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STATUTORY INSTRUMENTS

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**2021 No. 432**

**The Early Years Foundation Stage  
(Miscellaneous Amendments) and Childcare  
Fees (Amendment) Regulations 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<sup>(1)</sup> is amended as follows.

(2) In article 2 (interpretation)—

(a) for the definition of “the Document” substitute—

““the Document” means the document entitled “Statutory Framework for the Early Years Foundation Stage” dated 31st March 2021 and published by the Secretary of State on the gov.uk website<sup>(2)</sup>”;

(b) after the definition of “the Document” insert—

““reception baseline assessment” has the meaning given in Annex B to the Document”;

(3) In article 3 (specification of the learning and development requirements)—

(a) in paragraph (1), after “and 2 of” insert “, and Annex B to,”;

(b) in paragraph (2), for “the relevant provisions of the Document” substitute “Sections 1 and 2 of, and Annex B to, the Document that use the word “should””.

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

**“Delegated supplementary provisions: reception baseline assessments**

**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.

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(1) [S.I. 2007/1772](#), amended by [S.I. 2012/937](#), [2017/361](#), [2020/444](#), [939](#) and [2021/234](#). There are other amendments, but they are not relevant to these Regulations.

(2) [Early years foundation stage \(EYFS\) statutory framework - GOV.UK \(www.gov.uk\)](#)

- (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.”.
- (5) In article 4 (further provisions about assessment arrangements)—
  - (a) insert “and” at the end of paragraph (3)(a);
  - (b) omit “and” at the end of paragraph (3)(b); and
  - (c) omit paragraphs (3)(c) and (4).
- (6) After article 6B (matters to be considered by early years childminder agencies: effect of temporary closure directions), insert—

**“Investigation by the Secretary of State and amendment of reception baseline assessment results**

**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.”.