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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, made under section 23(2ZA) of the Education Act 1997 (“the 1997 Act”), gives additional functions to the Qualifications and Curriculum Authority (“the QCA”).

Article 2(1) provides that the QCA shall have functions in respect of pupils falling within section 23(1)(a) or (b) of the 1997 Act who are “young children” (that is, children from birth up to the 1st September following their fifth birthday); and, in respect of children not falling within section 23(1)(a) or (b) (that is, children who are not pupils in a maintained school or a maintained nursery school in England), for whom early years provision is provided in England by providers to whom section 40 of the Childcare Act 2006 (“the 2006 Act”) applies.

Article 2(2) gives the QCA additional functions in relation to the Early Years Foundation Stage. The Early Years Foundation Stage is established by the Secretary of State under section 39 of the 2006 Act, and replaces the Foundation Stage (which is provided for in Part 6 of the Education Act 2002) in England. It is divided into two parts: learning and development requirements and welfare requirements. This Order gives the QCA functions in relation to the learning and development requirements.

Article 2(3) defines the EYFS learning and development requirements for the purposes of the Order, by reference to the learning and development requirements specified under section 39(1)(a) of the 2006 Act.

In accordance with section 23(2ZB) of the 1997 Act, the Secretary of State consulted the QCA before making this Order.

An impact assessment has not been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen, and the impact on the public sector is minimal.