STATUTORY INSTRUMENTS

2020 No. 700

CHILDREN AND YOUNG PERSONS, ENGLAND

The Early Years Foundation Stage (Exemption from Learning and Development Requirements) and Childcare (Exemption from Registration) (Amendment) Regulations 2020

Made - - - -	*6th July 2020*
Laid before Parliament	*8th July 2020*
Coming into force in accordance with regulation 1(2) and (3)	

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 33(2) and (3), 34(3) and (4), 46(1) and (1A), 52(2) and (3) and 53(3) and (4) of the Childcare Act 2006(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Early Years Foundation Stage (Exemption from Learning and Development Requirements) and Childcare (Exemption from Registration) (Amendment) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force 21 days after the day on which they are laid.

(3) Regulation 6 comes into force on 1st October 2020.

(4) In these Regulations—

"the Document" means the document entitled "Statutory Framework for the Early Years Foundation Stage" dated 3rd March 2017 and published by the Secretary of State on the gov.uk website(**b**);

"the Scheme" means the scheme set up by the Department for Education where participating schools are not required to comply with requirements set out in the Document but instead must comply with the Framework for Early Adopters of the Early Years Foundation Stage Reforms dated 1st July 2020 and published by the Secretary of State on the gov.uk website(**c**).

"school" means a school defined in section 4 of the Education Act 1996(**d**).

(**a**) 2006 c. 21. Section 34(3) was amended by paragraphs 3 and 5(1) and (4) of Part 2 of Schedule 4 to the Children and Families Act 2014 (c. 6) (hereafter referred to as "the 2014 Act"). Subsection (1A) of section 46 was inserted by sections 174 and 192 of, and paragraphs 38 and 42 of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Section 53(3) was amended by section 84 and paragraphs 14 and 16(1) and (4) of Part 3 of Schedule 4 to the 2014 Act.

(**b**) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf

(**c**) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896810/EYFS_Early_Adopter_Framework.pdf

(**d**) 1996 c. 56. A "school" includes an "Academy School" and an "Alternative provision Academy" as defined in sections 1A and 1C of the Academies Act 2010 (c. 32) respectively.

Power of the Secretary of State to confer an exemption

2. The Secretary of State may direct that the learning and development requirements do not apply, or apply with modifications—

(a) in respect of a school that provides early years provision;

(b) in the circumstances prescribed in regulation 3; and

(c) to the extent prescribed in regulation 4.

Prescribed circumstances relating to a school taking part in the Scheme

3. The prescribed circumstances are where the governing body or proprietor of a school has agreed to participate in the Scheme.

Extent of direction

4. A direction made under regulation 2 may only extend—

(a) to the period commencing on 1st September 2020 and ending on 31st August 2021;

(b) to the learning and development requirements in section 1 of the Document; and

(c) to the Early Years Foundation Stage Profile in section 2 of the Document.

Conditions which may be imposed on making a direction

5.—(1) The Secretary of State may, on making a direction under regulation 2, impose conditions—

(a) about the learning and development requirements that the school must adopt;

(b) requiring the school to cooperate with the Department for Education and an English local authority; and

(c) about the submission of assessment data recording the level of learning achieved for each child in respect of each early learning goal in the nursery class or the reception class, as appropriate, to the Department for Education and an English local authority.

(2) In this regulation—

(a) "nursery class" means a class—

(i) in which education is provided which is suitable for children who have not attained compulsory school age; and

(ii) which is situated in a school that also has a reception class that is participating in the Scheme;

(b) "reception class" means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age.

Amendments to the Childcare (Exemptions from Registration) Order 2008

6. In article 6(2)(a) of the Childcare (Exemptions from Registration) Order 2008(**a**) immediately before the words ″the activity″ insert ″the provision, including″.

Nick Gibb
Minister of State
Department for Education

6th July 2020

(**a**) S.I. 2008/979, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for an exemption to the learning and development requirements as set out in the Statutory Framework for the Early Years Foundation Stage ("the Framework Document") for schools taking part in the EYFS Reforms Early Adopters Scheme ("the Scheme").

Regulation 2 enables the Secretary of State to direct that the learning and development requirements set out in sections 1 and 2 of the Framework Document do not apply, or apply with modifications, to schools providing early years provision who are participating in the Scheme.

Regulation 3 prescribes that only schools who have agreed to participate in the Scheme may be granted an exemption.

Regulation 4 provides that a direction may only apply for the period commencing on 1st September 2020 and ending on 31st August 2021 and that schools will only be exempt from section 1 and part of section 2 of the Framework Document.

Regulation 5 provides for the Secretary of State to impose conditions to a direction exempting a school from the learning and development requirements.

Regulation 6 amends Article 6(2)(a) of the Childcare (Exemptions from Registration) Order 2008 relating to exempt activity-based provision. This clarifies that the whole period covering the early years provision, including the activity listed under article 6(3) of the 2008 Order, must be four hours or less per day otherwise the exemption does not apply. This change takes effect from 1 October 2020.

A hard copy of the Framework Document can be obtained by contacting Anna.Mercy @education.gov.uk.

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

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK202007061015 07/2020 19585

http://www.legislation.gov.uk/id/uksi/2020/700

ISBN 978-0-34-820962-4

