



**Proposed changes to the EYFS framework**

EYFS reference	Change	Comments	Impact
Overarching principles section: New footnote 4	Add a footnote to define what 'teaching' means for EYs.	Uses definition included in Ofsted handbook:  <i>"Teaching should not be taken to imply a 'top down' or formal way of working. It is a broad term which covers the many different ways in which adults help young children learn. It includes their interactions with children during planned and child-initiated play and activities: communicating and modelling language, showing, explaining, demonstrating, exploring ideas, encouraging, questioning, recalling, providing a narrative for what they are doing, facilitating and setting challenges. It takes account of the equipment they provide and the attention to the physical environment as well as the structure and routines of the day that establish expectations. Integral to teaching is how practitioners assess what children know, understand and can do as well as take account of their interests and dispositions to learning (characteristics of effective learning), and use this information to plan children's next steps in learning and monitor their progress."</i>	For clarity.
Paragraph 1.2	Add sentence about, and link to the new Development Matters guidance.	To encourage practitioners to use the new guidance alongside the revised framework.	Makes it easier for practitioners to find and use the guidance.
Footnote 5 – before and after school care for nursery classes.	Amended to make clear that settings receiving free entitlement funding must deliver the full learning and development requirements.	The free entitlements/ 30 hours free childcare can be provided in wraparound care if this is planned and structured to support children's learning and development.	Clarifies existing requirement that providers offering free entitlements must deliver the EYFS in full.

Educational Programmes and Early Learning Goals	Amended as per the Government response to the EYFS reforms consultation.	The text of the these can be found in the Early Adopter EYFS: <a href="http://www.gov.uk">Early adopter schools: EYFS framework - GOV.UK (www.gov.uk)</a>	Enact the confirmed changes.
Physical development footnote 6	Amended to read: <i>The Chief Medical Officer has published guidance on physical development, which is available at: <a href="https://www.gov.uk/government/publications/physical-activity-guidelines-uk-chief-medical-officers-report">https://www.gov.uk/government/publications/physical-activity-guidelines-uk-chief-medical-officers-report</a></i>	Removed 'may wish to refer to' the guidance as it doesn't encourage providers to use it. Link to improved guidance updated.	Improved guidance should help providers better understand and support the value of physical activity for children.
Paragraphs 2.7 & 2.9	Amended to make clear that children who stay on in a PVI setting during their reception year should have an EYFS Profile assessment in that year.	Change requested by Ofsted.	Clarifies legal position.
Paragraphs 3.4 & 3.5	Removed references to Local Safeguarding Children Board (LSCB). Replaced with 'local safeguarding partners' (LSP).	LSCBs have been replaced by 'local safeguarding partners' (LSP) so this is an update to ensure policies are current.	Corrects the names of organisations with local responsibility for safeguarding arrangements.
Paragraph 3.4	Added: <i>The safeguarding policy and procedures could also cover keeping children and practitioners safe online.</i> Added a footnote with link to guidance.	The guidance can be found at: <a href="https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations">https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations</a>	Online safety is becoming increasingly important for keeping children and practitioners safe.
Paragraph 3.7, footnote 14	Update link to 2018 'working together' statutory guidance.	Change to: <a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a>	Link correction.
Paragraph 3.8	Improve wording on notifying Ofsted about abuse promptly	Ofsted are aware that the notification period is in regulations and that the wording here reflects that but think this requirement should be tightened to place the	This should help to reduce the time taken to notify, so

	by adding a line about not waiting for 14 days.	emphasis on providers notifying Ofsted as soon as reasonably practicable because some providers leave it for 14 days before notifying Ofsted.	that any instances of abuse can be addressed promptly.
Paragraph 3.9	Replaced 'is likely to' with 'may'. The relevant sentence reads: "Providers must have effective systems in place to ensure that practitioners, and any other person who is likely to have regular contact with children (including those living or working on the premises), are suitable."	Ofsted requested this change to ensure it captures the relevant cohort of people.	To help ensure it captures the relevant cohort of people to ensure suitability of those in contact with children.
Paragraph 3.10 – suitable people	Amended to correct and clarify the position on criminal record checks for childminders and childcare on domestic premises.	Ofsted thought this paragraph could do with clarification. The checks Ofsted carry out are in respect of all providers on domestic premises rather than non-domestic.	Clarifies legal position.
Paragraph 3.11 & footnote 24	Remove – 'before an individual starts work with children' at the end of first sentence in footnote 24.	3.11 & footnote 24 contradict each other. Until someone has been found to be fully suitable (via a DBS check) they shouldn't be left unsupervised. Providers <b>can</b> allow someone to start work even if the DBS check has not come back as long as that person is supervised.	Correction of error in text. The purpose of the footnote is to describe the process and in particular, using the update service.
Paragraph 3.15, 3.17 and footnote 29	Remove the references to disqualification by association for childcare on non-domestic premises and reference to the consultation in the footnote. Amended 3.15 & 3.17 & removed last 2 sentences in footnote 26.	This has been the subject of a separate consultation. Following this, Ministers agreed to its removal from the disqualification regulations from 01/09/18. The disqualification regulations have been amended to this effect. <a href="#">The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.</a>	Clarifies the legal position that disqualification by association no longer applies to provision on non-domestic premises.
Paragraph 3.19	Change 'practitioner' to 'staff member'.	Practitioner changed to 'staff member' for consistency.	Consistency.

Paragraph 3.20 suitable people	Amend to make clear that providers must comply with the Equality Act 2010 to ensure the fair and equal treatment of practitioners of different gender, race, and sexual orientation etc.	As part of a DfE commitment in the <a href="#">early years workforce strategy</a> (March 2017) which says “A diverse early years workforce, which better reflects wider society, helps to enhance children’s experiences. Encouraging increased gender diversity amongst those joining the early years sector would have two main benefits; an increased pool of applicants for the sector to recruit from and male role models for young children”	This should ensure that providers are aware of their obligations as an employer under this legislation.
Paragraph 3.23	Amend the first phrase ‘In group settings’ to ‘In Ofsted registered settings’.	The reference to managers was only meant to apply to Ofsted registered settings, not schools.	Clarification of intent.
Paragraph 3.23	Clarification around deputy qualifications. New footnote: ‘Capable and qualified’ includes having necessary skills and knowledge to deputise. A deputy does not have to have any specific qualification.	Ofsted requested that the EYFS makes clear that deputies are not required to have specific qualifications to take on this role.	Clarification of requirement.
Also Paragraph 3.23 – Qualifications (see also paras 3.31 to 3.37)	Remove the phrase ‘full and relevant’ in respect of qualifications. Change to ‘ <i>approved</i> ’ qualifications. Footnotes 28 and 29 should be kept.	The phrase ‘full & relevant’ applied when the Children's Workforce Development Council (CWDC) were responsible for qualifications and their criteria. The phrase is now irrelevant and confusing.	Clarification of requirement.
Paragraph 3.29	Amended to clarify that 17 year olds and students must be suitable, i.e. have been checked, before being left unsupervised.	Unclear wording means that unchecked assistants begin work and count in numbers – intention of requirement may be being exploited. Ofsted have noted instances where childminders employ assistants and increase numbers of children whilst the assistant is still going through checks.	Clarification of requirement.
Paragraph 3.28	Make clear that supervision of children includes while eating and drinking.	Added to clarify that children must always be supervised while eating and drinking.	Clarification of existing supervision requirement in the EYFS to support safety of children.

Paragraph 3.30	Make it clearer that, for all providers, exceptions to ratios may be made in exceptionally and where the quality of care and safety of children is maintained.	Ofsted request due to some providers needing further clarity on this exception.	Clarification of current position.
Paragraphs 3.33 to 3.36	Replace references to 'or another suitable level 6 qualification' to 'or another approved level 6 qualification'.	There are no other 'suitable' level 6 qualifications and so this reference causes confusion. This phrase was included from 2008 when it was intended that there would be other suitable qualifications but there haven't been any.	Clarifies current position on Level 6 qualifications.
Paragraph 3.38 and footnote 43 reception ratios for academies	Paragraph 3.38 together with footnote 43 (which refers to the School Admissions Code) unintentionally implies that reception classes in academies are required to employ 'school teachers'. Add to footnote: 'In an academy a teacher can have whatever qualification the trust regard as appropriate to teach an infant class, in line with admissions law'.	The academies' funding agreement includes an obligation to comply with "all relevant admissions law". An academy trust is therefore only expected to comply with the School Admissions Code / admissions law relating to admissions with the modification that 'qualified teacher' should be read as 'teacher having whatever qualifications the trust regard as appropriate to teach an infant class'.	Corrects the legal position.
Paragraph 3.40 – before & after school	Needs to be clear that this paragraph applies to independent schools too. Add a footnote that says that 'school' means maintained schools, non-maintained schools, independent schools and academies.	Currently 3.40 is unintentionally contradicted by paragraphs 3.35 and 3.36 for independent schools. These paragraphs imply that for reception age the qualifications needed during class time still apply to out of school provision.	Clarifies the legal position.
Paragraphs 3.41 & 3.42	Clarified the exceptions allowed for childminders by laying them out more clearly.	There has been confusion over the application of exceptions to childminder ratios from a number of sources.	Making this change wouldn't change the current agreed policy position but

	Made clear that the exceptions for 3, 4 & 5 year olds in wraparound & school holiday care are examples of flexibility.	In paragraph 3.42, Ofsted have requested that the EYFS defines or clarifies what is meant by a 'normal school day', e.g. hours from 9 am & up to 3 pm. This has been added as a footnote.	makes the layout clearer for providers.
Paragraph 3.41	Made it clearer that childminders must not exceed 6 children per adult.	The ratio requirement is the most commonly asked question received by Ofsted. Providers often ask about increasing their ratios – which government says is allowed with the explanation of the relevant caveats. However, providers understand this as though they can increase the number of children. Ratios refer to number of children per age group, not the total number of children being cared for.	Clarification.
Paragraph 3.44	'Oral health' added to current requirement to promote children's health.	As per consultation on EYFS reforms.	Consulted on and included in government response, for benefit of children's health.
Paragraphs 3.45 & 3.46	Amended to further clarify that non-prescription medicines do not need a GP prescription before providers can administer them.	Although 3.46 mentions written consent being needed for both prescription and non-prescription medicines, this doesn't make it very clear that: 1) Non-prescription medicines can be administered without a prescription but with written consent from the parents/guardians. 2) Non-prescription medicines include those that can be purchased from pharmacies, health shops and supermarkets as well as over the counter medicines (which can only be purchased from pharmacists).	Clarification of current policy.
Paragraph 3.47	Additional wording added.	Additional wording for clarification 'Fresh drinking water must be available and accessible to children at all times'.	Clarification on accessibility to children.
Paragraph 3.48	Addition on where to find guidance on food preparation.	Added to ensure providers are aware of where to go to for further guidance on the safe preparation of food in early years settings. This will signpost guidance published by PHE in 2017.	To signpost providers to helpful guidance to help keep children safe.
Paragraph 3.52	Split paragraph and merge remaining with 3.53 and provide a link to helpful guidance on managing behaviour.	This paragraph appears to place the emphasis on corporal punishment in relation to managing children's behaviour and in fact providers have argued that they have not used corporal punishment when in breach of this requirement. Ofsted feel that the first sentence	Clarification of requirement.

		should standalone, possibly with some form of explanation/guidance on appropriate management of behaviour (telling the child why what they have done is wrong etc). The remaining sentence will be incorporated into para 3.53 as they are both about corporal punishment.	
Paragraph 3.56	Add a link to government advice on vaping and e-cigarettes	Inclusion follows discussion with Ofsted. In the past if asked, government would say that the smoking ban includes vaping/e-cigs but the EYFS is not explicit in this so government was open to challenge. Public Health England advice on this is found in ' <a href="#">Use of e-cigarettes in public places and workplaces</a> ' (page 8) and the new EYFS will provide a direct link to this guidance.	Clarification of the policy on vaping.
Paragraph 3.57	Space requirements – have added: “Where the space standards are applied providers cannot increase the number of children on roll because they additionally use an outside area. Forest and other exclusively (or almost exclusively) outdoor provision is not required to meet the space standards above as long as children’s needs can be met for this kind of provision indoor space requirements can be used as a guide for the minimum area needed.”	Clarification required that there are no outdoor space requirements – for example if provision is a forest school. Providers often question this in relation to their garden.	Clarification of the impact of outdoor space.
Paragraph 3.59	Added additional words to beginning of paragraph, and footnote links to guidance on safety checks for sleeping children:	Ofsted have requested this to explain what is being checked, to be linked to government advice, such as: <a href="https://www.nhs.uk/conditions/sudden-infant-death-syndrome-sids/">https://www.nhs.uk/conditions/sudden-infant-death-syndrome-sids/</a> <a href="https://www.cdc.gov/sids/about/index.htm">https://www.cdc.gov/sids/about/index.htm</a>	Clarification on safety for sleeping children.

	<p>“Sleeping children must be frequently checked to ensure that they are safe. Being safe includes ensuring that cots/bedding are in good condition and suited to the age of the child, and that infants are placed down to sleep safely in line with latest government safety guidance <a href="https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/">https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/</a>”</p>	<p>This request stems from the national review into sudden unexpected death in infancy in families where children are considered at risk of significant harm:  <a href="https://www.gov.uk/government/publications/safeguarding-children-at-risk-from-sudden-unexpected-infant-death">https://www.gov.uk/government/publications/safeguarding-children-at-risk-from-sudden-unexpected-infant-death</a></p>	
Paragraph 3.69	Amend reference to Data Protection Act (1998).	<p>This has been changed to say “Data Protection legislation” to reflect the current legal position. Considering adding a footnote to say that this includes the Data Protection Act 1998 and General Data Protection Regulation 2018. Add a link to guidance on the latter - <a href="https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation">https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation</a>.</p>	Clarification.
Also: 3.69 and footnote	Removal of outdated requirement for providers to get permission from Ofsted to store records off-site. Update of footnote on data protection regulations.	Ofsted request. This is an unnecessary requirement of providers. Data protection of records is a provider responsibility.	Removes an outdated requirement on providers and clarifies legal position.
Additional paragraph – 3.77	Added a paragraph explaining that the EYFS sits alongside other legal requirements which providers are still required to meet.	Requested by Ofsted – this was in the 2008 EYFS. Some providers solely look at the EYFS.	Clarification of legal position.