption.

Where possible, the views of both parents should be provided, including where parents do not live together.

The provider may decide not to grant the request or only agree to part of it. There is no provision for a right of appeal against any decisions that the provider may make.

Early years providers can only grant individual exemptions for a maximum of 12 months, starting from the date of the parents' request. At the end of 12 months, if a child still attends the same early years setting and their parent still believes an exemption is required, the parent should discuss this with the provider. If, after discussion, the parent would still like to seek an exemption, they must submit a new written application to the provider.

Guidance on individual exemptions for providers

If a parent applies for an exemption, providers should check it meets **all four circumstances** listed in the '[Who are individual exemptions available for?](#)' section.

Providers should seek views of both parents, where possible, including when parents do not live together.

If all necessary circumstances have been met, providers must consult the local authority in writing:

- explaining why the exemption has been sought; and
- setting out their view on whether the exemption should be granted, including how the parent's religious or philosophical beliefs can be accommodated within the setting's practice if an exemption is not granted.

Ultimately, it is for providers to make the final decision on whether to grant an exemption in the light of all the information available.

If a provider decides to exempt a child, they must inform their local authority, detailing from which elements of the EYFS learning and development requirements exemptions or modifications have been granted, the nature of the exemption and the start and end date. Providers must also provide written confirmation to the parent.

Exemptions should be backdated to start on the day that the parent submitted the written application.

On inspection, the onus will be on providers to show Ofsted inspectors that the correct process for granting any individual exemptions has been followed. Ofsted may ask to see:

- the application letter from the child's parent;
- copies of letters and notes of any discussions with the local authority;
- the decision made by the provider that exempts the child, stating the date on which the exemption began, the length of time for which the exemption has been granted; and
- the specific early learning goals and/or areas of learning and development that have been modified or exempted.

Ofsted will expect providers to demonstrate that their setting is able to meet the full requirements of the EYFS, regardless of any exemptions in respect of particular children.

Where a provider is registered with a childminder agency and is asked about individual exemptions during a quality assurance visit, the onus will be on the childminder or provider of childcare on domestic premises to show that the correct process for granting any individual exemptions has been followed.

For further information on what to do when a child is granted an individual exemption from the EYFS Profile assessment, please see the 'Completing the EYFS Profile' section of the [EYFS Profile handbook](#).

Guidance on individual exemptions for local authorities

The local authority must be notified and consulted by the early years provider in writing if a request for an individual exemption from the EYFS learning and development requirements is made by a parent.

The local authority should consider all individual exemption requests carefully to give advice to the provider. In the majority of cases, parents' religious or philosophical beliefs can likely be accommodated within the EYFS without the need for an exemption or modification, and the local authority should actively look for ways to do this and advise the provider accordingly in writing.

The local authority should inform the provider of their views on whether the exemption should be granted. The provider will then decide whether to grant the exemption in the light of the information available. The provider's decision is final.

Provider exemptions

This section explains the process for providers wishing to take up an exemption and outlines the circumstances which must be met before provider exemptions will be granted. For exemptions relating to individual children, please see the '[Individual exemptions](#)' section of this document.

What provider exemptions are available?

Exemptions from some or all of the learning and development requirements may be granted in one of two circumstances:

- a) When the provider is a registered independent school (but not an academy, including a free school) and meets the relevant conditions set by the Secretary of State. This is referred to in this guidance as the 'independent schools route' to EYFS exemptions.
- b) When the provision is governed by established principles which cannot be reconciled with an element or elements of the EYFS learning and development requirements and the other relevant conditions have been satisfied. This is referred to in this guidance as the 'established principles route' to EYFS exemptions.

Under the independent schools route, exemptions will be granted in full against all the learning and development requirements of the EYFS.

Under the established principles route, providers can seek exemptions or modifications to specific learning and development requirements that their established principles cannot be reconciled with but must continue to deliver the remaining EYFS framework in full.

Exemptions are not available for providers who are temporarily unable to deliver the full learning and development requirements.

There are no exemptions available for providers from the EYFS safeguarding and welfare requirements.

The independent schools route

Exemptions under the independent schools route will be granted via a Direction⁹ made by the Secretary of State that all independent schools (except academies) can take up an exemption from all the learning and development requirements for children aged 3 and over, provided they meet the relevant conditions and follow the relevant processes, which are explained below. The Direction is at **Annex A**.

⁹ The Direction extends only to independent schools. It does not extend to a nursery that may be on the same site as the independent school but is not part of the independent school.

Independent schools that take up full exemption and are classified officially as exempt are still able to practise in a way that meets the EYFS learning and development requirements. Inspectors will assess against the Independent Schools Standards rather than the EYFS learning and development requirements. All exempted independent schools will continue to be assessed against the EYFS safeguarding and welfare requirements.

Conditions which must be met for the independent schools route

The following conditions must be met in order for providers to take up and maintain an exemption under the independent schools route:

- a. **Quality threshold.** Quality is determined by the school's **most recent** inspection report.

Requirements for schools whose most recent inspection was before 5 January 2026:

- i. For a school where this report still contains a separate EYFS judgement, the school must have received a judgment of 'good' or better against 'overall effectiveness of the EYFS'.
- ii. For a school where this report does not include a separate EYFS judgement, the school must have met the Independent School Standards relating to the spiritual, moral, social and cultural development of pupils (paragraph 5 of the Schedule to the Education (Independent School Standards) Regulations 2014).
- iii. Additionally (whether or not the report contains a separate EYFS judgement), the most recent inspection report must show that the school meets the standard in paragraph 2(2)(f) under the Schedule to the Education (Independent School Standards) Regulations 2014, which relate to the education of children below compulsory school age¹⁰.

Requirements for schools whose most recent inspection took place on or after 5 January 2026:

- i. For a school where an early years report is produced, resulting in a grading, the school must have received a grading of 'Expected Standard' or better in the early years provision.
- ii. For a school where a separate early years report is not produced and no grading is provided, the school must have met the Independent School Standards relating to the spiritual, moral, social and cultural development of pupils.

¹⁰ The Education Independent School Standards (England) Regulations 2014 (S.I. 2014/3283). Schedule 1, Part 1, paragraph 2(2)(f) provides "where the school has pupils below compulsory school age, a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills".

- iii. Additionally (whether or not a separate early years report is produced), the school's most recent inspection report must demonstrate that the school meets the standard in paragraph 2(2)(f) of the Schedule to the Education (Independent School Standards) Regulations 2014, which relates to the education of children below compulsory school age.

Note: Inspection reports may only comment if the standards in relation to the spiritual, moral, social and cultural development of pupils and the education of children below compulsory school age have not been met rather than commenting that they have been met.

- b. **Seeking parents' views/ keeping parents informed.** Schools must seek the view of parents as to whether they should take up an exemption. It is also a condition that the school explains the outcome of the exemption notification to parents and makes it clear in information provided to parents and prospective parents that an exemption is in place.
- c. **Informing the local authority.** If, after seeking parents' views, the school decides to proceed with the exemption, they must inform the local authority that they intend to notify the Secretary of State via the Department for Education that they wish to take up an exemption.
- d. **Notifying the Department for Education.** Schools must notify the department that they wish to take up an exemption. Schools can notify the Department individually or as part of a group (e.g. if they are members of an independent school association, the association may undertake to submit a block application on behalf of member schools).

If schools do not meet all the conditions above, they will **not** be legally exempted. An exemption will remain valid for as long as the school continues to meet the conditions governing the quality of the provision and the condition of keeping parents and prospective parents informed that an exemption is in place.

Schools must notify the Department and the local authority if, after taking up an exemption, they cease to meet the conditions above and therefore are no longer eligible for an exemption. Providers which no longer meet the necessary conditions for an exemption are required to meet the EYFS learning and development requirements in full.

Notification process for the independent schools route

If you are an independent school making an individual notification, you are required to contact the Department at the following dedicated exemptions inbox:

Exemptions.EYFS@education.gov.uk

This email should include the following information:

- a. Name, registration, DfE and inspectorate URN numbers of the school
- b. Details of inspection judgements, including the name of the inspecting organisation

- c. Confirmation that the relevant local authority has been notified of the intention to take up the exemption and the local authority's contact details
- d. Whether or not your school is in receipt of local authority funding for free early education places
- e. Confirmation that the views of parents have been sought
- f. Name and details of the responsible person at the school or association that is notifying the exemption

The template in **Annex B** can be used by schools for the purposes of this notification to the Department.

If your school is a member of an association, and you want to take up an exemption through them, you will need to notify your association that you wish to take up an exemption and include the information above. Associations should then send the above information for each school in a single email to the Department informing schools of the operative date of notification. The template in **Annex B** can also be used for this purpose, although a spreadsheet format would be preferred for large numbers of schools.

The Department will pass details of exempted schools on to the relevant inspectorates as soon as possible so that they are aware of this ahead of inspections. If the Department does not receive a notification from a school, it will not be legally exempted and will be inspected against all the learning and development requirements of the EYFS.

Inspectorates will continue to monitor all schools against the safeguarding and welfare requirements of the EYFS.

An exemption is 'taken up' on the date that the notification is made to the Department, provided that all the necessary conditions have been met. After the notification is submitted, the Department will check that the school's notification meets the conditions of EYFS exemptions for independent schools. If the school does meet the conditions, the inspectorate will be notified and the school or school association will receive an acknowledgement. If there are any issues with the information given, the school will be contacted and further information may be necessary before the school can take up an exemption.

The established principles route

Under the established principles route, providers can seek exemptions or modifications to the specific learning and development requirements (including educational programmes, early learning goals and assessment requirements) with which their established principles cannot be reconciled. To be legally exempted, providers will need to meet the necessary conditions and follow the relevant processes explained below.

Ofsted or other relevant inspection bodies will take into account any exemptions that may be in place when planning and conducting inspections and may ask to see copies of letters granting exemptions.

Conditions which must be met for the established principles route

The following conditions must be met in order for providers to take up an exemption under the established principles route:

- a. **The provider's established principles cannot be reconciled with one or more of the learning and development requirements of the EYFS.** The provider must demonstrate in their application that their early years provision is governed by established principles which cannot be reconciled with the particular area(s) of the EYFS learning and development requirements for which they are seeking an exemption or modification. This would include identifying how these early learning goals, educational programmes, or aspects of the EYFS Profile assessment conflict with the setting's established principles.
- b. **Seeking parents' views and keeping parents informed.** Providers must seek the view of parents as to whether they should request an exemption. If a direction is issued by the Department under this route, the direction will make it a condition that the school explains the outcome of the exemption to parents and makes it clear in future information provided to parents and prospective parents that an exemption is in place.
- c. **Informing the local authority.** If, after seeking parents' views, the provider decides to proceed they must inform the local authority that they are applying for an exemption.
- d. **Requesting a direction for exemption under this route.** The Provider must request a direction from the Department in order to be exempt from part or all of the EYFS learning and development requirements, including the assessment arrangements. The application form can be found in **Annex C**.

Exemptions will remain in place for as long as the conditions upon which they were granted are satisfied by the provider and as long as the provision is governed by established principles that cannot be reconciled with the EYFS learning and development requirements. Providers which no longer meet the necessary conditions for an exemption are required to meet the EYFS learning and development requirements in full.

Application process for the established principles route

Once the provider has notified parents and the local authority of their intention to apply for an exemption, you are required to contact the Department at the following dedicated exemptions inbox: Exemptions.EYFS@education.gov.uk.

This email should include (as at **Annex C**) the following information:

- a. Name, URN, address and type of early years provider and name and contact details of the registered person.

- b. Confirmation that the relevant local authority has been notified of the intention to take up the exemption. Contact details for the local authority so that the Department can notify them if the application is successful.
- c. Confirmation of whether or not your school is in receipt of local authority funding for free early education places.
- d. The name of your inspecting organisation.
- e. Confirmation that the views of parents have been sought.
- f. Background information on the early years setting and evidence or information regarding the relevant principle which is irreconcilable with the EYFS learning and development requirements, such as published articles, books or information about any organisation of which the provider is a member.
- g. A list of the learning and development requirements (educational programme, early learning goal, and/or assessment requirement) for which the provider seeks an exemption or modification. A clear explanation of the rationale for seeking exemption from the particular learning and development requirement should also be given.
- h. Signatures from the registered person of the setting and another person who can confirm that the proper process has been followed in submitting the application. The second signature should normally be another person who forms part of the registered body of a setting or another early years professional.

Applications for exemption that do not contain all of the above elements will be returned with a request that the missing information be supplied.

Upon receiving an application, the Department will process the application and check that it is complete. Providers should expect a decision from the Department within 12 weeks and will be informed if their application is likely to take longer. The Department will notify the provider, the local authority and the relevant inspectorate of the decision. Exemptions may be granted in full or in part, or rejected.

Until providers have received a response from the Department confirming any exemptions granted, they will not be legally exempt and will not be treated as such for the purposes of inspection. If an exemption is granted, the effective date for that exemption will be the date of the letter in which the Department's decision is relayed to the provider.

Annex A - Direction from the Secretary of State for Education to independent schools

Dear colleague,

EXEMPTION FROM THE LEARNING AND DEVELOPMENT REQUIREMENTS OF THE EARLY YEARS FOUNDATION STAGE: DIRECTION TO INDEPENDENT SCHOOLS

I am writing to set out the circumstances and conditions under which independent schools may be exempt from the learning and development requirements of the Early Years Foundation Stage (EYFS)¹¹.

Section 46 of the Childcare Act 2006 gives the Secretary of State the power to confer exemptions from the learning and development requirements of the EYFS in prescribed circumstances. These circumstances are set out in the Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008¹² ("the Regulations").

Any school wishing to continue to follow the learning and development requirements of the EYFS should take no action and it will be assumed, by the Department and relevant inspectorate, it is following the EYFS in full.

Early Years Foundation Stage

The EYFS sets out both learning and development requirements and safeguarding and welfare requirements for children from birth until the 31 August following their fifth birthday. There is no exemption from the safeguarding and welfare requirements.

Independent School Standards

The Secretary of State has prescribed the independent school standards ("ISS") in the Education (Independent School Standards) Regulations 2014 (the "ISS Regulations"). Any independent school taking up an exemption must continue to comply with the ISS for children aged 3 and above, as well as the safeguarding and welfare requirements of the EYFS, and together these will form the basis for inspection of the early years provision.

Scope of the Direction

All independent schools¹³, except academies¹⁴, may be exempt if they meet the conditions set out below. This Direction confers exemptions from **all** of the learning and

¹¹ www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

¹² SI 2008/1743 amended by the Early Years Foundation Stage (Exemptions from Learning and Development Requirements) (Amendment) Regulations 2012 (SI 2012/2463).

¹³ As defined in section 463 of the Education Act 1996.

¹⁴ As defined in section 579(1) of the Education Act 1996.

development requirements of the EYFS. Only early years provision for children who have reached the age of 3 is exempt. Further clarity on this matter can be found in the guidance.

Conditions schools must meet in order to take up exemptions

The Regulations allow the Secretary of State to impose conditions on making a direction for exemption for independent schools. These are as follows:

Quality requirements

All schools are subject to the following conditions concerning the quality of the education and associated provision at the school.

Quality is determined by the school's **most recent** inspection report:

Requirements for schools whose most recent inspection was before 5 January 2026:

- i. For a school where this report still contains a separate EYFS judgement, the school must have received a judgment of 'good' or better against 'overall effectiveness of the EYFS'.
- ii. For a school where this report does not include a separate EYFS judgement, the school must have met the Independent School Standards relating to the spiritual, moral, social and cultural development of pupils.
- iii. Additionally (whether or not the report contains a separate EYFS judgement), the most recent inspection report must show that the school meets the standard in paragraph 2(2)(f) under the Schedule to the Education (Independent School Standards) Regulations 2014, which relate to the education of children below compulsory school age¹⁵.

Requirements for schools whose most recent inspection took place on or after 5 January 2026:

- i. For a school where an early years report is produced, resulting in a grading, the school must have received a grading of 'Expected Standard' or better in the early years provision.
- ii. For a school where a separate early years report is not produced and no grading is provided, the school must have met the Independent School Standards relating to the spiritual, moral, social and cultural development of pupils.
- iii. Additionally (whether or not a separate early years report is produced), the school's most recent inspection report must demonstrate that the school

¹⁵ The Education Independent School Standards (England) Regulations 2014 (S.I. 2014/3283), Schedule 1, Part 1, 2(2)(f) provides "where the school has pupils below compulsory school age, a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills".

meets the standard in paragraph 2(2)(f) of the Schedule to the Education (Independent School Standards) Regulations 2014, which relates to the education of children below compulsory school age.

Note: Inspection reports may only comment if the standards in relation to the spiritual, moral, social and cultural development of pupils and the education of children below compulsory school age have not been met rather than commenting that they have been met.

Seeking views of parents and notifying relevant bodies

- a. A school must seek the views of the parents of children for whom the early years provision is provided as to whether they should take up an exemption.
- b. A school must inform the relevant local authority that it intends to notify the Secretary of State that it wishes to take up an exemption.
- c. A school must notify the Secretary of State that it wishes to take up an exemption.

Information for parents

It is also a condition that a provider with an exemption must make it clear, in any information published for parents about the early years, the provision is subject to an exemption.

Making a notification to the Department

Notifications to the Secretary of State of the intention to take up an exemption should be made to Exemptions.EYFS@education.gov.uk or may be made via your association, if relevant. Notifications must contain details of the school's last inspection report. This can be done using the template issued by the Department as part of the guidance to providers on exemptions.

An exemption is 'taken up' on the date that the notification is made to the Secretary of State.

Maintaining an exemption

Once a school has taken up an exemption, it must continue to meet the conditions set out under the 'Quality requirements' heading in the guidance. Any school which does not meet these quality conditions will no longer be eligible for exemption and must reintroduce the learning and development requirements of the EYFS in full. A school which is no longer able to satisfy the quality conditions must notify the Department and the relevant local authority that this is the case.

If you have any queries about the content of this letter, they should be directed to Exemptions.EYFS@education.gov.uk.

Secretary of State

Department for Education: privacy notice for exemptions from the Early Years Foundation Stage (EYFS)

Last reviewed: 01/26

We might make changes before the review date. Check regularly for updates.

This privacy notice explains how the Department for Education (DfE) uses personal information for exemptions from the EYFS. This includes information you give to us, or information that we may collect about you.

The EYFS statutory framework sets the standards that all early years providers in England must follow to ensure children learn and develop well. The framework is flexible enough to accommodate most circumstances. However, in certain circumstances providers can seek exemptions against or modifications to the learning and development requirements in the EYFS. Exemptions can be granted for:

- Registered independent schools
- Providers with established principles in conflict with the EYFS
- Individual children when their family has religious or philosophical beliefs that cannot be reconciled with the EYFS.

Data is only collected by DfE for exemptions granted for registered independent schools and for providers with established principles in conflict with the EYFS.

Why we get your personal data

When we collect and use this information, we need to follow the law. The main laws are the Data Protection Act (DPA) and the UK General Data Protection Regulation (GDPR).

The DfE is the data controller for your personal data. We must have a reason to collect your personal data. This is called a 'lawful basis'.

We can use these lawful basis to process your personal data

- **public task** – this is when we need your personal data to do our work, to provide or fund education.

What we need

We will collect the following types of personal information, some of which may be special category data, directly from you:

- your name
- your email address
- your job title
- your workplace (provider) name

Why we need it and what we do with it

We collect and process your personal information to:

- Process exemptions from the EYFS learning and development requirements.

How long we keep it

The Early Years Quality in Settings Unit will only keep your personal information for as long as we need it. We decide how long to keep your personal information based on the needs of the department and the law. We will keep your information for up to 6 years after the exemption no longer applies.

We will take necessary steps to keep your information safe. It will then be securely destroyed when it is no longer needed.

Do we use any data processors?

A data processor is an organisation that processes your information on DfE's behalf.

No, we do not use data processors for our activities.

Do we transfer your personal information overseas?

When DfE stores personal information outside the UK, we will make sure we keep your personal data safe. We follow the data protection law. We also use extra security measures, contracts and data sharing agreements.

Do we share your personal information?

If the law allows it, we might share your personal information with other parts of DfE including the Education and Skills Funding Agency (ESFA), and with other government departments.

We will share your personal information with:

- organisations that request information to help prevent and detect crime or fraud

DfE may share your personal information to:

- safeguard children or young people - sharing is under the statutory guidance '[Keeping children safe in education](#)' and '[Working together to safeguard children](#)'.
- investigate complaints
- ensure schools/academies follow their funding contract; and
- provide a quality education under the regulations ([Education \(Independent School Standards Regulations 2014\)](#))

The [DfE Personal Information Charter](#) gives you more information on how we use your personal information.

What are your rights

You have rights about how and why your information is collected and used.

These include:

- The right to see the personal information we have about you – this is called 'right of access'
- The right to ask us to change any information you think is not accurate or complete – this is called 'right to rectification'
- The right to ask us to delete your personal information – this is called 'right to erasure'
- The right to ask us to stop using your information – this is called 'right to restriction of processing', and
- Your 'right to object to processing' of your information

For more information on your rights, see the [ICO website](#).

Finding out what information we have

You have the right to ask for access to your personal information. This is known as a subject access request (SAR).

To make a SAR, you can use the [DfE contact form](#).

Or you can post your request to the Data Protection Office at the above address.

Include as much information as you can about the information you need. Include the years you need the information for. If possible, tell us which part of the department holds the information. You'll also need to tell us your telephone number and address.

We may need to check your identity and your right to access the information you're requesting. To check your identify, we may ask for a copy of your passport, photo driving licence or proof of your address.

We'll try to respond to your request within one month. But, if your request is complex, this could take a further two months, but we'll tell you if this is the case.

If you would like to see a copy of the personal information we hold about you, this is called a [Subject Access Request](#), or SAR.

How to contact us or make a complaint

If you have a question, or feel your data has been mishandled, you can contact us by using our secure [DfE contact form](#), or writing to:

Sue Wharam
Data Protection Officer
Department for Education (B2.28)
7 & 8 Wellington Place
Wellington Street
Leeds
LS1 4AW

You can also complain to the ICO by writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113. Or use the online [ICO contact form](#).



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