

2008 No. 1744

EDUCATION, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

The Qualifications and Curriculum Authority (Additional  
Functions) Order 2008

<i>Made</i>	- - - -	<i>2nd July 2008</i>
<i>Laid before Parliament</i>		<i>9th July 2008</i>
<i>Coming into force</i>	- -	<i>4th August 2008</i>

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 23(2ZA) of the Education Act 1997(a).

In accordance with section 23(2ZB) of that Act, he has consulted the Qualifications and Curriculum Authority(b).

**Citation and commencement**

1. This Order may be cited as the Qualifications and Curriculum Authority (Additional Functions) Order 2008 and comes into force on 4th August 2008.

**Additional functions of the Qualifications and Curriculum Authority**

2.—(1) The Qualifications and Curriculum Authority shall have the functions specified in paragraph (2) with respect to—

- (a) pupils falling within section 23(1)(a) or (b) of the Education Act 1997 who are young children(c), and
- (b) children not falling within section 23(1)(a) or (b) of that Act for whom early years provision is provided in England by early years providers to whom section 40 of the Childcare Act 2006(d) (duty to implement Early Years Foundation Stage) applies.

(2) The functions are—

- (a) to keep under review all aspects of the EYFS learning and development requirements;

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(a) 1997 c.44. Section 23 was amended by paragraph 2(1), (3) and (5) of Schedule 1 to the Childcare Act 2006 (c. 21) (“the Act”), subject to a transitional provision.

(b) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997 (“the 1997 Act”).

(c) By virtue of section 23(5) of the 1997 Act as amended, the definition of “young children” is as provided for in sections 19 and 98(1) of the Act.

(d) By virtue of section 23(5) of the 1997 Act as amended, the definitions of “early years provision” and “early years provider” are as provided for in section 96 of the Act.

- (b) to advise the Secretary of State on such matters concerned with the EYFS learning and development requirements as the Secretary of State may refer to them or as they may see fit;
- (c) to advise the Secretary of State on, and if the Secretary of State so requests, to assist in carrying out, programmes of research and development for purposes connected with the EYFS learning and development requirements;
- (d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the EYFS learning and development requirements;
- (e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of the EYFS learning and development requirements.

(3) In this article “the EYFS learning and development requirements” means the requirements specified under section 39(1)(a) of the Childcare Act 2006(a).

2nd July 2008

*Beverley Hughes*  
Minister of State  
Department for Children, Schools and Families

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(a) The learning and development requirements are specified in the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.I. 2007/1772). Article 3 of that Order directs that the provisions in Section 2 of the document entitled “Statutory Framework for the Early Years Foundation Stage” published by the Secretary of State have effect for the purposes of specifying the learning and development requirements under section 39(1)(a) of the Act. By virtue of section 41 of the Act, learning and development requirements are specified in relation to “early learning goals”, “educational programmes”, and “assessment arrangements”.

## **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.

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STATUTORY INSTRUMENTS

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