



## **Changes to the Early Years Foundation Stage (EYFS) framework – section 3**

The principal changes to the EYFS from September 2021 are to the learning and development requirements and the inclusion of the Reception Baseline Assessment. Additionally, there are some small changes to the safeguarding and welfare requirements, following feedback from the sector, to:

- clarify existing policy and address commonly asked questions,
- provide links to new or updated guidance that may be useful, for instance around preparing food safely for children of different ages, and
- reflect updates in legislation and systems that have taken place since the EYFS framework was updated in 2017.

The table below summarises the section 3 changes.

EYFS reference	Change	Rationale
<b>Paragraphs 3.4 &amp; 3.5</b>	Removed references to Local Safeguarding Children Board (LSCB). Replaced with “local safeguarding partners” (LSP).	LSCBs have been replaced by “local safeguarding partners” (LSP). This is an update to reflect current policy.
<b>Paragraph 3.4</b>	Added: To safeguard children and practitioners online, providers will find it helpful to refer to “Safeguarding children and protecting professionals in early years settings: online safety considerations”. Footnote with link to the guidance. <a href="https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations">https://www.gov.uk/government/publications/safeguarding-children-and-protecting-professionals-in-early-years-settings-online-safety-considerations</a>	This guidance was published in 2019, so is not included in the 2017 framework. This is an update to signpost providers to guidance they may find helpful in implementing the EYFS requirements to safeguard children and practitioners.
<b>Paragraph 3.9</b>	Replaced “is likely to” with “may”. The relevant sentence reads: “Providers must have effective systems in place to ensure that practitioners, and any other person who <b>may</b> have regular contact with children (including those living or working on the premises), are suitable.”	This change is to clarify that all people who may come into regular contact with children are included in this requirement and is intended to assist providers in interpretation.
<b>Paragraph 3.10 (second bullet point) – suitable people</b>	Amended to clarify that a criminal record check is not needed for someone living on the premises by adding: “unless there is no access to the part of the premises when and where children are cared for”	Ofsted carries out checks in respect of all providers on domestic premises rather than non-domestic. The amendment is to make clear that where there is no access to children by someone who lives on the premises no criminal record check is required.



<b>Paragraph 3.11 &amp; footnote 26</b>	Changed “before an individual starts work with children” at the end of the first sentence in footnote 26. To “before an individual has unsupervised contact with children”	This is an update to clarify that providers can allow someone to start work even if the DBS check has not come back as long as that person is supervised. This change ensures alignment between paragraph 3.11 and footnote 26.
<b>Paragraph 3.14 (footnote 28), 3.15, 3.17</b>	For childcare on non-domestic premises removed the references to disqualification for a provider or staff member who lives with a disqualified person, or because they live in the same household where a disqualified person is employed. Removed reference to the 2016 disqualification consultation in footnote 28.	Following a consultation, this group were removed from the disqualification regulations from 01/09/18: <a href="#">The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.</a>  This update aligns the EYFS framework with the updated legislation.
<b>Paragraph 3.19</b>	Changed “practitioner” to “staff member”.	Practitioner changed to “staff member” for consistency.
<b>Paragraph 3.20 suitable people</b>	Amended to make clear that providers must comply with the Equality Act 2010 to ensure the fair and equal treatment of practitioners of different gender, race, and sexual orientation etc.	This addition signposts the Equality Act 2010 that all providers must comply with and reflects to the importance of ensuring a diverse early years workforce, which better reflects wider society.
<b>Paragraph 3.28</b>	Amended the first phrase “In group settings” to “settings on the early years register”.	This is to be clear that this requirement only applies to early years settings on the early years register and does not apply to schools.
<b>Paragraph 3.28 – footnote 36</b>	New footnote: <i>Capable and qualified</i> includes having necessary skills and knowledge to deputise. A deputy does not have to have any specific qualification.	The EYFS makes clear that deputies are not required to have specific qualifications to take on this role. It is for providers to use their judgement to determine capability.
<b>Also Paragraph 3.28 – Qualifications (see also paras 3.32 to 3.38)</b>	Removed the phrase “full and relevant” in respect of qualifications and changed to ‘ <i>approved</i> ’ qualifications. New footnote added to provide a link to approved qualifications. Footnote 35 added to say that “These qualification requirements do not apply to out-of-school provision for reception aged children” <a href="#">Check early years qualifications - GOV.UK (www.gov.uk)</a>	The phrase ‘full and relevant’ applied when the Children's Workforce Development Council (CWDC) were responsible for qualifications and their criteria, so this wording is now outdated. Qualifications must be approved by DfE.  Footnote 35 has been added to ensure alignment with paragraph 3.41 which sets out the qualifications required for before and after school care and holiday provision.



<b>Paragraph 3.29</b>	Makes clear that supervision of children includes whilst eating.	The supervision of children whilst they are eating is important to help prevent choking and to detect signs of choking so rapid action can be taken if and when needed.
<b>Paragraph 3.30</b>	Amended to clarify that 17 year olds and students must be suitable, which means they must have obtained an enhanced criminal records check before being left unsupervised.	This is to clarify existing EYFS policy to ensure consistent interpretation by early years providers and ensure the safety of children.
<b>Paragraph 3.31</b>	Makes it clearer that, for all providers, exceptions to ratios may be made exceptionally and where the quality of care and safety of children is maintained.	This clarifies existing EYFS policy. Some providers reported needing further clarity on this exception.
<b>Paragraphs 3.35 to 3.38</b>	Replaces references to 'or another <u>suitable</u> level 6 qualification' to 'or another <u>approved</u> level 6 qualification'. <a href="https://www.gov.uk/check-early-years-qualifications">Check early years qualifications - GOV.UK (www.gov.uk)</a>	This is to clarify that this refers to another level 6 qualification that has been approved by DfE and to avoid the use of ambiguous terminology.
<b>Paragraph 3.39 and footnote 48 - reception ratios for academies</b>	Added to footnote: 'In an academy a teacher can have whatever qualification the trust regard as appropriate to teach an infant class, in line with admissions law'.	This update is to align with existing admissions law.
<b>Paragraph 3.41 – before &amp; after school</b>	Added footnote 49 that says that 'school' means maintained schools, non-maintained schools, independent schools and academies.	This change is to clarify the type of providers that this paragraph applies to.
<b>Paragraphs 3.42 &amp; 3.43</b>	Made clear that the exceptions for 3, 4 & 5 year olds in wraparound and school holiday care are examples of flexibility. A footnote now defines what is meant by a school day.	There has been confusion over the application of exceptions to childminder ratios in paragraph 3.42. This change is to add clarity.
<b>Paragraph 3.42</b>	Made it clearer that childminders must not exceed 6 children under the age of 8, per adult.	The ratio requirement is the most commonly asked question received by Ofsted. This change is to clarify existing policy. Exceptions to ratios for childminders are the flexible application of the ages of children allowed within the maximum of 6 children under the age of 8.
<b>Paragraph 3.45</b>	"Oral health" added to current requirement to promote children's health.	This change is to make it an explicit requirement to promote the good oral health of children and was consulted on alongside the wider reforms to the EYFS in 2019.



<b>Paragraphs 3.46 &amp; 3.47 – Footnote 55</b>	Amended to further clarify that non-prescription medicines do not need a GP prescription before providers can administer them and what constitutes non-prescription medicines. Link added to BMA guidance.	Clarifies further what is meant by non-prescription medicine. The 2017 requirements have been found to be not clear enough for all users. GPs have continued to find that providers have been requiring parents to get prescriptions when not required
<b>Paragraph 3.48</b>	Additional wording added: <i>Fresh drinking water must be available and accessible <b>to children</b> at all times.</i>	Additional wording for clarification.
<b>Paragraph 3.49 (footnote 56)</b>	Addition on where to find guidance on food preparation: <a href="#">This includes preparing food safely for children of different ages.</a>	Added to ensure providers are aware of where to go to for further guidance on the safe preparation of food in early years settings. This signposts guidance published by PHE in 2017.
<b>Paragraph 3.53</b>	The first sentence has been made a standalone paragraph. The remaining sentence has been incorporated into paragraph 3.53 as they are both about corporal punishment.	This change is to separate requirements on corporal punishment from general behaviour management requirements and is intended to add clarity.
<b>Paragraph 3.57</b>	Added a link to government advice on vaping and e-cigarettes. <a href="#">Use of e-cigarettes in public places and workplaces.</a>	The previous version of the EYFS did not include explicit guidance on vaping and e-cigarettes. This addition is to signpost providers to Public Health England guidance on the <i>Use of e-cigarettes in public places and workplaces</i> (page 8)
<b>Paragraph 3.58</b>	Added: “Where the space standards are applied providers cannot increase the number of children on roll because they additionally use an outside area. Forest and other exclusively (or almost exclusively) outdoor provision is not required to meet the space standards above as long as children’s needs can be met for this kind of provision. Indoor space requirements can be used as a guide for the minimum area needed.”	Clarification added on outdoor space requirements for providers that are exclusively or almost exclusively outdoor – for example if provision is a forest school.
<b>Paragraph 3.60</b>	Added additional words to beginning of paragraph and a footnote to link to guidance on safety checks for sleeping children.  “Sleeping children must be frequently checked to ensure that they are safe. Being safe includes ensuring that cots/bedding are in good condition and suited to the age of the child, and that infants are placed down to sleep safely in line with latest government	This is to signpost providers to existing guidance on unexpected infant death and add clarity on safety checks for sleeping children.



	safety guidance <a href="https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/">https://www.nhs.uk/conditions/baby/caring-for-a-newborn/reduce-the-risk-of-sudden-infant-death-syndrome/</a> ”	
<b>Paragraph 3.68 (footnote 63)</b>	Added footnote 63: “Guidance on sharing information with relevant services when there are safeguarding concerns is available via: <a href="https://www.gov.uk/government/publications/information-sharing-advice-for-safeguarding-practitioners">Information sharing advice for safeguarding practitioners</a> - GOV.UK ( <a href="https://www.gov.uk">www.gov.uk</a> )”	This is to signpost providers to helpful guidance and aligns the EYFS with advice given to schools.
<b>Also: 3.69 and footnote 65</b>	Removal of requirement for providers to get permission from Ofsted to store records off-site. Updated footnote on data protection regulations.	This is to remove an outdated requirement and clarify that data protection of records is a provider responsibility. The footnote has been added to refer to current data protection legislation that has been updated since the former EYFS framework was published in 2017.
<b>Paragraph 3.70</b>	Added a footnote 66 to provide a link: The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security: <a href="https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings">https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings</a>	This is to signpost providers to helpful guidance that has been published since the former EYFS framework was published in 2017.
<b>Additional paragraph – 3.80</b>	Added a paragraph explaining that the EYFS sits alongside other legal requirements which providers are still required to meet.	This addition makes clear to providers that other legislation applies alongside the EYFS.
<b>Annex A – paragraph 6 Footnote 71</b>	Added that the emergency skills in the full Paediatric First Aid course (set out in paragraph 5) should be delivered face to face. The footnote defines what face to face means.	This amendment is to clarify that for full PFA courses, the emergency PFA skills should be delivered face to face and not virtually.