STATUTORY INSTRUMENTS

2018 No. 383

CHILDREN AND YOUNG PERSONS, ENGLAND

The Early Years Foundation Stage (Exemption from Learning and Development Requirements) and Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2018

Made - - - -	*19th March 2018*
Laid before Parliament	*21st March 2018*
Coming into force - -	*12th April 2018*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 7 and 46 of the Childcare Act 2006(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Early Years Foundation Stage (Exemption from Learning and Development Requirements) and Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2018 and come into force on 12th April 2018.

(2) In these Regulations—

"Assessment data" means a record of the level of learning achieved for each child in respect of each early learning goal(**2**) in the reception class;

"the Document" means the Document entitled "Statutory Framework for the Early Years Foundation Stage" published by the Secretary of State(**3**);

(**1**) 2006 c. 21. Section 7 was substituted by section 1(2) of the Education Act 2011 (c. 21) (hereafter referred to as "the 2011 Act"). Subsections (1A) to (1D) of section 46 were inserted by sections 174 and 192 of, and paragraphs 38 and 42 of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Subsection (1B) was amended by section 26 of, and paragraphs 16 and 18(1) and (2) of Schedule 8 to the 2011 Act. Subsection (1C) was repealed by section 26 of, and paragraphs 16 and 18(1) and (3) of Schedule 8 to the 2011 Act. Subsection (1D) was amended by section 26 of, and paragraphs 16 and 18(1) and (4) of Schedule 8 to the 2011 Act.

(**2**) See section 41(2)(a) of the Childcare Act 2006.

(**3**) The Statutory Framework was published by the Secretary of State on 3rd March 2017 and can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf (Reference DFE-00169-2017). A hard copy can be inspected at the Department for Education, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT. The learning and development requirements are given legal force by the Early Years Foundation Stage (Learning and Developments Requirements) Order 2007 (S.I. 2007/1772) made under section 39(1)(a) of the Childcare Act 2006.

"Education Endowment Foundation" means the independent charity of that name established in April 2011(**4**);

"reception class" means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age;

"school" means a school defined in section 4 of the Education Act 1996(**5**).

Power of the Secretary of State to confer an exemption

2.—(1) The Secretary of State may direct that the learning and development requirements do not apply, or apply with modifications—

(a) in respect of the particular description of early years providers set out in paragraph (2);

(b) in the circumstances prescribed in regulation 3; and

(c) to the extent prescribed in regulation 4.

(2) The description of early years providers is a school that provides early years provision.

Prescribed circumstances relating to a school taking part in the pilot

3.—(1) The prescribed circumstances are where the governing body or proprietor of a school has agreed to participate in "the Early Adopters Pilot."

(2) In this regulation, "the Early Adopters Pilot" means the scheme, set up by the Department for Education, in which schools will assist the Department for Education to evaluate the learning and development requirements.

Extent of direction

4. A direction made under regulation 2 may only extend—

(a) to the following academic years—

(i) the period commencing with 1st August 2018 and ending with 31st July 2019; and

(ii) the period commencing with 1st August 2019 and ending with 31st July 2020;

(b) to the learning and development requirements in section 1 of the Document;

(c) to the Early Years Foundation Stage Profile(**6**) in section 2 of the Document; and

(d) to a child in a reception class.

Conditions which may be imposed on making a direction

5. The Secretary of State may, on making a direction under regulation 2, impose conditions—

(a) about the learning and development requirements that the school is to adopt;

(b) requiring a school to cooperate with the Department for Education and the Education Endowment Foundation; and

(c) about the submission of assessment data to the Department for Education and the Education Endowment Foundation.

(**4**) The Education Endowment Foundation is registered under Charity number 1142111.
(**5**) 1996 c.56. A "school" includes an "Academy school" and an "Alternative provision Academy" as defined in sections 1A and 1C of the Academies Act 2010 (c. 32) respectively.
(**6**) See paragraphs 2.6 to 2.11 of the Document.