

## STATUTORY INSTRUMENTS

# 2012 No. 938

## The Early Years Foundation Stage (Welfare Requirements) Regulations 2012

### Specification of the welfare requirements

3.—(1) Regulations [<sup>F1</sup>7 to 9] specify welfare requirements under section 39(1)(b) of the Act.

[<sup>F2</sup>(2) It is directed that—

(a) the obligatory provisions of the Document; and

(b) the Qualifications Document, insofar as it specifies qualifications and training requirements to be met by early years providers who are not early years childminders,

have effect, for the purposes of specifying the welfare requirements under section 39(1)(b) of the Act.]

[<sup>F3</sup>(2A) In this regulation, “the obligatory provisions” means the provisions in Section 3 of the Document that, by virtue of their use of the word “must”, express requirements, except for those contained in—

[<sup>F4</sup>(a) paragraphs 3.9, 3.19, 3.20, 3.56, 3.58, 3.62 and 3.86 of the Document referred to in sub-paragraph (a) of the definition of the Document;

(b) paragraphs 3.9, 3.18, 3.19, 3.20, 3.58, 3.60, 3.64, 3.88 and 3.89 of the Document referred to in sub-paragraph (b) of the definition of the Document.]]

(3) Early years providers to whom section 40 of the Act <sup>M1</sup> applies must have regard to the matters in [<sup>F5</sup>the relevant provisions] of the Document in securing that the early years provision they provide complies with the welfare requirements.

[<sup>F6</sup>(4) “Qualifications Document” means the document entitled “Early years qualification requirements and standards” dated 8th December 2023 and published by the Secretary of State on the gov.uk website.]

### Textual Amendments

**F1** Words in reg. 3(1) substituted (1.1.2016) by [The Childcare \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/1562\)](#), regs. 1(1), **8(3)**

**F2** Reg. 3(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), **4(3)(a)**

**F3** Reg. 3(2A) inserted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **4(4)(b)**

**F4** Words in reg. 3(2A) 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), **4(3)(b)**

**F5** Words in reg. 3(3) substituted (3.4.2017) by [The Childcare \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/361\)](#), regs. 1, **4(4)(c)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Early Years Foundation Stage (Welfare Requirements) Regulations 2012, Section 3. (See end of Document for details)*

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**F6** Reg. 3(4) inserted (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), **4(3)(c)**

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**Marginal Citations**

**M1** Section 40 of the Act imposes a duty on early years providers to comply with the welfare requirements in addition to meeting the learning and development requirements.

**Changes to legislation:**

There are currently no known outstanding effects for the The Early Years Foundation Stage (Welfare Requirements) Regulations 2012, Section 3.