



# Changes to the EYFS Statutory Framework for group and school-based providers

Effective from 4 January 2024

Updated 2 February 2024

Following further, minor changes to the EYFS statutory framework for group and school-based providers made by the DfE on the 19 January -this guide has been updated to reflect these changes. Section 1 details these further changes and section 2 highlights the amended paragraph numbers.

## Section 1

Was	Now	What this means for you
3.4 and 3.5 paragraphs were duplicated	Removed the duplicate paragraph and subsequent paragraph numbers updated.	If you have used the paragraph reference numbers on any material in your setting you should check these and make corrections where necessary.
<p>3.41 For children aged under two:</p> <ul style="list-style-type: none"> <li>• There must be at least one member of staff for every three children.</li> <li>• At least one member of staff must hold an approved level 3 qualification, and be suitably experienced in working with children under two.</li> <li>• At least half of all staff must hold an approved level 2 qualification.</li> <li>• At least half of all staff must have received training that specifically addresses the care of babies.</li> <li>• Where there is a room for under two-year-olds, the member of staff in charge of that room must, in the judgement of the provider, have suitable experience of working with under twos.</li> </ul>	<p>3.40 For children aged under two:</p> <ul style="list-style-type: none"> <li>• There must be at least one member of staff for every three children.</li> <li>• At least one member of staff must hold an approved level 3 qualification, and be suitably experienced in working with children under two.</li> <li>• At least half of all other staff must hold an approved level 2 qualification.</li> <li>• At least half of all staff must have received training that specifically addresses the care of babies.</li> <li>• Where there is a room for under two-year-olds, the member of staff in charge of that room must, in the judgement of the provider, have suitable experience of working with under twos.</li> </ul>	Paragraph number updated. Inserted the missing word 'other' for clarification.
<p>3.42 For children aged two:</p> <ul style="list-style-type: none"> <li>• There must be at least one member of staff for every five children.</li> <li>• At least one member of staff must hold an approved level 3 qualification.</li> <li>• At least half of all staff must hold an approved level 2 qualification.</li> </ul>	<p>3.41 For children aged two:</p> <ul style="list-style-type: none"> <li>• There must be at least one member of staff for every five children<sup>26</sup>.</li> <li>• At least one member of staff must hold an approved level 3 qualification.</li> <li>• At least half of all other staff must hold an approved level 2 qualification</li> </ul>	Paragraph number updated. Inserted the missing word 'other' for clarification.

Was	Now	What this means for you
<p>3.63 Providers must ensure a first aid box with appropriate items for use on children is always accessible. Providers must keep a written record of accidents or injuries and first aid treatment. Providers must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, of any first aid treatment given.</p>	<p>3.62 Providers must ensure a first aid box with appropriate items for use on children is always accessible. Providers must keep a written record of accidents or injuries and first aid treatment. Providers must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, and of any first aid treatment given.</p>	<p>Clarification that providers must inform parents and/or carers of any first aid treatment given.</p>

## Section 2

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p style="text-align: center;"><b>1</b></p> <p><b>Change wording on English as an Additional Language (EAL) requirement, from “must” to “may”</b></p>	<p>1.13 For children whose home language is not English, providers <b>must</b> 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.</p>	<p>1.9 For children whose home language is not English, childminders <b>may</b> 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.</p>	<p>The aim of changing this requirement is to alleviate what could be an unreasonable request of some providers, especially if multiple home languages are represented by children in the setting. This change will offer providers flexibility to best address the support needs of individual children.</p> <hr/> <p>PACEY members can access the following resources:</p> <ul style="list-style-type: none"> <li>• Factsheet <a href="#">Supporting Children and Families with English as an Additional Language (EAL)</a></li> <li>• CEY smart course: <a href="#">Stories and English as an additional language (EAL)</a></li> </ul>
<p style="text-align: center;"><b>2</b></p> <p><b>Change language on collection of physical evidence.</b></p>	<p>2.2. Assessment should not entail prolonged breaks from interaction with children, nor require excessive paperwork. When assessing whether an individual child is at the expected level of development, practitioners should draw on their knowledge of the child and their own expert professional judgement and should not be required to prove this through collection of physical evidence.</p>	<p>2.2 Assessment should not involve long breaks from interaction with children or require excessive paperwork. When assessing whether an individual child is at the expected level of development, practitioners should draw on their knowledge of the child and their own expert professional judgement. <b>Practitioners are not required to prove this through collection of any physical evidence.</b></p>	<p>It is important to consider if, how and why you record assessments about children.</p> <hr/> <p>PACEY Members can access the following resources:</p> <ul style="list-style-type: none"> <li>• PACEY Live: <a href="#">Effective assessments: A Masterclass with Jan Dubiel</a></li> <li>• Resource hub topic: <a href="#">Observation, assessment and planning</a></li> </ul> <p>CEY smart course: <a href="#">The seven key features of effective practice: assessment</a></p>

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<p><b>3</b></p> <p><b>Clarify that while qualifications must be verified, employees do not have to provide physical copies of their qualifications</b></p>	<p>3.12. Providers other than childminders must record information about staff qualifications and the identity checks and vetting processes that have been completed</p>	<p><del>3.10</del> 3.9 Providers must ensure that people looking after children are suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced.</p>	<p>This change eases recruitment burdens and better reflects modern digital systems allowing the use of digital certificates.</p>
<p><b>4</b></p> <p><b>Clarify the wording on the validity of PFA certificates</b></p>	<p>3.25 ...All newly qualified entrants to the early years workforce who have completed a level 2 and/or level 3 qualification on or after 30 June 2016, must also have either a full PFA or an emergency PFA certificate 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</p>	<p><del>3.32</del> 3.31 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. To continue to be included in the ratio requirement the certificate must be renewed every 3 years.</p>	<p>This aims to improve the safety of children.</p> <p>Is your training up to date? PACEY members get 10% discount on PFA training with Tigerlily. <a href="#">Book your course now.</a></p>

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<p><b>5</b></p> <p><b>Remove the requirement for Level 3 practitioners to hold a Level 2 maths qualification to count within staff:child ratios and instead place this requirement on manager</b></p>	<p>3.28. In settings on the early years register, the manager must hold an approved level 3 (footnote 34) qualification or above and at least half of all other staff must hold at least an approved level 2 qualification. Footnote 34 To count in the ratios at level 3, staff holding an Early Years Educator qualification must also have achieved a suitable level 2 qualification in English and maths as defined by the Department for Education on the Early Years Qualifications List</p>	<p><del>3.28</del> 3.37 In settings on the early years register, the manager of the setting must hold an approved qualification of level 3 or above and at least half of all other staff must hold at least an approved level 2 qualification. <a href="#">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.</a></p>	<p>The level 2 maths requirement can be a barrier to using qualified and experienced staff to their full potential. <a href="#">If you are currently a setting manager without a level 2 qualification in maths, there is no need to make any change, unless you move to a new role.</a></p> <p>We have also heard feedback that a level 2 maths qualification does not provide practitioners with the skills they need to effectively teach early years maths to young children.</p> <hr/> <p>PACEY Members have full access to the <a href="#">CEY smart training - The numbers game</a> theme courses are designed to help you to support all aspects of children's mathematical development.</p>

The change	The 2021 EYFS said	The new EYFS says	What that means for you, your practice and support from PACEY
<p><b>6</b></p> <p><b>Allow students and apprentices to count in staff:child ratios</b></p>	<p>3.30. Only those aged 17 or over may be included in ratios if they are suitable, as in paragraphs 3.9 to 3.11 (and staff under 17 should be supervised at all times). 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 if the provider is satisfied that they are competent and responsible</p>	<p><del>3.50-3.49</del> 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 <b>at the level below their level of study</b>, if the provider is satisfied that they are competent and responsible.</p>	<p>Managers are best placed to understand the skills of their staff and the needs of the young children in their care. This change empowers managers to identify trainees who are already demonstrating competence in curriculum delivery and relieve staffing pressures by counting those trainees in staff:child ratios. Trainees themselves could benefit by taking on more responsibilities, granting them valuable experience and the skills they need to flourish in their early years career.</p>
<p><b>7</b></p> <p><b>Include “other electronic devices with imaging and sharing capabilities’ to safeguarding requirement.</b></p>	<p>3.4 The safeguarding policy and procedures must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff, and cover the use of mobile phones and cameras in the setting.</p>	<p><del>3.7</del> <b>3.6</b> 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 the member of staff. • How mobile phones, cameras <b>and other electronic devices with imaging and sharing capabilities</b> are used in the setting.</p>	<p>The change reflects that new technologies, e.g. smart watches, have imaging and sharing capabilities. Update your policies to ensure you have considered the risk that electronic devices pose.</p> <hr/> <p>PACEY Members can use the <a href="#">Sample policies</a></p>