

STATUTORY INSTRUMENTS

2007 No. 1772

CHILDREN AND YOUNG PERSONS, ENGLAND

The Early Years Foundation Stage (Learning and Development Requirements) Order 2007

Made - - - - 20th June 2007
Laid before Parliament 27th June 2007
Coming into force - - 1st September 2008

In accordance with section 45(2) of the Childcare Act 2006^{M1} (“the Act”) the Secretary of State for Education and Skills has given notice of his proposal to make this Order.

And in accordance with section 45(3) of the Act the Secretary of State has considered the evidence and representations submitted to him in pursuance of section 45(2), and has published a draft of this Order and any associated documents and a summary of the views expressed to him.

Accordingly the Secretary of State, in exercise of the powers conferred by sections 39(1)(a), 42(1) to (5) and 44(1) to (4) of the Act, makes the following Order:

Marginal Citations

M1 2006 c.21.

Citation and commencement **E+W**

1. This Order may be cited as the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 and comes into force on 1st September 2008.

Interpretation **E+W**

2. In this Order—

“the Act” means the Childcare Act 2006;

[^{F1}“the Document” means—

- (a) in the case of a person who is an early years childminder, the document entitled “Early Years Foundation Stage Statutory Framework for Childminders” dated 8th December 2023 and published by the Secretary of State on the gov.uk website;
- (b) in the case of an early years provider other than an early years childminder, the document entitled “Early Years Foundation Stage Statutory Framework for Group and School-

based Providers” dated 8th December 2023 and published by the Secretary of State on the gov.uk website;]

[^{F2}“reception baseline assessment” has the meaning given in Annex B to the Document;]

[^{F3}“the relevant provisions of the Document” means the provisions in Sections 1 and 2 of the Document that use the word “should”.]

Textual Amendments

- F1** Words in art. 2 substituted (4.1.2024) by [The Early Years Foundation Stage \(Learning and Development, Early Years Register and Welfare Requirements\) \(Amendment\) Regulations 2023 \(S.I. 2023/1338\)](#), regs. 1(2), **2(2)**
- F2** Words in art. 2 inserted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(2)(b)**
- F3** Words in art. 2 inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(2)(b)**

Specification of the learning and development requirements **E+W**

3.—(1) It is directed that the provisions in [^{F4}Sections 1 and 2] of [^{F5}, and Annex B to,] the Document [^{F6}that, by virtue of their use of the word “must”, express requirements,] have effect for the purposes of specifying the learning and development requirements ^{M2} under section 39(1)(a) of the Act.

(2) Early years providers ^{M3} to whom section 40 of the Act (duty to implement Early Years Foundation Stage) applies must have regard to the [^{F7}matters in][^{F8}Sections 1 and 2 of, and Annex B to, the Document that use the word “should”] in securing that the early years provision they provide meets the learning and development requirements.

Textual Amendments

- F4** Words in art. 3(1) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **4**
- F5** Words in art. 3(1) inserted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(3)(a)**
- F6** Words in art. 3(1) inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(3)(a)**
- F7** Words in art. 3(2) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **5**
- F8** Words in art. 3(2) substituted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(3)(b)**

Marginal Citations

- M2** The learning and development requirements cover six areas of learning; the Statutory Framework for the Early Years Foundation Stage (“the Document”) specifies early learning goals and educational programmes in relation to each area and includes arrangements required for assessing children’s achievements in relation to the early learning goals (see section 41(1) to (3) of the Childcare Act 2006 (“the Act”).
- M3** For the definition of “early years provider” see section 96(3) of the Act.

Temporary modification of learning and development requirements in the Document **E+W**

^{F9}**3A.**

Textual Amendments
F9 Art. 3A inserted (24.4.2020) by The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/444), regs. 1, **5** (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by S.I. 2023/1338, regs. 1(2), **5(a)**)

Further temporary modification of learning and development requirements in the Document **E+W**

^{F10}**3B.**

Textual Amendments
F10 Art. 3B inserted (temp. until 31.8.2021) (26.9.2020) by The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/939), regs. 1, **4(3)** (with reg. 3(2)) (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by S.I. 2023/1338, regs. 1(2), **5(b)**)

^{F11}**3C.**

Textual Amendments
F11 Art. 3C inserted (26.3.2021) by The Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021 (S.I. 2021/234), arts. 1, **2(3)** (which amendment falls (4.1.2024) (4.1.2024) by virtue of the revocation of the affecting provision by S.I. 2023/1338, regs. 1(2), **5(c)**)

[^{F12}Delegated supplementary provisions: reception baseline assessments **E**

- 3D.**—(1) The Secretary of State may make delegated supplementary provisions in relation to—
- (a) the monitoring of assessment arrangements for reception baseline assessments;
 - (b) the assessment, recording and reporting of reception baseline assessments;
 - (c) the time when, and the manner in which, reception baseline assessments are to be administered;
 - (d) the investigation of the accuracy and correctness of the results of reception baseline assessments;
 - (e) the annulment or amendment of the results of reception baseline assessments.
- (2) Before making, amending or revoking any delegated supplementary provisions the Secretary of State—
- (a) must consult the Office of Qualifications and Examinations Regulation; and
 - (b) may consult such other persons as the Secretary of State considers appropriate.
- (3) The Secretary of State must publish any delegated supplementary provisions.

(4) For the purposes of the exercise of the Secretary of State’s functions under this article, and under delegated supplementary provisions made under paragraph (1), an early years provider must permit any person authorised by the Secretary of State—

- (a) to enter the premises on which the early years provision is provided and, if different, the premises on which the reception baseline assessment is or was carried out;
- (b) to observe the implementation of the assessment arrangements in relation to a reception baseline assessment; and
- (c) to inspect, and take copies of, documents and other articles relating to reception baseline assessments.]

Textual Amendments
F12 Art. 3D inserted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(4)**

Further provisions about assessment arrangements E+W

4.—(1) An English local authority must make provision to ensure the accuracy and consistency of the assessments made by early years providers in their area.

(2) An English local authority must have regard to any guidance given by the [^{F13}Secretary of State] in exercising their function under paragraph (1).

(3) An early years provider must permit any person authorised by an English local authority for the purposes of exercising their function under paragraph (1)—

- (a) to enter the premises on which the early years provision is provided; [^{F14}and]
- (b) to observe the implementation of the assessment arrangements; ^{F15} ...

^{F16}(c)

^{F17}(4)

Textual Amendments
F13 Words in art. 4 substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **6**
F14 Word in art. 4(3)(a) inserted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(5)(a)**
F15 Word in art. 4(3)(b) omitted (1.9.2021) by virtue of [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(5)(b)**
F16 Art. 4(3)(c) omitted (1.9.2021) by virtue of [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(5)(c)**
F17 Art. 4(4) omitted (1.9.2021) by virtue of [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(5)(c)**

Requirement on Chief Inspector [^{F18}and early years childminder agencies] E+W

5. The Chief Inspector ^{M4}[^{F19}and early years childminder agencies] must have regard to the [^{F20}learning and development requirements and matters in the relevant provisions] of the Document in exercising ^{F21}... functions under Part 3 of the Act.

Textual Amendments

- F18** Words in art. 5 heading inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(c)**
- F19** Words in art. 5 inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(a)**
- F20** Words in art. 5 substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(4)**
- F21** Word in art. 5 omitted (1.9.2014) by virtue of [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **4(b)**

Marginal Citations

- M4** For the definition of “the Chief Inspector” see section 98(1) of the Act, as amended by paragraph 117 of Schedule 14 to the [Education and Inspections Act 2006 \(c. 40\)](#).

Matters to be considered by the Chief Inspector **E+W**

6.—^[F22](1) Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in ^[F23]Sections 1 and 2] of the Document; or
- (b) failed to have regard to the ^[F24]matters in ^[F25]the relevant provisions]] of the Document

may be taken into account by the Chief Inspector in the exercise of ^{F26}... functions under Part 3 of the Act.

^[F27](2) Any allegation that an early years childminder agency has failed to meet the requirement in Article 5 may be taken into account by the Chief Inspector in the exercise of functions under Part 3 of the Act.]

Textual Amendments

- F22** Art. 6(1): art. 6 renumbered as art. 6(1) (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(1)**
- F23** Words in art. 6(a) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **4**
- F24** Words in art. 6(b) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **5**
- F25** Words in art. 6(1)(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(5)**
- F26** Word in art. 6(1) omitted (1.9.2014) by virtue of [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(2)**
- F27** Art. 6(2) inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **5(3)**

^[F28]Matters to be considered by early years childminder agencies **E+W**

6A. Any allegation that an early years provider has—

Changes to legislation: There are currently no known outstanding effects for the *The Early Years Foundation Stage (Learning and Development Requirements) Order 2007*. (See end of Document for details)

- (a) failed to meet the learning and development requirements prescribed in Sections 1 and 2 of the Document; or
 - (b) failed to have regard to the matters in [^{F29}the relevant provisions] of the Document,
- may be taken into account by an early years childminder agency in the exercise of functions under Part 3 of the Act.]

Textual Amendments

F28 Art. 6A inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **6**

F29 Words in art. 6A(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(6)**

Matters to be considered by early years childminder agencies: effect of temporary closure directions **E+W**

^{F30}**6B.**

Textual Amendments

F30 Art. 6B inserted (24.4.2020) by [The Early Years Foundation Stage \(Learning and Development and Welfare Requirements\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/444\)](#), regs. 1, **6** (which amendment falls (4.1.2024) by virtue of the revocation of the affecting provision by S.I. 2023/1338, regs. 1(2), **5(a)**)

[^{F31}Investigation by the Secretary of State and amendment of reception baseline assessment results **E**

6C.—(1) If a matter is brought to the Secretary of State’s attention which, in the Secretary of State’s opinion, relates to the accuracy or correctness of a reception baseline assessment, the Secretary of State must investigate the matter in accordance with any delegated supplementary provisions made under article 3D(1).

- (2) Following an investigation under paragraph (1), the Secretary of State—
 - (a) must notify the early years provider concerned of the outcome of the investigation and describe any action taken, or further action to be taken, by the provider or the Secretary of State;
 - (b) must provide reasons to the provider concerned for the action taken or to be taken;
 - (c) may amend or annul the result of a reception baseline assessment, or any part of a reception baseline assessment, in respect of an individual child or a group of children;
 - (d) may continue to monitor the carrying out of reception baseline assessments by the provider.]

Textual Amendments

F31 Art. 6C inserted (1.9.2021) by [The Early Years Foundation Stage \(Miscellaneous Amendments\) and Childcare Fees \(Amendment\) Regulations 2021 \(S.I. 2021/432\)](#), regs. 1, **2(6)**

Proceedings under Part 3 of the Act **E+W**

7.—^{F32}(1) Any allegation that an early years provider has—

- (a) failed to meet the learning and development requirements prescribed in ^{F33}Sections 1 and 2] of the Document; or
- (b) failed to have regard to the ^{F34}matters in ^{F35}the relevant provisions]] of the Document

may be taken into account in any proceedings under Part 3 of the Act.

^{F36}(2) Any allegation that an early years childminder agency has failed to meet the requirement in Article 5 may be taken into account in any proceedings under Part 3 of the Act.]

Textual Amendments

- F32** Art. 7(1): art. 7 renumbered as art. 7(1) (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **7(1)**
- F33** Words in art. 7(a) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **4**
- F34** Words in art. 7(b) substituted (1.9.2012) by [The Early Years Foundation Stage \(Learning and Development Requirements\) \(Amendment\) Order 2012 \(S.I. 2012/937\)](#), arts. 1, **5**
- F35** Words in art. 7(1)(b) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(7)**
- F36** Art. 7(2) inserted (1.9.2014) by [The Childcare \(Learning and Development Requirements and Exemptions from Registration\) \(Amendment\) Order 2014 \(S.I. 2014/913\)](#), arts. 1, **7(2)**

^{F37}Review **E+W**

8.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision in this Order,
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 3rd April 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a review carried out under this article must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this article, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 (see section 32 of that Act).]

Textual Amendments

- F37** Art. 8 inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **2(8)**

Changes to legislation: *There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007. (See end of Document for details)*

Department for Education and Skills

Beverley Hughes
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order made under the Childcare Act 2006 (“the Act”) specifies the learning and development requirements in relation to each of the areas of learning and development that early years providers must secure in providing early years provision.

Article 3 specifies the learning and development requirements and gives legal effect to the Statutory Framework for the Early Years Foundation Stage, published by the Secretary of State for Education and Skills. Early years providers are required to have regard to the guidance in the Statutory Framework for the Early Years Foundation Stage in securing that the early years provision they provide meets the learning and development requirements.

Article 4 sets out further provisions about assessment arrangements. Local authorities are required to make provision to ensure the accuracy and consistency of assessments made by early years providers.

Article 5 requires the Chief Inspector to have regard to the requirements and guidance in Section 2 of the Statutory Framework for the Early Years Foundation Stage in exercising functions under Part 3 of the Act.

Article 6 enables the Chief Inspector of Education, Children's Services and Skills (“the Chief Inspector”), in exercising her functions under Part 3 of the Act, to take into account allegations that an early years provider has failed to meet the learning and development requirements, or failed to have regard to guidance in Section 2 of the Statutory Framework for the Early Years Foundation Stage. Article 7 allows any such allegation to be taken account in any proceedings under Part 3 of the Act.

The learning and development requirements, together with welfare requirements specified under section 39(1)(b) of the Act, make up the Early Years Foundation Stage. The learning and development requirements will replace the curriculum guidance for the foundation stage which was given legal effect by the Education (National Curriculum) (Foundation Stage Early Learning Goals) (England) Order 2003 S.I. 2003/391.

Copies of the Statutory Framework for the Early Years Foundation Stage (ISBN 978-1-84478-921-4) referred to in Article 3, can be obtained from DfES publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 0DJ (Tel 0845 6022260), email dfes@prolog.uk.com. Ref 00012-2007PCK-EN.

A regulatory impact assessment has been prepared for this Order. It is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website <http://www.opsi.gov.uk>.

Changes to legislation:

There are currently no known outstanding effects for the The Early Years Foundation Stage (Learning and Development Requirements) Order 2007.