

**Department for Education  
Early Years Foundation Stage Reforms  
31 January 2020**

1. The NASUWT welcomes the opportunity to contribute to the Department for Education (DfE) consultation on proposed reforms to the Early Years Foundation Stage (EYFS).
2. The NASUWT is the largest union representing teachers and headteachers in the UK.

**GENERAL COMMENTS**

3. The NASUWT is clear that all young children are entitled to a broad, balanced, relevant and engaging early education. In order to secure this entitlement in practice, the Government must establish a framework that defines common learning, development and assessment requirements for all state-funded early years settings.
4. Currently, these requirements are provided for through the EYFS) statutory framework. The NASUWT notes that the consultation document describes proposals to reform core aspects of this framework. The NASUWT's observations on these proposals are set out elsewhere in this response.
5. However, while such a framework is an essential feature of an effective and equitable early education system, it is important to locate consideration of the contents of the EYFS within a broader policy context.

6. In particular, it is necessary to recognise that the ability of the early years system to secure the outcomes for children provided for in the EYFS depends critically on the extent to which the workforce is trained, resourced and empowered to support children's learning and development. Evidence from the Effective Pre-school, Primary and Secondary Education (EPPSE 3-16+) project confirms that the quality of early education is highest in integrated settings, such as children's centres, nursery schools and nursery classes.<sup>1</sup> Such settings are characterised by the relatively high levels of staff qualification, 'with a good proportion of trained teachers interacting with children on a daily basis'.<sup>2</sup>
7. Therefore, it remains a matter of profound concern that national policy in the early years sector since 2010 has had significant and adverse implications for settings with high levels of staff qualifications, in which qualified teachers lead teaching and learning. Independent research confirms that between 2009 and 2018, more than 1,000 children centres have closed.<sup>3</sup>
8. In respect of maintained nursery schools, while the presumption against the closure of these settings has provided some degree of protection, their long-term financial viability remains at risk.<sup>4</sup>
9. The NASUWT notes in this context that the DfE's supplementary funding for maintained nursery schools for the universal entitlement to 15 hours of

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<sup>1</sup> Taggart, B.; Sylva, K.; Melhuish, E.; Sammons, P.; and Siraj, I. (2015). *Effective pre-school, primary and secondary education project (EPPSE 3-16+): how pre-school influences children and young people's attainment and developmental outcomes over time*. Available at: ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/455670/RB455\\_Effective\\_pre-school\\_primary\\_and\\_secondary\\_education\\_project.pdf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/455670/RB455_Effective_pre-school_primary_and_secondary_education_project.pdf.pdf)), accessed on 14.01.20.

<sup>2</sup> *ibid.*

<sup>3</sup> Smith, G.; Sylva, K.; Smith, T.; Sammons, P.; and Omonigho, A. (2018). *Stop Start: Survival, Decline or Closure? Children's Centres in England, 2018*. Available at: (<https://www.suttontrust.com/wp-content/uploads/2018/04/StopStart-FINAL.pdf>), accessed on 14.01.20.

<sup>4</sup> House of Commons Library. (2019). *Sustainability of maintained nursery schools*. Available at: (<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2019-0018>), accessed on 14.01.20.

provision has only been extended until the end of the 2021 academic year.<sup>5</sup>

10. However, while emphasising the particular benefits of maintained early years settings, the NASUWT recognises that patterns of provision that include a significant proportion of such settings are not currently established in every local authority area. As a result, many children are only able to access their entitlements in settings owned and managed by private, voluntary or independent (PVI) providers. This position is likely to continue for the foreseeable future.
11. It is well established that not only are the general levels of training, skills and working conditions of staff in PVI settings lower than those in the maintained sector but also that very few of these settings employ qualified teachers. These problems are compounded by the inadequate levels of qualified teacher support for PVI settings available from local authorities. The combination of low pay, relatively lower workforce skills and lack of qualified teacher input in the PVI sector means that children receiving their early education entitlement in such settings are at a considerable disadvantage in comparison with their peers in better managed and resourced settings within the maintained sector.
12. To a significant extent, therefore, recent expansions in early education entitlements are being secured in practice through further extension of the reach of PVI providers across the early years sector. Consequently, it is unlikely that expanded provision will secure the full extent of the advantages for learners that would be secured if more capacity were to be created in teacher-led settings with higher levels of workforce qualifications.
13. The NASUWT continues to call on the DfE to work with the Union and other relevant stakeholders to develop a strategy for the funding and

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<sup>5</sup> Education and Skills Funding Agency. (2019). *Early years national funding formula: technical note for 2020-21*. Available at: (<https://www.gov.uk/government/publications/early-years-funding-2020-2021/early-years-national-funding-formula-technical-note-for-2020-21>), accessed on 14.01.20.

organisation of the early years sector that will ensure that all children can benefit from the highest possible quality of provision.

## **SPECIFIC COMMENTS**

### **Educational programmes**

14. The NASUWT supports the inclusion in the EYFS statutory framework of high-level summaries of the types of activity that practitioners and teachers should undertake with learners under each of the seven specific areas of learning.
15. The Union notes that the proposed revisions to these educational programmes set out in the consultation document would add more detailed requirements in this respect. The NASUWT does not object in principle to greater levels of specificity in the EYFS programmes, as it is essential that the framework secures minimum expectations in respect of children's learning and development experiences. It is not clear that the provisions of the current framework are fit for purpose in this respect. However, if the proposed amendments are to be made, it will be important to ensure that an appropriate balance is struck between securing common entitlements and allowing teachers to make effective use of their professional discretion and expertise.
16. Through its experience of working with practitioners in the early years sector, the NASUWT has identified important features of effective system-wide curricular frameworks. In particular, it must be recognised that children learn best when teachers are given the time, resources and flexibility to make the fullest possible use of their professional talents, skills and knowledge while having scope to exercise appropriate degrees of professional autonomy and discretion. A curricular framework that does not secure this principle in practice will fail to provide children with the high-quality learning experiences to which they are entitled, and will

undermine work in the early years sector to support the highest possible levels of achievement.

17. The NASUWT can identify no reason why the greater specificity set out in the proposed revisions to the educational programmes would impede an appropriate balance being struck in practice between teacher autonomy and the securing of meaningful common learning entitlements. Accordingly, the Union has no principled objection to the proposed revisions to the EYFS educational programmes.
18. However, the NASUWT notes that while the proposed changes to the programmes were trialled during the pilot of the revised EYFS, the Education Endowment Foundation (EEF) evaluation of the pilot does not make significant reference to their effectiveness in practice.<sup>6</sup> The provision of further information about the experiences of teachers and practitioners who made use of the revised programmes during the pilot would assist further stakeholder consideration of their appropriateness.
19. The NASUWT notes that the DfE intends to update the non-statutory *Development Matters* guidance on settings' implementation of the educational programmes. Although the provisions of this guidance are not mandatory, feedback from teachers and practitioners indicates that it provides helpful advice and information on curriculum issues, while not impeding the ability of teachers and practitioners to use their professional discretion and expertise to tailor learning experiences to individual children's needs and interests, as well as their settings' particular circumstances. The NASUWT looks forward to further engagement with the DfE on the updating of this important guidance, including ensuring that it addresses the particular circumstances of reception classes in primary schools in more detail than the current version.

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<sup>6</sup> Husain, F.; Chidley, S.; Piggott, H.; Averill, P.; Basi, T.; Gilbert, A.; Comanaru, R.; Fenton, C.; and Corteen, E. (2019). *Early Years Foundation Stage Profile Reforms: Pilot Report*. Available at:

[https://educationendowmentfoundation.org.uk/public/files/Projects/Evaluation\\_Reports/Early\\_Years\\_Foundation\\_Stage\\_Profile\\_\(EYFSP\)\\_Reforms.pdf](https://educationendowmentfoundation.org.uk/public/files/Projects/Evaluation_Reports/Early_Years_Foundation_Stage_Profile_(EYFSP)_Reforms.pdf), accessed on 14.01.20.

## Early learning goals

20. The NASUWT recognises that the early learning goals (ELGs) are central to statutory summative assessment at the end of the EYFS. It is, therefore, essential that they provide meaningful and worthwhile information about children's progress and attainment.
21. As the NASUWT noted in its submission to the DfE's consultation on primary assessment, children's learning experiences should be curriculum-led rather than driven by the imperatives of statutory assessment frameworks.
22. However, the Union is concerned that teachers and practitioners are too under pressure to design curricular experiences around the content of the ELGs rather than the educational and developmental needs of children. The DfE observes correctly that the ELGs should not be regarded as a curricular framework. As the independent review of the EYFS, undertaken in 2011 by Dame Clare Tickell, made clear, there are critical elements of children's learning and development that cannot be captured in the ELGs.<sup>7</sup>
23. It is, therefore, essential that the primacy of the curriculum over summative assessment requirements is made explicit in the statutory framework. It would also be helpful for this message to be emphasised in *Development Matters*, given that settings are not always clear about the distinction that should be drawn in practice between the curriculum and the summative assessment framework.
24. It is, however, encouraging that some settings participating in the pilot appeared to establish a secure understanding of this important distinction,

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<sup>7</sup> Tickell, C. (2011). *The Early Years: Foundations for life, health and learning: An Independent Report on the Early Years Foundation Stage to Her Majesty's Government*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180919/DFE-00177-2011.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/180919/DFE-00177-2011.pdf), accessed on 14.01.20.

confirming that it is possible for settings to establish effective practices in this respect.<sup>8</sup>

25. A core function of the ELGs is to provide valid, reliable and consistent judgements with and between settings. A key conclusion to be drawn from the pilot evaluation is that without effective exemplification materials, there is a risk that the quality of assessments in these respects will be compromised. It should also be acknowledged that some teachers participating in the pilot were concerned that the revised ELGs might be difficult to use with children 'who are shy, lack confidence or are not naturally forthcoming'.<sup>9</sup>

26. Implementation of the revised ELGs would, therefore, need to be accompanied by guidance for teachers and practitioners on ensuring that the individual needs and circumstances of children, particularly those with special educational needs and disabilities (SEND), can be taken into meaningful account in the use of the ELGs. Further observations on these matters are set out elsewhere in this response.

27. On the specific content of the revised ELGs, the NASUWT notes the generally positive feedback shared by participants in the pilot.<sup>10</sup> However, it will be important for the DfE to demonstrate that areas of concern raised in the evaluation report have been addressed effectively. These areas include the following (specific ELG in parenthesis):

- the need for further guidance on the ways in which children might demonstrate that they can 'offer explanations for why things might happen' – (speaking);
- the need for further guidance on how much 'new vocabulary' would be needed for children to demonstrate that they can make use of it – (speaking);

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<sup>8</sup> Husain *et.al.* (2019). *op.cit.*

<sup>9</sup> *ibid.*

<sup>10</sup> *ibid.*

- the degree of 'modelling and support' that teachers would be able to provide in respect of assessment of children's ability to 'express their ideas using full sentences with modelling and support' – (speaking);
- ensuring that the assessment of children's 'strength, balance and co-ordination' can be undertaken reliably – (gross motor skills);
- whether it is appropriate to insist that all children can make use of a 'tripod grip in almost all cases' when holding a pencil – (fine motor skills);
- how differences between children in terms of their personalities and characters should be taken into account in assessing their self-regulation – (self-regulation);
- further guidance on interpreting children's ability to give 'focused attention to what the teacher says' in practice – (self-regulation);
- how pupils who may lack the confidence to demonstrate self-regulation skills to a teacher, but who may nevertheless possess these skills, could have their progress and achievement assessed validly and reliably – (self-regulation);
- the extent of knowledge and understanding children must demonstrate in order to show that they 'understand the importance of healthy food choices' – (managing self);
- how 'recently introduced vocabulary' should be interpreted in the assessment of children's development – (comprehension);
- the extent to which the goal that children should be able to sound at least ten digraphs is appropriate in the context of the demands of the Year 1 English National Curriculum – (word reading);
- how 'simple words' and 'common exclusion words' should be defined in practice – (word reading);
- the need for further guidance on the assessment in practice of the goal that children 'can write recognisable letters, most of which are correctly formed', in terms of the degree of independence children should demonstrate in their writing in this respect – (writing); and



- the need for further guidance on how the goal that children should have 'deep' understanding of numbers up to ten should be assessed in practice – (number).

### **Early Years Foundation Stage Profile assessment process**

28. The NASUWT remains clear that current arrangements for statutory assessment through the Early Years Foundation Stage Profile (EYFSP) are excessively burdensome and bureaucratic, with teachers forced to spend an unacceptable amount of time collecting, collating and recording EYFSP outcomes. Such practices create severe workload pressures on teachers and distract them from their core responsibilities for teaching and learning. It is also by no means clear how many assessment practices currently imposed on teachers provide useful information for improving future learning and development.

29. Many of these burdens have been driven by local moderation requirements, in which settings are expected to provide unnecessarily detailed evidence to support their assessments of children's performance. Feedback from teachers and practitioners confirms that many local authorities require teachers to produce extensive portfolios of evidence for every child.

30. It should be acknowledged that, undertaken appropriately, external moderation plays an important role in securing public and professional confidence in the validity and reliability of assessments. There is, therefore, a risk that confidence could be undermined if the suggestion set out in the consultation document that external moderation should be discontinued were to be implemented. External moderation also ensures that local authorities maintain personnel with knowledge and expertise in the early years to support and advise settings.

31. It occurs to the NASUWT that the workload issues associated with external moderation are more related to the way in which this practice is

undertaken, rather than to any inherent shortcoming in a system that makes use of external moderation.

32. Changes to the external moderation of statutory teacher assessment at Key Stages 1 and 2 are potentially instructive in this respect. Historically, external moderation in these contexts was also characterised by excessive workload burdens that often resembled those evident currently in respect of the EYFSP. However, changes to statutory guidance taken forward by the Standards and Testing Agency (STA), underpinned by mandatory local authority training and robust oversight of local practices, have served to address these workload issues to a significant extent.
33. Specifically, this statutory guidance places clear restrictions on the volume of materials that schools are required to produce for moderation and puts significant emphasis on professional dialogue between teachers and moderators rather than on the production of extensive written commentaries on children's work.
34. It may, therefore, be appropriate first to explore whether the introduction of similar guidance in respect of EYFSP external moderation would address moderation-related workload concerns before consideration is given to its potential discontinuation.
35. Of greater potential benefit in respect of workload would be an emphasis in the statutory guidance on reducing expectations on teachers in respect of the collation of assessment evidence. The NASUWT notes that the stress placed on streamlining this aspect of assessment in the schools in which reforms to the EYFSP was piloted assisted in driving down workload burdens. In particular, the development of alternative approaches to the use of learning journals, frequently associated with high levels of workload, were found to be particularly helpful. It is encouraging that those schools that moved away from the use of such journals not only tended to report a

decline in workload burdens but expressed the view that the assessment information that was collected was of better quality.<sup>11</sup>

36. The lessons learned during the pilot on successful approaches to reducing workload must be reflected in statutory requirements on early years providers on the assessment of children's education and development.

### **EYFSP judgement criteria**

37. The NASUWT supports the proposal set out in the consultation document to remove the 'exceeded' level from the EYFSP judgement criteria. The Union shares the DfE's concern that the exceeded level does not support teachers in making consistent and accurate judgements. It is also clear that it is associated with the generation on excessive and unnecessary workload burdens.

38. It is important that assessment is organised in a way that allows teachers to focus on supporting as many children as possible to meet expected levels of development. The current requirement to assess pupils using three level descriptors is an unhelpful distraction from this critical objective.

### **Promotion of oral health**

39. The NASUWT has no objection in principle to including the promotion of oral health in the EYFS framework. Most settings currently make curricular provision to this end, and it would appear reasonable to include content on oral health in the context of the physical development area of learning. If this proposal is implemented, it will be necessary to include advice, guidance and information on oral health in the updated version of *Development Matters*, including on how provision can be integrated coherently into settings' curricular offers.

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<sup>11</sup> *ibid.*

## Equalities assessment

40. The DfE must ensure that the EYFS and its associated assessment requirements are developed in ways that are consistent with the provisions of the Public Sector Equality Duty (PSED).
41. A key element of the PSED in so far as it applies to the DfE, is to ensure that the statutory requirements placed on early years providers, as well as the resources and support made available to them, ensure that they can take effective action to meet their PSED-related responsibilities in practice.
42. The NASUWT is concerned that the current EYFS statutory framework and accompanying guidance, including *Development Matters*, do not provide sufficient practical help and information for settings on meeting their obligations under the PSED. The proposed revisions to the framework and *Development Matters* provide a timely opportunity for the DfE to work with the NASUWT and other relevant stakeholders to enhance the quality and extent of support available to providers in this respect.
43. The evaluation of the EYFS pilot highlights important aspects of practice, where further advice and support to settings would be of benefit. For example, the evaluation report reports the view of some settings that the ELG for people, culture and communities 'was challenging to apply in the classroom, particularly in regions with limited cultural diversity'.<sup>12</sup>
44. However, other settings operating in such contexts reported no such issues, suggesting that, with appropriate support, guidance and access to relevant sources of expertise, good practice in this respect can be established across the sector.
45. Particular issues were also identified during the pilot in relation to children with additional needs. The evaluation report suggests that some settings experienced difficulties in using the revised ELGs in undertaking assessment of children with SEND, although many of these issues appear

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<sup>12</sup> *ibid.*

to have arisen as a result of a misalignment between the revised ELGs and the existing version of *Development Matters*. It should also be noted that some of the pilot settings recognised correctly that the ELGs should not be used as the main mechanism by which children's additional needs are identified and that summative assessment criteria, such as ELGs, are not well suited to the formative assessment that is central to identifying and meeting these needs effectively.

46. It is critical that these matters are addressed both in the framework and the updated version of *Development Matters*, including ensuring that local authority practices for Education, Health and Care (EHC) plan assessment cohere with assessment practices under the reformed EYFS.

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