

# Delivering the Early Years Foundation Stage in out-of-school provision

A childcare fact sheet

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The Childcare Act 2006 says childcare is 'any form of care for a child including education or any other supervised activity'.

Most childcare providers caring for children under eight years old must register with Ofsted unless the law says they do not need to.

We register childcare providers on the following two registers:

- The Early Years Register
- The Childcare Register.

Introductory reading is in *Registering childcare providers from September 2008*, which is on our website ([www.ofsted.gov.uk/publications/080043](http://www.ofsted.gov.uk/publications/080043)).

## Introduction

This fact sheet explains the legal requirements for delivering the Early Years Foundation Stage in out-of-school provision and our approach to judging what we expect from early years providers when we carry out an inspection.

## The Early Years Foundation Stage is a framework

The Early Years Foundation Stage is not a school curriculum.

It is a framework for delivering high-quality care and education for children from birth to the 31 August following their fifth birthday. We call this the early years age group. Anyone who provides childcare in the early years age group needs to follow the Early Years Foundation Stage.

You can get the Early Years Foundation Stage and its documents (the Early Years Foundation Stage pack) from its website ([www.standards.dfes.gov.uk/eyfs/site/resource/pdfs.htm](http://www.standards.dfes.gov.uk/eyfs/site/resource/pdfs.htm)) or by calling 0845 60 222 60.

The Government's view is that the Early Years Foundation Stage is flexible enough for providers to deliver their own service. Its focus is not on formal learning, but on learning through play so that every child is supported in their development.

The Early Years Foundation Stage includes conditions relating to young children's welfare, learning and development that all registered providers and schools must meet. It also includes guidance on good practice.

The Early Years Foundation Stage does not contain any special arrangements for different types of providers. It does not matter if you look after one child or many children, or what childcare philosophy you follow.

## **The requirements of the Early Years Foundation Stage**

If you are on the Early Years Register, you must meet the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage.

We do not say how you must meet Early Years Foundation Stage requirements, but we expect to see how you:

- meet the needs of all children you look after
- support every child so that no group or individual is disadvantaged
- help children make the best possible progress in their learning and development, and promote their welfare
- work with others to make sure you provide good-quality early education and care, and
- plan for improvement and have effective processes for self-evaluation.

## **Frequently asked questions**

### **Will I be inspected against the Early Years Foundation Stage if I only care for children before and after school or during school holidays?**

Yes.

If your provision is registered on the Early Years Register you must deliver the Early Years Foundation Stage even if you only care for children at the beginning or end of the school day or in the school holidays.

You are expected to work closely with other providers who also care for the children that you care for to make sure the children receive the full Early Years Foundation Stage. This includes schools that deliver the Early Years Foundation Stage.

This means that you must still prove how children receive the Early Years Foundation Stage when you are caring for them. You cannot refuse to deliver the Early Years Foundation Stage because the children have already received some or all of their Early Years Foundation Stage elsewhere, such as at their school.

Inspectors will grade the quality of the childcare you provide, and base their judgements on the nature and extent of **what you deliver**.

When reaching judgements, inspectors will consider how you work with other providers to make sure children receive the full Early Years Foundation Stage.

Inspectors will also consider how well your activities support the other Early Years Foundation Stage provision that the children receive elsewhere. In your inspection report, we will make clear what Early Years Foundation Stage you are delivering and what is provided by other childcare providers who also deliver the Early Years Foundation Stage.

**If an after-school club takes four-year-olds as well as older children, it does not seem fair that the four-year-olds must receive the Early Years Foundation Stage when most of the children can enjoy fun activities. How will the Early Years Foundation Stage be applied and assessed in these circumstances?**

The Early Years Foundation Stage promotes learning through play. After-school clubs should be providing activities that meet the needs of all the children, whatever their age and stage of development. There is no reason why younger children should not receive the Early Years Foundation Stage through the type of activities that these clubs have always provided if staff are aware of children's needs and know how to help them develop these further. Page 7 of the Early Years Foundation Stage Practice guidance says:

'Providers who care for children over relatively short periods of time are responsible for delivering the EYFS in an appropriate way that meets the needs of the children. They should make sure that what they provide complements the education and care the child receives in other settings.'

**In terms of inspecting the Early Years Foundation Stage what differences are there between those providers who receive funding for three- and four-year-olds and those who do not?**

There will be no difference in terms of inspection.

We will inspect all registered providers and schools who deliver the Early Years Foundation Stage whether or not they receive funding.

**How can I find time to work with other providers to identify the needs of children and how will you inspect this?**

Many providers already work together to make sure that children who they all care for receive a range of learning and development activities.

The Early Years Foundation Stage pack contains more guidance on how you can meet this requirement. See, for example, the 'Enabling environments – the wider context' card.

Head teachers, managers and practitioners have a responsibility to manage their time in ways that best serve the interests of their children. We believe this means knowing what each child is doing with other providers, so that providers avoid repetition and activities support each other to build on children's learning.

You can gain this awareness by talking with other people – teachers or the child's parents – or talking to a child, or through sharing information using, for example, a simple diary of activities. Some local authorities give children a simple form for each of their providers to fill in, so that each provider knows what a child has done.

### **What happens when providers are on a combination of registers?**

If you are registered on a combination of registers and the requirements are different for the Childcare Register and the Early Years Register, you must organise the childcare you provide so that you meet all the requirements of both registers. One set of requirements does not replace or have priority over the other. We cannot make any allowances for the differences in the requirements of the Early Years Register and the Childcare Register.

**I am registered on the Childcare Register and the Early Years Register. I only have one child in the Early Years Foundation Stage and the rest of my children are in the older age group. Can I follow the requirements of the Childcare Register for all the children? How will I be inspected?**

No, you cannot.

If you have one child in the Early Years Foundation Stage age group, you must deliver the Early Years Foundation Stage to that child and we will inspect you against the Early Years Foundation Stage.

Wherever possible, when inspectors carry out a full inspection of the early years provision, they will also check whether any provision registered on the Childcare Register meets the requirements. The early years inspection report will include a statement as to whether what you provide under the Childcare Register keeps to the requirements. If it does not, we will tell you what action you must take. The report will not grade the part of your provision registered on the Childcare Register, but we may comment on what effect it has on children in the Early Years Foundation Stage if this is clear.

### **Where can I find out more about registration and inspection of provision on the Early Years Register?**

There is more information on our website ([www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare)) or call us on 0300 123 1231.

The law that sets out our duty is the Childcare Act 2006 and associated regulations. You can find references to regulations and our policy on registration and inspection

in the *Framework for the regulation of those on the Early Years and Childcare Registers* ([www.ofsted.gov.uk/publications/080024](http://www.ofsted.gov.uk/publications/080024)).

The main inspection guidance document for all registered childcare providers is *Are you ready for your inspection?* ([www.ofsted.gov.uk/publications/080023](http://www.ofsted.gov.uk/publications/080023)). You may also want to look at the guidance inspectors use including:

- *Using the early years evaluation schedule* ([www.ofsted.gov.uk/publications/080124](http://www.ofsted.gov.uk/publications/080124));
- *Conducting the inspection* ([www.ofsted.gov.uk/publications/080164](http://www.ofsted.gov.uk/publications/080164)); and
- *Evaluating early years provision in settings providing for children in the Early Years Foundation Stage before or after school or during school holidays* ([www.ofsted.gov.uk/publications/080169](http://www.ofsted.gov.uk/publications/080169)).

## More information from Ofsted

There is more information about registration on our website ([www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare)).

There is more information on the requirements for registration on the Early Years Register in the *Guide to registration on the Early Years Register: childcare providers on non-domestic or domestic premises* ([www.ofsted.gov.uk/publications/080017](http://www.ofsted.gov.uk/publications/080017)) and on the Childcare Register in the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/publications/080032](http://www.ofsted.gov.uk/publications/080032)).

Some childcare providers do not need to register their services and you can find out about the circumstances where providers do not have to register in our childcare fact sheet: *Registration not required* ([www.ofsted.gov.uk/publications/080134](http://www.ofsted.gov.uk/publications/080134)). This is also part of the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/publications/080032](http://www.ofsted.gov.uk/publications/080032)).

The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is the Childcare (Exemptions from Registration) Order 2008 (2008 No. 979) ([www.opsi.gov.uk/si/si2008/uksi\\_20080979\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080979_en_1)). The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of those on the Early Years and Childcare Registers* ([www.ofsted.gov.uk/publications/080024](http://www.ofsted.gov.uk/publications/080024)).

## Further information

Your local family information service (FIS) will help you. You can get their contact details from [www.familyinformationservices.org.uk/index.php?option=com\\_comprofiler&task=userslist&listid=7&Itemid=72](http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72), or from your telephone directory.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

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