

Document: Response to the DfES consultation on the Early Years Foundation Stage

Date: July 2006

Questions 1-22 posed by the Department for Education and Skills in bold

Responses from the Pre-school Learning Alliance follow.

Section 1: Introduction

Q1: Do you agree that the introduction to the EYFS and the explanation of its aims and objectives are arranged clearly and in the appropriate language for those working in or responsible for managing settings delivering EYFS?

Neither agree nor disagree.

The introduction gives a useful overview of the **principles** of EYFS but not its **aims and objectives**. These are not the same thing. The principles underpin the framework, the aims should outline the desired result and the objectives indicate how these results can be demonstrated.

This confusion occurs at other times in the document and results in part from its desire to explain EYFS to such a wide range of stakeholders including, providers, practitioners, those involved in inspection and monitoring, parents etc.

Whilst the Alliance recognises that there are benefits from encompassing the entire EYFS within one document, it believes that future documents should be targeted at specific audiences, focusing on how EYFS will affect them. They should also be subject to the Plain English Campaign's considerations.

Q2: Do you agree the introduction makes clear which parts of the document are statutory requirements and which parts are guidance or good practice?

Disagree.

This is possibly the most challenging element facing the document, particularly considering the fact that it has been produced before the legislation that will enact it has completed its journey through parliament. Bringing together welfare requirements, which are generally defined as 'musts', with learning and development frameworks that usually are defined as 'shoulds' will be challenging for all concerned.

Once the legislative framework is put in place, further work will need to be undertaken to determine how the 'shoulds' and 'musts' approach (ie inputs based) is to be reconciled with Ofsted's 'outcomes' based approach of inspection and sanction. Clarification of the legal framework is also required in terms of what will be mandatory for settings that require registration and those, such as early years provision in maintained schools that do not.

Q3: Do you agree the introduction helps you to navigate through the document successfully?

Neither agree nor disagree.

The document is an effective attempt to outline in detail the very complex development that EYFS represents for the sector. However the 'text book' presentation style does not support this type of detailed reference system. The proposed CD-ROM should provide a more accessible format as would presentation in the styles used with earlier guidance (e.g. *Birth to Three Matters*)

Section 2: EYFS overview

An overview of the welfare, learning and development requirements, showing how each supports the other in improving outcomes for children and how flexible implementation will allow all types of provider to deliver EYFS.

Q4: Do you agree that that this section sets out clearly the roles and responsibilities of providers in delivering EYFS?

Agree.

The text explains clearly the roles and responsibilities of the majority of providers. However there are other providers whose responsibilities under EYFS are not outlined in S 2.2; for example independent schools are not necessarily owned by a 'proprietor' – many are owned by limited companies or charitable trusts.

S2.2 should also indicate, at least in outline, the secondary legislation with which registered providers need to comply. This should then be detailed in Section 3 (please see response to Q17 on this matter)

Q5: Do you agree that the EYFS is sufficiently flexible to enable all types of providers to play an effective role in delivering it?

Neither agree nor disagree

The aim and desirability of providing a flexible framework for children's care, learning and development across the range of their childcare is well defined. The issue here will be one of practical and effective implementation of this. As it is not clear what levels of the EYFS various setting will need to deliver – ie the 'flexibility level', it is even more unclear as to how these may 'join up'.

The idea that 'themes' might be continued across different settings is concerning; EY practitioners have been moving away from 'themes' and focussing more on what is of interest to children. This may differ in the before/after school setting or childminder and it is right that it should be so. Children will find different things of interest to them in different ways in different settings, although some may also want to follow up interests from one setting into another, but it should not be necessary to plan everything in a child's life. Who would determine and 'own' the 'theme'? How would it be monitored and reviewed? The Alliance believes the themes notion has the potential to formalise activities for children too rigidly.

In the case of very young children, the potential impact of 'flexibility' is concerning for the Alliance. The aim should be to reduce the number of settings they attend and ensure that the provision of 'flexible' part time places does not disrupt the continuity of children's experiences and relationships.

Section 3: Progression through the areas of learning and development

Sets out the learning and development requirements, provides guidance about how to plan for and meet them for a diverse range of children, and uses detailed 'grids' to set out best practice in planning, observation and assessment and teaching and learning at each of the stage of a child's development in six Areas of Learning and Development:

Personal, Social and Emotional Development; Communication, Language and Literacy; Problem Solving, Reasoning and Numeracy; Knowledge and Understanding of the World; Physical Development; Creative Development.

Q6: Do you agree that this section is useful for those managing provision and/or working with children from birth to five years in different settings?

Neither agree or disagree

As indicated in Q3, this section offers a valuable attempt to outline the EY environment that EYFS will herald. However in presenting the information in reference book form the grids are complex and often difficult to read and follow. It is important to ensure that practitioners are not discouraged from using the text at all so they need material which is more easily accessible to them. The idea that this information should be on cards or downloadable form a CDROM would provide a more accessible way of providing the information. The way in which information is presented needs to take account of the variation in the education and training backgrounds of staff – all levels need to be catered for, so the idea that this could be 'layered' on website or CD ROM would be helpful to this diverse range of practitioners. This complexity results from the wide range of settings that a child may use; including children's centres, childminders, after school clubs etc. For example the framework needs to be much clearer on what good practice might be in an after school setting that addresses the 6 areas, but in informal ways with some exemplars that show children having fun, having their needs met and being secure. The main concern about setting developmental information out in this way is that it leans toward a checklist interpretation which is not what is needed. Starting the columns with 'look listen and note' would be better, as this is taking assessment – or what to look for- as a starting point, rather than the 'outcome'.

Q7: Do you agree that the learning and development requirements are sufficiently flexible to enable the diverse range of providers in the sector to deliver them effectively?

Agree

Generally the learning and development requirements demonstrate the required flexibility. However, as outlined above – it is not clear how these can be delivered, for example, in an out of school play context for 4 year olds or at a childminder's. While after school provision for 4 year olds needs to be planned, it is informal and not outcomes based. Practitioners should not feel pressured to 'be like school' and it is not clear from this document that this is the case. This may be brought out in the exemplification, but that in itself is not sufficient to guide a childminder, for example, or a registered crèche, that takes children for limited periods of the day.

Q8: Do you agree that the learning and development requirements are expressed clearly enough to support quality improvement?

Neither clear nor unclear

Whilst the information presented here is valuable and informative, the document suffers because of the confusion between requirements on providers (i.e. the setting) and practitioners (the staff). The requirements should be identified at provider level and then effective practice and examples can be presented to staff. This confusion should be overcome when the framework is presented electronically where the responsibilities of providers and examples for practitioners can be separated.

Q9: Do you agree that this section will help practitioners with early identification of children's particular needs and ensure providers understand their obligations and legal duties to support the diverse needs of all children?

Agree

The text details clearly how the diverse needs of all children should be met. However, the Alliance is concerned that whilst aiming to support practitioners in this way, there is a danger that the guides will be used as a checklist and where there are some 'no's a child may be identified as deficient in some areas. The Alliance encourages practitioners to take 'look' listen and note' as a starting point. This will help practitioners to tune into the individual nature of each child, get to know them as a person and gain a deeper insight as to any particular learning or developmental need they may have. This way the experience with the curriculum guidance for the foundation stage; practitioners concentrate on the outcomes rather than the ethos of the framework.

Q10: Is it sufficiently clear how the needs of disabled children, children with SEN and/or the needs of children from a minority ethnic background, will be supported through the six Areas of Learning and Development?

Unclear.

References to children with additional needs within the framework are subject to the confusion between 'musts' and 'shoulds' discussed above. The document states that providers 'should' take action to support children with special needs but legislation states that they must. Similarly the RRA places a requirement on service providers to remove barriers to participation by black and minority ethnic groups and address discriminatory practices so again this should be strengthened in the text. The wide range of issues that can be considered within the inclusion term are clearly extremely important if EYFS is going to be effective in improving outcomes for all children. As such the training and support materials for this area must be of the highest quality and particular attention needs to be paid to supporting practitioners in this area.

Q11: Does this section make clear the provider's role in recording children's progress?

Clear

The document outlines effectively 'look, listen and note' and makes it clear that good assessment is observation based. However, many practitioners have very limited skills in observing children and the framework and training materials must support practitioners to undertake this effectively.

The Alliance is concerned about the proposal to introduce a development record for each child from birth. Most children under 3 still do not attend care settings, so any universal idea for this is unobtainable. A potential model on which to build is the development record held by health services. Although this serves a different function than a record of specific development and learning outcomes, it does provide a national picture based on broad development outcomes and is aimed at identifying concerns. However the record develops it is important to acknowledge that a child's learning story describing what they enjoy and how they achieve in their settings, belongs primarily to the parent. The information may be used within the settings and across different settings at transitions in the form of a summary assessment, but the overall learning story belongs in the hands of parents.

Q12: Do you agree that this section explains clearly about children as individuals who develop and learn at different rates, and what practitioners must do to be most effective in promoting that development?

Agree

Many of the statements relating to effective learning are good and the need for practitioners to understand the differential development rates of children is clear. In responding to these needs EYFS must give practitioners capacity to offer a range of learning activities. Practitioners must not feel pressured to adhere to a strict regime of approaches that may not meet the needs of the children with whom they are working. An example of this would be a reliance on synthetic phonics as a system to teach reading to the exclusion of all other methods.

Q13: Does this section cover the right ground in the right way?

Agree

The document sticks to its remit of bringing together the areas covered by birth to three matters and the curriculum guidance for the foundation stage. This is a very welcome development. As a result the correct ground is covered.

The Alliance would welcome reference to children's rights within the text so that providers and practitioners recognise the importance of the European Convention in their work

Q14a: Is our approach to exempting individual children the right one?

Agree

Q14b: What are the grounds on which children might be exempted?

The general statement outlined in 3.8 appears sensible, however as the prescribed circumstances to be outlined in the Act have not been detailed here so it is difficult to comment on whether they are 'the right ones'. As the text states it is not possible to predict what these might be so the legislative framework will have to be phrased generally.

Section 4: Meeting the welfare requirements

Detailed welfare and workforce requirements, also set out in grid form and showing what requirements must be met and giving additional good practice which providers should have regard to. The requirements, which replace the five sets of national standards and the five accompanying sets of Ofsted guidance, are grouped under four headings:

Safeguarding and promoting children's welfare; Suitable people; Suitable premises, Environment and equipment; Organisation.

Q15: In setting the qualification requirements, do you agree that we have struck the right balance between setting the requirements at a good level, and setting the bar too high for providers to reach realistically?

Neither agree or disagree

The Alliance believes that the current qualification bar is set too low. Level 2 staff do not have sufficient underpinning knowledge to be able to support the delivery of the EYFS, and unqualified staff less still. It is also unreasonable to suggest that one L3 staff in a room or unit will be able to lead others in delivering the EYFS. We would like to see the bar raised to level 3, with Level 2 still regarded as a trainee. We believe this will have a number of immediate spin off effects in that it will help drive up standards and enable registered provision to be able to meet the requirements of the EYFS that will promote better outcomes for children. Having staff better qualified to do the job has cost benefits for employers and reduces high turnover.

Q16: How helpful are the adult:child ratio requirements in helping to achieve good outcomes for children without overly restricting providers?

Unhelpful.

The suggestion to lower ratios in registered settings where there is a teacher/EYP with 3-5's causes grave concern. The current ratios are stretched enough in full day care where it is likely that there are times when the setting operates under ratio, especially over breaks and short periods of the day when a staff member has to leave a room for a meeting etc. Full day care is different from school where these ratios may be acceptable. However 1:13 does not provide time for 1:1 interaction with younger children and 'sustained shared thinking' to take place in any setting. There are a lot more care tasks involved in an all day provision as well as routine tasks and the higher ratio reflects this. The Alliance agrees that where a QT is assigned but not part of the staff, they are not included in the ratio. Contingency arrangements are necessary in all cases, but are needed more where the ratio is lower and therefore a greater risk of inadequate consistency in staffing and more stress for all.

Q17: Do the welfare requirements cover the necessary areas and strike the right balance between placing requirements on and giving guidance to providers?

Disagree

The Alliance is concerned that many of the additional regulatory requirements of secondary legislation are presented in the good practice column rather than as

requirements; e.g. health and safety law, Food Hygiene etc. As suggested in question 4 we propose the addition of a table of secondary legislation, outlining what is required and of whom:— eg childminders have to comply with some and not others.

Risk assessment for example is not just good practice - for many settings it is a legal requirement. This needs to be made much clearer. There is a sense of downplaying the importance of registered providers being aware of relevant legislation and abiding by it. Yet this is a feature of being a suitable person. The Alliance has also noted that child protection statements are incorrect – the wrong version of Working Together “is quoted/linked and no reference” made to ‘What to do if you are worried a child is being abused. The Alliance has serious concerns regarding the requirement for outside space. Children have a right to be in safe outdoor environments during a long care day and these may not be fulfilled by the local park. While childminders are able to make use of many facilities when they do not have a garden this is severely restricted for day care. The Alliance would like to see that all future provision has its own outdoor area.

Q18: Are the welfare grids easy to use, making it clear what the requirements are and what providers should have regard to?

Neither agree or disagree

The welfare grids follow the principle of minimal regulation which is welcomed. The Alliance proposes that subsequent versions of the text would benefit from explanations as to the importance of regulation, the principles that underpin it and clarity about how it is applied.

Section 5: Regulation, inspection and quality improvement

Details of the registration, performance management and inspection arrangements which will underpin the framework.

Q19: Does this section explain clearly enough the requirements on providers to take forward quality improvement processes and systematic approaches to on-going improvement in the standard of practice within settings?

Agree

The attention paid to quality improvement is welcomed. EYFS will be a valuable vehicle through which settings improve their provision to children. In this respect the framework mirrors the requirements of IIC accredited quality assurance schemes. EYFS best practice guidance should encourage settings to engage with schemes such as the Alliance’s *Aiming for Quality* programme to support them in the delivery of the principles and requirements of the framework.

General

Q20: Do you agree that the language used is accessible to all practitioners?

Disagree

Recognising that at least 50% of the early years workforce are unqualified and the bulk of the remainder qualified at Level 2 then it is important to note that the language used in this

document may well not be accessible to the practitioners. Understandably this document is written at the level of the higher trained practitioner and teacher, for whom the concepts and language are familiar and clear. However it is important that documentation and materials around EYFS are also produced in language that is accessible to those with additional language needs.

Q21: Do you agree that the document overall provides sufficient information to support effective partnership working with parents?

Disagree

The Alliance is concerned that parents are hardly mentioned in the text, although the introduction acknowledges the importance of parents in the principles underpinning the framework.

The EYFS must recognise and build from the position that parents are their child's primary and most important educator. This role requires more than regular reports from settings about their child's progress. Settings must build effective relationships with parents to consider jointly learning and development strategies so that the child is supported to fulfill his/her full potential.

Q22: Do you have any other comments on the EYFS that you would like to make?

The Alliance welcomes the proposed single framework bringing together welfare and learning and development areas in the early years. This will bring clarity to practitioners and help them provide the highest possible services to children and their families.

The Alliance is keen to work with those charged with introducing EYFS to ensure that staff and volunteers across the country are in a position to understand and engage positively with its ethos, requirements and responsibilities. If EYFS is to be implemented effectively across all registered settings a comprehensive training and support programme for all staff and volunteers must be offered. To this end all national and local government must work in partnership with training providers and maintained and private sector settings to ensure that all staff are supported to ensure EYFS fulfills its potential.

In drafting this single response the Alliance has offered briefing papers to its 15,000 member settings, inviting comments on the document. Regions have held a dozen briefing events with practitioners and volunteers across England and feedback comments and concerns to national centre.

The Alliance is disappointed that the document makes no reference to the Children's Rights, either in the context of the European Convention or good practice. EYFS is an ideal vehicle to promote children's rights and ensure settings undertake to secure these rights.

The Alliance would also take this opportunity to restate its concern, expressed in Q16, about any proposal to lower the ratios in registered settings. It would not be in the best interest of children to replicate the ratio for compulsory school age children in settings for younger children. This would not allow for their wider social, emotional, developmental and welfare needs to be met adequately.