



Education &
Early Years

**Official Response to the
Government consultation
Early Years
Foundation Stage**

July 2023

About **Community Union**

Formerly PAT/PANN and latterly Voice, the **Education and Early Years** section of **Community Union** is an independent trade union representing thousands of serving teachers and support staff, headteachers, lecturers, nursery and early years workers, nannies and other education professionals in schools and academies, nurseries and early years settings, colleges and universities across the whole of the UK.

We provide legal and casework support to our members and regularly engage with them in determining our response to policy proposals.

Community Union is affiliated to the Trades Union Congress (TUC), to the Irish TUC, Scottish TUC and Welsh TUC as well as the General Federation of Trades Union (GFTU).

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As such this is a public document which will be published on our website following the consultation close.

The information shared within this response may be used and quoted as appropriate for the purposes it was gathered, and **Community Union** should be acknowledged as a contributor. We would be happy to discuss the comments in this response with the DfE or a research body acting on its behalf using the contact details supplied.

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About this Consultation

Background

The EYFS sets the standards and requirements that all early years providers must follow to ensure all children have the best start in life and are prepared for school.

The EYFS was last updated in 2021. The aims of those reforms were twofold:

- to improve early years outcomes for all children, particularly disadvantaged children, in the critical areas that build the foundations for later success, such as language development and literacy.
- to reduce unnecessary assessment paperwork for practitioners and teachers so they can spend more valuable time supporting children through rich curriculum activities.

This consultation proposes opportunities for increased flexibilities for providers to make it easier for them to deliver high-quality early years provision as well as the introduction of new, tailored versions of the framework.

Proposal and rationale

In the Government's Spring Budget, we announced transformative reforms to childcare for parents, children, and the economy. By 2027-28, this Government will expect to be spending in excess of £8bn every year on funded early education and care, helping working families with their childcare costs, and supporting parents' choice to return to work, a vital step in our commitment to grow the economy. This represents the single biggest investment in childcare in England to date.

Flexibility for providers, including flexibility within the EYFS, is key to achieving a thriving childcare system. Giving settings the freedom to recruit from a wider pool of talented practitioners, and to make full use of the range of experience already in their workforce, will enable the sector to provide the care that parents are seeking.

This consultation seeks views on proposals to give providers more flexibility and alleviate known burdens, with proposals based on feedback from the sector. This consultation is separated into three sections: the first covers changes relevant to all provider types; the second covers changes relevant to childminders; and the third covers changes relevant to group and school-based providers. This includes:

Section 1 - all provider types:

- Removing the requirement for level 3 practitioners to hold a level 2 (GCSE or equivalent) maths qualification. This requirement would instead apply to managers, who would be responsible for ensuring their staff have the right level of maths knowledge to deliver high-quality early years provision. This change would enable talented practitioners with a natural aptitude for working with young children to progress with their career in the early years sector. Removing this regulatory barrier would also grant early years settings greater flexibility when deploying staff, allowing them to make full use of the valuable skills and experience of their existing workforce.
- Changing the requirement around how providers support children with English as an Additional Language to develop their home language from "must" to "should" or "may" in both versions of the EYFS. The aim of any change would be to alleviate what can be seen as an unreasonable requirement on some

providers if the practitioner(s) do not speak any language other than English, especially if multiple children have different home languages, and allowing settings to spend more time focusing on the acquisition of English.

Section 2 - childminders:

- Reviewing the requirement for childminders to undertake pre-registration training in the EYFS, letting individuals decide how best to achieve the level of knowledge and understanding required to register with Ofsted or a childminder agency. Understanding of the EYFS will continue to be assessed to the same level by Ofsted or a Childminder Agency prior to registration.
- Allowing childminder's assistant(s) to act as the key person to alleviate workload for childminders by giving their assistants greater opportunity for responsibility.

Section 3 - group and school-based providers:

- Clarifying the wording in the EYFS to reflect the Department's policy that only those with Qualified Teacher Status, Early Years Teacher Status and Early Years Professional Status can operate in level 6 staff:child ratios.
- Introducing an 'experience-based route' so that otherwise suitable practitioners who don't hold an approved level 3 qualification have a path to gaining 'approved status' without having to do a new qualification. This would allow the practitioner to count within the level 3 ratio but would not give them a formal qualification.
- Where applicable, changing the percentage of level 2 qualified staff required per ratio for children of all ages by altering the requirement that 'at least half of all other staff must hold an approved level 2 qualification'. We propose this could be changed to either 30 or 40 percent. This would provide greater flexibility for settings, reducing workforce pressures and allowing qualified staff to commit more time for professional development.
- Changing the qualification requirements for ratios so these would not apply outside of peak working hours (for example, 9am-5pm). This means that whilst staff:child ratios, DBS, paediatric first aid and safety requirements would remain, staff would not need to hold an approved qualification outside of peak hours. The aim of this change is to allow settings greater flexibility in how they use staff outside of peak hours.

We have also identified where we can streamline the EYFS. It is therefore our intention to create two simplified versions of the EYFS framework which reflect these proposed changes and clarifications: one for childminders and one for group and school-based providers. Our aim is to make the EYFS easier to navigate and implement.

This consultation will not reopen the changes made to the EYFS as part of the 2021 reforms.

Technical detail of the proposals: changes relevant to all providers

We are consulting on two new draft versions of the framework.

While we expect you would be able to respond to the questions based on what is set out within this consultation document, we have also shared the new draft versions of the framework alongside the consultation to see these proposals in context, which may be helpful for you to read and consider when responding to the consultation questions.

This consultation document is separated into **three** sections:

- The first section covers changes relevant to all provider types
- The second section covers changes relevant to childminders
- The third section covers changes relevant to group and school-based providers

Paragraph references in this section refer to those found in the existing EYFS document. This consultation also explicitly states where the relevant paragraphs can be found in the new versions of the EYFS frameworks.

General changes

Proposed EYFS language changes

It is our intention to create two simplified versions of the EYFS framework: one for childminders and one for group and school-based providers. Drafts of these documents have been published here, and it may be helpful for you to review these to understand the changes made in terms of streamlining the documents in their full context. Please note, both documents will be subject to further changes following public input to this consultation.

In both versions of the framework, DfE intends to modify language, reorder sentences and paragraphs, change references to provider type where relevant, and remove elements not relevant to the provider type.

The aim of these changes is to make the EYFS easier to navigate and implement.

Questions

Proposed EYFS language changes

To what extent do you think the draft frameworks published alongside this consultation are easier to understand than the existing EYFS?

- Much easier
- Slightly easier
- No change
- Slightly more difficult
- Much more difficult

Community's response above, that splitting the frameworks into two – one for childminders and another for schools and group settings – will make them easier to understand, is important to further unpack.

Whilst it is true that having streamlined frameworks might help to make things *easier*, it does not necessarily mean that this is automatically *better*.

The Early Years Foundation Stage document is lengthy and contains a lot of critical information to support teaching and learning, safeguarding, and assessment across all types of provision in England. We agree that having the relevant sections available in a dedicated document for Childminders will make it easier for them to understand their own duties and responsibilities as regards their work, and to ensure that these are properly deployed.

However, there is nothing wrong in having all details for all settings in the same place either. Indeed, there may be times when individuals need to know the rules and regulations as they apply in group settings or for childminders, and some may work across both types of provision.

More critical is the need to ensure that the two framework documents do not deviate from each other. It is vital that the consistency of approach and quality of provision is maintained across all types of provision and those who move from one to another should not notice any difference in the application of the EYFS and the early learning goals.

Therefore, Community would like assurances – perhaps written into the opening of each framework document – to explain that the document is one of two available documents which spell out the same framework as it applies to childminders, or as it applies to group and school settings.

English as an Additional Language

Out of the below options, what do you think the expectation in the EYFS frameworks for all provider types should be in regards to how they support children whose home language is not English?

- Providers **must** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.
- Providers **should** take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.
- **Providers may take reasonable steps to provide opportunities for children to develop and use their home language in play and learning, supporting their language development at home.**
- Don't know

Collection of physical evidence

Proposed new wording:

- When assessing whether an individual child is at the expected level of development, [practitioners/childminders] should draw on their knowledge of the child and their own expert professional judgement. [Practitioners/Childminders] are not required to prove this through collection of any physical evidence.

This new proposed wording can be found at paragraph 2.2 of the EYFS for childminders, and 2.2 in the EYFS for group and school-based providers

Do you agree with the proposed language change around the collection of physical evidence, currently found in section 2.2 of the EYFS, for all providers?

- **Yes**
- No
- Don't know

Child Protection

Proposed new wording:

- 'Safeguarding policies must include:
 - the action to be taken when there are safeguarding concerns about a child
 - the action to be taken in the event of an allegation being made against [a member of staff / the childminder or an assistant]
 - how mobile phones, cameras and other electronic devices with imaging and sharing capabilities are used in the setting

This new proposed wording can be found at paragraph 3.7 of the EYFS for childminders, and 3.7 in the EYFS for group and school-based providers.

Do you agree to the proposed change in both versions of the framework regarding electronic devices?

- **Yes**
- No
- Don't know

Qualifications, training support and skills

Proposed new wording:

- An approved qualification is defined by the Department for Education (DfE) as meeting the criteria set out in the Early Years Qualification Standards Statutory Guidance [title tbc].

This new proposed wording can be found at paragraph 3.28 of the EYFS for childminders, and 3.38 in the EYFS for group and school-based providers. A new statutory document would be published on Gov.uk alongside new versions of the EYFS.

To note, this would be a technical change that aims to bring all Early Years qualification criteria to one place. It would not result in any change to this requirement in practice.

Do you agree with the proposal to introduce a qualification standards document, setting out the current Level 2 Early Years Practitioner and current and new Level 3 Early Years Educator criteria?

- **Yes**
- No
- Don't know

CHILDMINDERS

Early Learning Goals (ELGs)

DfE intends to move the Early Learning Goals (ELGs) (1.7-1.10) into an annex in the EYFS framework for childminders.

The aim of this change is to clarify that DfE does not expect the ELGs to be used before the end of EYFS (usually in reception year), and therefore are not relevant to childminders who rarely serve this cohort. The ELG's are not the curriculum. In very rare cases where a Childminder must do an EYFSP assessment the ELG's are provided.

This can be found Annex B of the EYFS for childminders.

Do you agree with the proposed reformatting of the Learning and Development section of the EYFS framework for childminders?

- **Yes**
- No
- Don't know

EYFS Profile and RBA

Proposed new wording on EYFSP:

- 'Therefore, it is very rare that a childminder would need to complete the EYFS profile assessment for children aged 4-5 as this is usually done in reception year at school. Childminders that are in this position should refer to Annex B to view the Early Learning Goals and requirements of the profile assessment. The Early Learning Goals are not intended for use prior to the reception year of school.'

This new proposed wording can be found at paragraph 2.11 of the EYFS for childminders.

Do you agree with the proposed reformatting of the Assessment section of the EYFS framework for childminders?

- **Yes**
- No
- Don't know

Child Protection

Proposed new wording:

- 'In the case of childminders working together, each childminder is responsible for meeting the requirements of their own registration. Childminders must know that they have a shared responsibility when working together for the wellbeing of all the children present. Therefore, where childminders work together, each childminder also has a responsibility to refer any concerns where another childminder does not continually meet the requirements of their registration.'
- 'Childminders must know how to contact the local statutory children's services, and the LSP (local safeguarding partners).'

This new proposed wording can be found at paragraph 3.5 and 3.4 of the EYFS for childminders.

Do you agree with the proposed changes to child protection section of the Safeguarding and Welfare requirements in the EYFS framework for childminders?

- **Yes**
- No
- Don't know

Suitable People

Proposed new wording:

- 'Childminders and any assistants must be suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Any person who may have regular contact with children (for example, someone living or working on the same premises where the childminding is being provided), must also be suitable.'
- 'Ofsted, or a childminder's CMA, is responsible for checking the suitability of childminders, any other person looking after children in the setting, and of any other person aged 16 and over living or working on the same premises the childminding is being provided'.

This new proposed wording can be found at paragraph 3.15 and 3.16 of the EYFS for childminders.

Do you agree with this proposed change to the suitable people section of the Safeguarding and Wellbeing requirements for childminders?

- **Yes**
- No
- Don't know

Qualifications, training, support and skills

Proposed new wording:

- 'Childminders must demonstrate that they have knowledge and understanding of the EYFS, including how to implement it, as part of their registration with Ofsted or a childminder agency'.

This new proposed wording can be found at paragraph 3.9 of the EYFS for childminders

Do you agree with removing the requirement in the Early Years Foundation Stage for childminder applicants to have completed training which helps them to understand and implement the EYFS? This would be replaced with a requirement for them to demonstrate knowledge and understanding but not necessarily through formal training.

- Yes
- **No**
- Don't know

Paediatric First Aid (PFA)

Proposed new wording:

- 'Childminders should make PFA certificates, or a list of the PFA certificates held by them and any assistants, available to parents on request.'

This new proposed wording can be found at paragraph 3.38 of the EYFS for childminders.

Do you agree with the proposed change to the Paediatric First Aid section of the Safeguarding and Wellbeing requirements for childminders?

- Yes
- No
- **Don't know**

Key person

Proposed new wording:

- 'In childminding settings, the key person is the childminder or can be an assistant where appropriate.'

This new proposed wording can be found at paragraph 3.40 of the EYFS for childminders.

Do you agree with the proposal to allow childminding assistants to hold the role of key person?

- Yes
- **No**
- Don't know

Safety and suitability of premises, environment and equipment

In the EYFS framework for childminders, DfE intends to remove the current reference to 'kitchen' from a list of areas that should not be considered in space requirements (currently in a footnote in 3.58).

We intend to update this to reflect that 'childminders should also consider what areas within their kitchens are safely usable'.

Proposed new wording:

- These judgements should be based on useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, and toilets. Childminders should consider what areas within their kitchens are safely usable.

This new proposed wording can be found at paragraph 3.67 of the EYFS for Childminders

Do you agree with this proposed change to the premises requirement in the Safeguarding and Wellbeing section for childminders?

- **Yes**
- No
- Don't know

Proposed new wording:

- 'Childminders must ensure [...] on request, they can make available an area where they may talk to parents and/or carers confidentially [...]'

This new proposed wording can be found at paragraph 3.71 of the EYFS for childminders.

Do you agree with this proposed change to the premises requirement in the Safeguarding and Wellbeing section for childminders?

- **Yes**
- No
- Don't know

Safety and information

Proposed new wording:

- 'Childminders must hold the following information [...] their certificate of registration (which can be displayed digitally and should be made available to parents and/or carers on request).'

This new proposed wording can be found at paragraph 3.85 of the EYFS for childminders.

Do you agree with this proposed change to the information requirements in the Safeguarding and Wellbeing section for childminders?

- **Yes**
- No
- Don't know

GROUP AND SCHOOL-BASED PROVIDERS

Suitable people

Proposed new wording:

- 'Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced'.

This new proposed wording can be found at paragraph 3.13 of the EYFS for group and school-based providers.

Do you agree with this proposed change to the suitable people requirements in the of the Safeguarding and Wellbeing section for group and school-based providers?

- **Yes**
- No
- Don't know

Qualifications, training support and skills: group and school-based providers

Proposed new wording:

- 'Managers appointed on or after 1 January 2024 must have already achieved a suitable level 2 qualification in maths or must do so within two years of starting in the position. Managers are responsible for ensuring staff have the right level of maths knowledge to effectively deliver the EYFS curriculum'.

The new proposed wording can be found at paragraph 3.37 in the EYFS for group and school-based providers.

Do you agree with the proposal to remove the requirement for practitioners to hold a level 2 maths qualification to count within the Level 3 staff: child ratios?

- Yes
- **No**
- Don't know

To ensure quality, do you agree that the requirement to hold a level 2 maths qualifications should instead be placed on setting managers?

- Yes
- **No**
- Don't know

If we were to remove the requirement for practitioners to hold a level 2 maths qualification, what additional or alternative training should we consider to ensure all level 3 practitioners have the right maths knowledge to deliver the curriculum?

This downgrading of the profession is not something of which Community is supportive. It is reasonable for those working with children in nursery, group and school-based settings to be required to have a good standard of English and mathematics and it is unreasonable to place the burden of maths solely upon the level 3 practitioners many of whom are paid little more than their level 2 colleagues.

The impact of staff not having reasonable competence in maths is threefold. First it is not demonstrating a positive expectation for the children. We know that those who study maths to 18 are more likely to go on to full-time employment. Furthermore, confidence in maths, rather than mathematical ability is often the issue and a level 2 maths qualification would ensure a certain confidence in numeracy. The easiest way to demonstrate this competency is through GCSE (or comparable) qualifications.

Secondly, parents need to have confidence that the mathematical ability of staff is suitable for their child and not going to be detrimental to their progress. We know that the formative years are critical in a child's learning and therefore it is essential that children are provided with the very best start in life.

Thirdly, the judgement of mathematical competency or having the 'right level of maths knowledge' must be fairly and transparently judged and it is reasonable for a nursery manager to require a level 2 qualification in order to ensure this.

Finally, given the prime minister's emphasis on the importance of maths we should not be downgrading this requirement as it stands in direct contradiction to the effort to improve maths understanding and application in England.

Proposed new wording:

- 'A practitioner holding a qualification that is not on the Early Years Qualifications List may still count within the staff:child ratios at the level they are approved to if they have successfully completed the experience-based route and received approval from the DfE.'
- 'Suitable students on long term placements and volunteers (aged 17 or over) and staff working as apprentices in early education (aged 16 or over) may be included in the ratios at the level below their level of study, if the provider is satisfied that they are competent and responsible.'

This new proposed wording can be found at paragraphs 3.38, 3.27, and 3.49 of the EYFS for school and group-based providers.

Do you agree that an experience-based route should be introduced that allows practitioners to meet any missing Level 3 criteria and gain approval to count within the Level 3 staff: child ratios?

- Yes
- **No**
- Don't know

Do you agree that students on long-term placements and apprentices should be able to count within the Level 2 staff:child ratios at the level below their level of study, if the provider is satisfied that they are competent and responsible?

- Yes
- **No**
- Don't know
-

What mitigations (if any) are needed to ensure that the quality and safety of Early Years provision are maintained if students on long-term placements and apprentices are working within the staff:child ratios at the level below their level of study?

The current EYFS requirements are clear that students, including those on long-term placements, are not to be included within the level 2 staff:child ratios. Community believe that it is essential for child safety and safeguarding, wellbeing of children and staff, transparency of provision and quality that this position be maintained.

We fear that this proposal will dilute the staffing ratios and therefore put children at risk by being supervised by unqualified trainees and students who themselves are not properly supervised. We believe this will place additional burdens upon trainees and inexperienced child educators, which could lead to an increased number failing to complete their qualifications and is likely to worsen the recruitment and retention issues being experienced by the sector. Furthermore, this could lead to a lack of support for the trainees and students and may lead to an increase in numbers failing to complete their course.

The outcomes for children who are left in the independent care of trainees and students could be lower than those for skilled practitioners and this could mean that they fail to make as much progress as expected leading to poor quality inspection outcomes for the setting and possible disciplinary sanctions for the trainee.

It is worth pointing out that trainees and students are not covered under employment legislation and therefore they are not protected should something go wrong. One outcome of this could be that they are banned from working with children as a result of an error which would not have occurred had they been properly supervised.

We have concerns that this proposal does nothing to improve the quality of provision and is all about lowering standards and lowering staffing costs. However, we do not believe that this will occur rather that settings will be able to maintain costs and increase profits whilst standards are allowed to fall to the detriment of all.

Proposed new wording:

- The qualification requirements below also apply to the total number of staff available to work directly with children, but do not need to be applied outside of peak working hours of 9am to 5pm. Providers must continue to ensure staffing arrangements meet the needs of all children and ensure their safety at all times.

This new proposed wording can be found at paragraphs 3.39 of the EYFS for school and group-based providers.

Do you agree that qualification requirements for ratios should not apply outside of peak working hours?

- Yes
- **No**
- Don't know

If yes, how should peak working hours be defined? For example, these could be standard across settings or dependant on individual settings' peak hours.

Many settings open for long hours and provide the valuable and much-needed wraparound provision to allow parents to work. Many settings provide out-of-school provision for local schools which bring together a wide variety of children and may actually increase the number cared for within the setting outside of 'peak working hours'. This means that for some settings their busiest times may actually be outside of their 'peak working hours'.

To say that certain "peak working hours" are more important or that children being cared for early in the morning or later in the evening are less at risk is dangerous thinking. The hours outside of these supposed "peak working hours" are times when staff need to be even more vigilant, as these are when children are tired and need additional meals which bring with them additional risks and require specific and carefully considered care. Furthermore, staff may also be tired and be more vulnerable and may need support from better qualified or more experienced colleagues on site.

Community believe that the concept of "peak working hours" is a fallacy and to focus on provision during these hours will be to the risk and detriment of those working outside of this time. Provision according to the current and established ratios should be maintained whenever the setting is open.

What mitigations (if any) are needed to ensure that the quality and safety of early years provision is maintained if qualification requirements for ratios no longer apply outside of peak hours?

Qualification requirements for ratios must continue to exist outside of "peak working hours" in order to ensure that the quality of provision is maintained and that the safety and well-being of children and staff is maintained.

Community strongly objects to the concept of a two-tier system of provision.

Proposed new wording:

- there must be at least one member of staff for every four children
- at least one member of staff must hold an approved level 3 qualification
- **at least [30%] [40%] of** all other staff must hold an approved level 2 qualification

This new proposed wording can be found at 3.40 of the EYFS for group and school-based providers.

Do you agree with the proposal to reduce the requirement for 'at least half of all other staff' to be level 2 staff per ratios?

- Yes
- **No**
- Don't know

If yes, do you think it should be amended to:

- 30% of all other staff must hold an approved level 2 qualification [per applicable ratio]
- 40% of all other staff must hold an approved level 2 qualification [per applicable ratio]
- **Other**

Please explain your rationale for your choice above and share any comments you wish to be considered.

These proposals to reduce the levels of qualification are worrying. The expectation for at least 50% of other staff to hold an appropriate level 2 qualification is not excessive and many settings support their level 2 staff to study for further qualifications.

Trained and skilled staff are more able to plan activities and support learning. This is what we see in other high-performing EY systems such as in Scotland and Scandinavia. Highly qualified staff are better able to work with children from diverse backgrounds, including children for whom English is an additional language and those with SEND and their training allows them to foresee many problems before they occur.

Reducing the qualification requirements puts huge pressure on staff, some of whom may be required to perform at a standard they have not been adequately trained for and are not properly remunerated for. And others who do not know how to support the learning needs of a particular child. Therefore, these proposals present a risk to the children, to the setting and denigrate a dedicated workforce whilst doing nothing to support its professionalism and dedication.

Community is proud to represent early years workers across the UK. Our members are clear that they do not want to see a reduction in the staff:child ratios in England. We have concerns that this proposal focusses on the wrong thing. It does nothing to improve the quality of provision and will result in a lowering of standards to the detriment of children and parents.

Ratios

Proposed new wording:

- 'Where a person with Qualified Teacher Status, Early Years Professional Status or Early Years Teacher Status, is working directly with children: [Ratio bullets to follow]
- 'For children aged three and over in registered early years provision where a person with Qualified Teacher Status, Early Years Professional Status or Early Years Teacher Status is not working directly with children' [Ratio bullets to follow]
- 'For children aged three and over in independent schools (including in nursery classes in free schools and academies) where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, an instructor, or another suitably qualified overseas trained teacher, is working directly with children' [Ratio bullets to follow]
- 'For children aged three and over in independent schools (including in nursery classes in free schools and academies) where there is no person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, no instructor, and no suitably qualified overseas trained teacher, working directly with children' [Ratio bullets to follow]

This new proposed wording can be found at paragraphs 3.42, 3.43, 3.44 and 3.45 of the EYFS for group and school-based providers.

Do you agree with these proposed changes to the ratios section of the Safeguarding and Wellbeing requirements for group and school-based providers?

- Yes
- **No**
- Don't know

Proposed new wording:

- 'All staff who obtained a level 2 and/or level 3 qualification since 30 June 2016 must obtain a PFA qualification within three months of starting work in order to be included in the required staff:child ratios at level 2 or level 3 in an early years setting. In order to continue to be included in the ratio requirement the certificate must be renewed every 3 years.'

This new proposed wording can be found at paragraph 3.31 of the EYFS for school and group-based providers.

Do you agree with the proposed clarification to the wording of the Paediatric First Aid requirement in the group and school-based provider version of the EYFS, to make it explicit that all staff who have obtained a level 2 and/or level 3 qualification since 30 June 2016 must also hold a valid PFA qualification to be included in the required staff:child ratios?

- **Yes**
- No
- Don't know

EYFS IN GENERAL

Do you foresee any unintended consequences for early years providers as a result of these changes to the EYFS framework? Please state the specific area you foresee any issues in your response.

- Yes
- No
- Don't know

Community has some concerns around the unintended consequences of removing the Early Learning Goals from the framework for Childminders. It is true that ELGs are only necessarily assessed at the end of the Early Years Foundation Stage – at the end of the reception year, but they do provide some steer as to what children should be doing between birth and starting school. We acknowledge that they are not, nor should they be, the curriculum but some childminders do need to make assessment when children move from their provision to other settings and having an understanding of the ELGs gives providers a helpful common language.

In a similar way, qualified Childminders who have completed a formal training course will be aware of the importance of regular informal assessment both against the Early Years Framework, but also against developmental standards and can signpost parents to necessary support agencies. It is also vital that childminders are confident in their own safeguarding duties. There are too many risks associated with unqualified childminders practising. How will they be able to adequately demonstrate the skills and knowledge necessary without proper training? And this potentially leads to a two-tier workforce – of those who are trained and others who are not.

Key Persons – assistants will by nature of the role, assist the childminder. They will necessarily have some input, indeed they may be the person who works most closely with a child, and it is right that they are able to contribute, however, as the registered provider it is essential that the Childminder remains the responsible person and the key worker as it is they who has had all of the necessary training.

Community recently launched our **Early Years Charter** calling for:

- Recognition that early years staff and nannies are educators not babysitters;
- Recognition of the specialised work that early years staff and nannies undertake;
- Increased funding for early years settings that adequately covers the cost of provision;
- Improved wages for staff in recognition of the specialised work they do and to support recruitment and retention into the sector;
- Raising the profile of nannies and other early years professionals to address the recruitment and retention crisis;
- Streamlined professional development opportunities for staff.

<https://community-tu.org/sign-up-to-our-early-years-charter/>

Without a robust recruitment and retention plan there will be no workforce. Without a dedicated workforce we will not be able to achieve this government's childcare aspirations.

Do you think any further changes should be made to the EYFS framework to provide flexibility to early years providers?

- Yes
- **No**
- Don't know

Community has concerns that the supposed *flexibilities* contained within this consultation do nothing to support the development of a professional and highly qualified Early Years workforce which we would like to see.

As previously mentioned, we know that high-quality provision during the Early Years leads to excellent outcomes for children and young people. But we believe these proposals will do nothing to improve outcomes for children, nor working conditions for staff.

FURTHER COMMENTS

Questions

1. What are your concerns (if any) about how the proposals may affect you or individuals (both children and adults, including staff and volunteers) in your organisation with protected characteristics?

Community is the Union for Education and Early Years professionals many of whom are female. We are concerned about the burden being placed on a young female workforce – the burden of additional responsibilities, increased ratios the weakening of qualifications and the de-professionalisation of the sector. We want to see employers increase the quality of provision not lower provision to meet a spurious price-point.

This is what the profession really want.

2. How would you mitigate against these concerns?