



# Is the Early Years Foundation Stage too restrictive?

**Margaret Edgington, Dr Richard House** and **Lynne Oldfield** argue for a more open approach to learning for early years children.

It is now almost two years since we first announced the launch of the Open EYE Campaign for open early years learning in the press, setting out in detail our concerns about key aspects of the Early Years Foundation Stage (EYFS) framework.

We wish to introduce some tempered realism to recent uncritical statements by prominent authorities in the field about the alleged successes of the EYFS since its inception in September 2008. We believe that such viewpoints do not represent accurately the full reality of Early Years Foundation Stage on the ground, 18 months after implementation.

Open EYE wishes to acknowledge the many positive and helpful aspects of the EYFS; for example the admirable principles and the necessary welfare requirements. Certainly it has reminded all practitioners working with young children

that outdoor play is an entitlement, and that children can and should initiate their own learning within an enabling emotional and physical environment. We are not calling for a wholesale 'dismantling' of the EYFS, and we have never done so. However, we continue to express serious concerns, now shared by many across the sector, as to the inappropriateness of the statutory learning and development goals, and the uses to which they are being put.

## The statutory learning and development requirements

In December 2007 we pointed out the conflict between the EYFS principle of the 'Unique Child' and the legislated requirement for 'the early learning goals - the knowledge,

skills and understanding which young children should have acquired by the end of the academic year in which they reach the age of five' (EYFS Statutory Framework, p. 11).

We also highlighted the danger of a young and under-trained workforce focusing on 'delivering' outcomes and gaining a distorted view of child development through uncritical use of the age-related learning and development 'grids'. More recently, we have strongly criticised the 'audit culture' mentality that has entered the early years sphere via the Local Authority Outcomes Duty.

Many of the 'teaching to test', assessment-driven characteristics of the primary school are now invading our nurseries and other early-years settings. Ed Balls, the former Minister for Children, School and Families, wants - and believes it to be appropriate - that our children 'hit the ground running'. The language of industry is rapidly colonising the art of education - with the talk of 'targets', 'outcomes', 'delivery', 'rolling out', 'drilling down' etc., increasingly dominating the sector. This limits the ways in which we can all think about our delicate, subtle work with young children.

Children's author John Dougherty recently described his story-telling session in a local school. It began with teaching assistants sitting by the children with clipboards to assess the session against the EYFS profile targets. They realised quickly that they were missing the children's joyful responses and put their clipboards down. But had they continued in this vein, how could they have been a role model for attentiveness and listening? What message would they have been sending out to the children? What would have happened to their quality of awareness when 'boxed in' with prescribed assessment targets?

Has the DCSF commissioned any independent qualitative research into such negative unintended side effects of the EYFS framework? Sadly, we believe not.

The 'overwhelmingly positive' responses to the EYFS claimed last October by Sue Ellis, National Director for the

EYFS, therefore need to be viewed with considerable caution. Undoubtedly practitioners, like Open EYE members, have welcomed the principles of the EYFS, but they also have to live daily with the contradictions and tensions within the framework and its implementation. Statistics drawn from small-scale surveys do not by any means reveal the whole reality of children's experiences, or those of the teachers 'delivering' the inescapable compulsory targets.

Any claimed 'commitment' to the EYFS needs to be seen against the reality of the 'compulsion' to 'deliver' (and the consequences for your setting if you don't). It also needs to be viewed against the propensity of early-years practitioners to comply with, and make the best of, whatever the government might dictate to them.

How many young early-years workers in their early to mid 20s will have the confidence and are articulate enough to stand up against government impositions that, in their heart of hearts, they know to be unnecessary and harmful? This is especially true when training increasingly offers little if any space for critical thinking about the EYFS framework. Following a decade of unprecedented change and a barrage of new initiatives, it is not surprising that many practitioners feel helpless and have lost confidence. We continue to maintain that the learning and development requirements are unnecessary and over-prescriptive.

### The centralisation of education

Open EYE member Wendy Ellyatt has recently outlined the threat to educational creativity and innovation from 'rigid government-imposed frameworks', producing a conformist culture and stifling innovation in early years education (Nursery World, 3<sup>rd</sup> September 2009). Ellyatt compellingly argued that this is particularly inappropriate due to the fluid, constantly changing nature of early childhood development.

The recent announcement that Steiner schools have obtained exemptions from certain learning and development requirements obscures the fact that they are still required by legislation to assess children against targets that bear little relation to their own values and curriculum. The EYFS profile remains compulsory even for these settings.

Childminder Pat Adams has been refused EYFS exemption despite full and enthusiastic support from parents. In addition, the EYFS exemption process itself is so daunting that even on the most generous of readings, it cannot in any way be taken as a genuine demonstration of respect for healthy diversity or parental choice in matters of early-years education. With a heavily legislated state-imposed curriculum for pre-school children now in





place, where can parents go if they sincerely believe that the literacy, numeracy and Information and Communications Technology (ITC) goals of the EYFS are inappropriate?

Although the limited exemptions secured by Steiner settings have given welcome publicity to applications on the grounds of educational differences, there is little understanding that a second ground for exemption exists. This is from the Human Rights Act of 1998, Chapter 42, Article 12, which gives 'parents the right to choose their children's education in conformity with their religious beliefs or philosophical convictions'.

When the Liberal Democrat MP Annette Brooke asked DCSF Minister Dawn Primarolo to define this possibility, she replied, "The term 'religious and philosophical convictions' is a concept that is understood in case law, such as that on the European Convention of Human Rights. It refers to a cogent and serious belief-set or *conviction worthy of respect in a democratic society*".

The exemption route remains very much of an 'obstacle course', that is exceedingly difficult and onerous to negotiate. Yet even if the process were to be reformed and simplified, this would still not rescue children in maintained settings from the unsatisfactory aspects of the EYFS, particularly if the school entry age is lowered to four. The profile remains statutory for everyone – even if successfully exempted from the learning and development goals, or unfunded.

We still maintain that this legislation is a breach of the basic human right to educate children according to personal convictions, and that it represents an unjustifiable legal intrusion into the non-compulsory pre-school domain.

John Tranmer, chairman of the Independent Association of Preparatory Schools (Daily Mail, 26<sup>th</sup> September 2009), recently spoke out against the 'loss of freedom' for private, voluntary and independent providers to choose their own

curriculum for the under-fives. This is made all the more puzzling by the fact that – as yet – there are no mandatory curricula for older children in independent school settings.

He added, "It is fundamentally wrong that the government, or more accurately a collection of pseudo-educationalists and bureaucrats, dictate to us", and vowed to campaign to reverse the imposition of the EYFS and to encourage members to apply for exemption. Such centralisation of education, particularly in the early years, is deeply disturbing.

### The starting of formal learning

We also now find ourselves confronted with the conflict between the recommendations of the Rose and the Alexander (Cambridge) primary reviews – the former being government-sponsored, the latter being independent. Sir Jim Rose recommends a new school starting age of four, whilst the Cambridge review recommends that the EYFS be extended to the sixth birthday. The cavalier dismissal - not to mention the gross misreading - of Professor Robin



Alexander's Cambridge Review by the former Labour government (and the Conservative opposition), strongly suggests that pre-decided politicised agendas are taking precedence over rational argument and evidence. We find this deeply disquieting – not least because the delicate early-years sphere is surely the very last place where ideologically-driven agendas should prevail.

Open EYE has consistently advocated that a genuinely play-based EYFS should be extended at least to the end of year 1.

### Conclusion

Despite some 8,000 signatures on Open EYE's Downing Street website petition that was opened in 2007–8 (and with many more signatures on paper), and recommendations from the government's own early-years advisers that certain of the EYFS learning and development goals are inadvisable, there has as yet been no effective response from the government. We believe there to be a grave danger of what is, in some key respects, inappropriate legislation being uncritically accepted by a compliant workforce, as the framework rapidly becomes institutionalised. Although we certainly have no wish to see the EYFS dismantled in its entirety, we therefore agree with the recent call by Purnima Tanuku, chief executive of the National Day Nurseries Association, for a 'reviewed and [much] improved' version.

Open EYE will continue to call on the government to downgrade the legal status of the EYFS learning and development requirements to professional guidelines only.



We also advocate a truly independent, root-and-branch review of the EYFS, which will enable teachers to make the necessary distinction between those aspects of the EYFS that are progressive and helpful, and those that are not.

Above all, for the sake of all children in their earliest and most vulnerable years, we need to find the courage and the wisdom to get this right.

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