
STATUTORY INSTRUMENTS

2021 No. 234

CHILDREN AND YOUNG PERSONS, ENGLAND

The Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021

<i>Made</i>	- - - -	<i>3rd March 2021</i>
<i>Laid before Parliament</i>		<i>5th March 2021</i>
<i>Coming into force</i>	- -	<i>26th March 2021</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 39(1), 42(1) to (3A), 44(1) and (4) and 104(2) of the Childcare Act 2006⁽¹⁾ (“the 2006 Act”).

In accordance with section 42(A1) of the 2006 Act⁽²⁾ the Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other appropriate persons.

Citation and commencement

1. This Order may be cited as the Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021 and comes into force on 26th March 2021.

Amendment of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007

2.—(1) The Early Years Foundation Stage (Learning and Development Requirements) Order 2007⁽³⁾ is amended as follows.

(2) In article 3 (specification of the learning and development requirements)⁽⁴⁾, for “article 3A and article 3B” substitute “articles 3A to 3C”.

(3) After article 3B (further temporary modification of learning and development requirements in the Document) insert—

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- (1) [2006 c. 21](#). Section 42 was amended by section 160(2) and (3) of, and paragraph 40 of Schedule 12 and Part 4 of Schedule 16 to, the Apprenticeships, Skills, Children and Learning Act 2009 ([c. 22](#)) (“the ASCLA 2009”) and by paragraph 17 of Schedule 8 to the Education Act 2011 ([c. 21](#)). Section 44(1) was amended by paragraph 41 of Schedule 12 to the ASCLA 2009. Section 44(2) and (3) was amended by paragraph 11 of Schedule 4 to the Children and Families Act 2014 ([c. 6](#)). See section 106 of the Childcare Act 2006 for the definition of “prescribed” and “regulations”.
- (2) Section 42(A1) was inserted by section 160(2) of the ASCLA 2009.
- (3) [S.I. 2007/1772](#); relevant amending instruments are [S.I. 2012/937](#), [S.I. 2014/913](#), [S.I. 2017/361](#), [S.I. 2020/444](#) and [S.I. 2020/939](#).
- (4) Article 3(1) was inserted by [S.I. 2017/361](#). Article 3(2) was substituted by [S.I. 2012/937](#) and [S.I. 2017/361](#). Article 3A was inserted by [S.I. 2020/444](#). Article 3B was inserted by [S.I. 2020/939](#).

“**3C.**—(1) In the academic year commencing with 1st August 2020 and ending with 31st July 2021, the learning and development requirements prescribed in Section 2 of the Document are amended as follows.

- (a) (2) Paragraphs 2.6 to 2.10 (Assessment at the end of the EYFS – the Early Years Foundation Stage Profile (EYFSP)) are to be treated as discharged if the provider uses its best endeavours to discharge those requirements; and
- (b) Paragraph 2.11 (Information to be provided to the local authority) does not apply.”.

Signed by authority of the Secretary of State for Education

3rd March 2021

Vicky Ford
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (“the 2007 Order”) which modify the Early Years Foundation Stage Profile (EYFSP) assessment arrangements imposed under the 2007 Order.

The amendment is made to reduce pressure on early years providers during the coronavirus outbreak by removing the statutory requirement to complete the EYFSP assessment under the Statutory Framework for the Early Years Foundation Stage (“the Document”, published by the Secretary of State for Education on 3rd March 2017 on the [gov.uk](https://www.gov.uk) website⁽⁵⁾). This is in line with temporary changes made for other statutory primary assessments in the academic year 2020/21.

Article 1 contains general provisions.

Article 2 amends the 2007 Order so that the EYFSP assessment arrangements are to be treated as discharged, if a provider uses its best endeavours to discharge those requirements. Article 2 also disapplies the legal requirement on early years providers to provide EYFSP information to local authorities, and to take part in associated moderation activities.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

⁽⁵⁾ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf. A hard copy or an electronic copy of the Document can be obtained by contacting eyfsp.reforms@education.gov.uk.