

[DRAFT] LEGAL FAQs

CHILDCARE ACT 2006 AND ASSOCIATED REGULATIONS
EARLY YEARS FOUNDATION STAGE (“EYFS”)

- 1. Does the EYFS apply to Waldorf Steiner schools and Kindergartens?**
 - 1.1 Yes.
 - 1.2 The EYFS legislation applies to all schools (including independent schools) and to all early years providers in Ofsted registered settings attended by young children in England¹.

- 2. What is the main thrust of the EYFS?**
 - 2.1 The EYFS legislation establishes standards for the “learning and development” and “welfare” of children during the “Early Years Foundation Stage”. This “Stage” begins when the child first enters an educational “setting” (i.e. Kindergarten) until the end of the academic year in which the child reaches 5 years of age².

- 3. Are there likely to be any objections from the Waldorf Steiner community to the new legal requirements regarding children’s welfare?**
 - 3.1 No.

- 4. What are the 3 elements of the “learning and development” standards (as set out in Section 41 of the Childcare Act 2006)?**
 - 4.1 The early learning goals (defined as the knowledge, skills and understanding which young children should have acquired by the end of the “Foundation Stage”); and
 - 4.2 The educational programmes (defined as the matters skills and processes which are required to be taught to young children); and
 - 4.3 The assessment arrangements (the arrangements for assessing young children to ascertain their achievements).

- 5. What are the 6 areas covered by the early learning goals and educational programmes (see Section 2.4 of the Statutory Framework for the Early Years Foundation Stage)?**
 - 5.1 Personal, social and emotional development;
 - 5.2 Communication, language and literacy;
 - 5.3 Problem solving, reasoning and numeracy;

¹ Section 1.5 of the Statutory Framework for the Early Years Foundation Stage.

² Ibid, Section 1.7.

- 5.4 Knowledge and understanding of the world;
 - 5.5 Physical development;
 - 5.6 Creative development.
- 6. How must the required standards of “learning and development” be delivered?**
- 6.1 All the areas must be delivered through “*planned, purposeful play, with a balance of adult-led and child-initiated activities.*”³
- 7. Which particular “educational programme” might (for example) be regarded as being wholly inconsistent with the Waldorf Steiner Kindergarten approach?**
- 7.1 “*Children’s learning and competence in ... beginning to read and write must be supported and extended.*”⁴
- 8. What sort of formal assessments will all Waldorf Steiner Kindergarten teachers be obliged to undertake under the new law?**
- 8.1 Each child’s level of development will have to be recorded against the 13 “assessment scales” derived from the early learning goals⁵, by no later than 30th June in the academic year in which the child reaches the age of 5⁶.
 - 8.2 Amongst other things, each child will need to be assessed to determine whether he or she “*finds out about and identifies the use of everyday technology and uses information and communication technology and programmable toys to support his/her learning.*”⁷
 - 8.3 Kindergarten teachers will be obliged by law to permit representatives from the Local Authority to enter the Kindergarten to observe the implementation of the assessment arrangements⁸.
- 9. Is it possible to obtain an exemption from the three elements of the “learning and development” standards created by the EYFS?**

³ Section 2.5 of the Statutory Framework for the Early Years Foundation Stage.

⁴ Ibid, Section 2.9.

⁵ Ibid, Section 2.21

⁶ Ibid, Section 2.26

⁷ Ibid, Appendix 1

⁸ The Early Years Foundation Stage (Learning and Development Requirements) Order 2007, Section 4.

- 9.1 In theory, yes. Although in practice the Regulations setting out the rules for applying for exemptions are still in draft.⁹
 - 9.2 Section 46 of the Childcare Act 2006 allows for the possibility of exemptions from the learning and development requirements.
 - 9.3 Applications for exemptions can be made by individual Kindergartens or by “early years providers of a particular description.”¹⁰
- 10. What are the implications for Kindergartens that fail to meet the “learning and development standards” (e.g. by not extending children’s competence in reading and writing) without a specific exemption from the law?**
- 10.1 It seems likely that these Kindergartens will fail their OFSTED inspection.

⁹ See EYFS Learning and Developments Exemptions Consultation available for further information <http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1448>

¹⁰ Childcare Act 2006, Section 46.