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CHAPTER 18

Without foundation: The EYFS framework and its creation of needs

Jonathan Rix and John Parry

Summary

This chapter examines the language and underpinning ideas of the Statutory Framework for the Early Years Foundation Stage (EYFS) and its supporting documents. It explores how notions of diversity and difference emerge, in particular the construction of special educational needs and disability. It considers the underlying contradictions which arise, including links to the United Nations Convention on the Rights of the Child. The chapter examines the claims that the framework is not about a staged notion of development, and relates this to its vision of what education is for and how parents should be involved. As well as challenging the norm based notions of development and assessment underpinning the EYFS, the chapter questions why difference is not threaded through the document but emerges as an occasional add on. It also highlights the challenges which emerge in relation to equitable access to support at a time when there is a shift away from centralised systems towards an increasing diversification of provision. It questions whether the processes the framework encourages practitioners to undertake will result in more effective practice which is genuinely responsive to the learning needs of children and relevant to practitioners.

Introduction: Getting the Rights wrong

From the outset the EYFS Statutory Framework (DfE, 2012/13) and its supporting materials contain contradictory and competing concepts woven together to create an impression of one thing but offering a very different reality. For example, on page 1 of the Non-Statutory Guidance material intended to support practitioners, *Development Matters in the Early Years Foundation Stage* (DfE, 2012), it states:

Children have a right, spelled out in the *United Nations Convention on the Rights of the Child*, to provision which enables them to develop their personalities, talents and abilities irrespective of ethnicity, culture or religion, home language, family background, learning difficulties, disabilities or gender.

Unfortunately (or perhaps fortunately) children do not have this right within the UNCRC (1989). The authors of this material have mixed together Articles 2 and 29 to create their own version. Article 2 is concerned with the application of rights 'without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status', whilst Article 29 is where States agree that education shall focus upon 'the development of the child's personality, talents and mental and physical abilities to their fullest potential'.

In weaving these two quite different articles together the non-statutory guidance gives an impression that 'ethnicity, culture or religion, home language, family background, learning difficulties, disabilities or gender' are in some way a potential constraint upon developing their 'personalities, talents and abilities'. They are to develop these capacities without having regard to any of these identified differences. By implication these differences must pose some kind of risk to their development, otherwise you could pay attention to them. This, however, in many ways is exactly what you do want to do. Who would want to develop their personalities, talents and abilities irrespective of these other key personal characteristics? In many ways, these key characteristics will be at the very heart of children's personalities, talents and abilities. Now it may well be that the authors of the non-statutory guidance would say that this is not what they meant; however as with so much within the *EYFS* framework and its supporting documentation its content undermines its own aspirations.

Developing evidence

Early on in the Statutory Framework (section 1.1) it is claimed that:

The learning and development requirements are informed by the best available evidence on how children learn and reflect the broad range of skills, knowledge and attitudes children need as foundations for good future progress.

What exactly these sources are for this evidence is left vague. However in the statement accompanying the publication of the framework the Minister noted that the reformed *EYFS* was built on the 'independent' advice of Dame Clare Tickell. They do not state of what that advice was independent. By implication the Minister meant 'of government involvement', but since the *EYFS* is not written by Tickell but by the Department for Education any independence she may have had when gathering the information becomes irrelevant when the Department have reinterpreted it for the *EYFS* framework.

This is particularly evident in relation to the development statements which populate the non-statutory guidance. Tickell's report has a chapter which cites its evidence sources. Out of 320 cited sources only five look at child development. All the rest are considerations of experiences, strategies, debates around central issues, brief summary documents of broad fields or assessments of impact of provision and practice. The five citations related to child development are all to the same document, an *Early Years Learning and Development Literature Review* (Evangelou *et al.*, 2009) commissioned by the then Department for Children, Schools and Families (DCSF). However, the evidence from this review recommends not viewing children's development in the manner adopted in the non-statutory guidance. It specifically warns against linear notions of development, against the 'stepping stones' of the earlier framework and highlights that 'development proceeds in a web of multiple strands, with different children following different pathways' (p8)¹.

What is particularly noticeable on reading Evangelou *et al.*'s fascinating review is how little they identify specific ages or age ranges in which things occur. The Review explores the competing theories about development, offers research descriptions of development processes and how social and cultural factors influence these, but only very occasionally presents age ranges for the emergence of behaviours and only then in a very broad and qualified manner.

Evangelou *et al.* acknowledge that they are updating the evidence from the original EYFS, collected within the *Birth to Three Matters Review* (David *et al.*, 2003); evidence which is not cited in the *Tickell Review* noted by the Minister. However, the review by David *et al.* also recognises that '[i]n real life, children's development and learning is not compartmentalised but is holistic, with many inter-connections across different areas of experience' (p.25). This, they state, is why the *Birth to Three Framework* used four broad categories based on the American High/Scope bandings.

So what is the evidence to support the development statements within the latest version of the framework, and where do they come from? *The Curriculum Guidance for the Foundation Stage* (2000) introduced the Stepping Stones, on which some of the developmental characteristics were identified, but the tabular staged representation of typically developing children within broad developmental bands, did not appear until 2007 in a document called *Practice Guidance for the Early Years Foundation Stage*. However when it appeared there was no mention of an evidence base. It might be assumed that it was informed by the David *et al.* review in 2003, but it has far more dates and specified ranges than David *et al.* provide. It does not provide the same information, either. For example, David *et al.* cite evidence that jokes and teasing begin at about 9-months but, in the framework, understanding of humour is situated at 40-60+months; and whilst beginning to organise and categorise objects is 16-26 months in the framework, in the review it is suggested that babies can categorise objects from a much younger age.

One can only assume therefore that the development statements did not emerge from a commissioned review but instead from a working party, like those which produced the monitoring protocol for deaf children and developmental journal for children with Down syndrome (DfES, 2006 a and b). However, given that the expert reviews which were commissioned advised against such staged lists and the contentious nature of any statements which are made, it is clear that the dominant descriptive tool within the *EYFS*, which underpins all subsequent assessment, is problematic. It is particularly problematic in relation to children with additional or special educational needs, given that these needs exist because the child's development appears to fall outside the framework's construction of typical development. Once we recognise that the statements are questionable then we have to accept that our basis for identifying additional needs is questionable too.

A theoretical mess

Another key contradiction which emerges from reading the reviews and the framework is to do with the use of theory. Theory is important because it explains a 'thing' in different ways and, therefore, influences how we see and respond to that 'thing'. The competing theories which underpin ideas about children and notions of development are described and drawn upon within the two earlier reviews but within the framework they are entwined in such a way as to undermine their usage. There seem to be underlying tensions between three broad theoretical views:

- we are all developing within a social and cultural context which develops in relation to our development (sociocultural perspective);
- we each develop as an individual through interactions with a range of social and environmental factors (interactionist perspective);
- we develop as individuals and our development can be seen in isolation to the things around it (individualist perspective).

It may seem as if we can operate these three views at the same time, but in everyday situations they produce very different practices.

Let's take a child with a label. If we have a child with the label of 'autism' and view them from the first perspective we will seek out practices which involve working and playing with their peers and will explore how changes we make impact on a range of situations they find themselves in. If we take the second perspective we will focus upon the individual with autism and we will identify key issues in their surroundings which we wish to work upon. If we take the last perspective we will focus upon the individual problems that the person is facing and design specific interventions to overcome them. But when we mix activities drawing upon the different perspectives we set up conflicts. This is the situation within the 39 pages of tables which attempt to weave together aspects of these three perspectives. As a consequence each approach is compromised.

One particular contradiction is around the practice which the framework encourages. Much of the documentation and most of the evidence in the reviews about practice and participation adopt the sociocultural and interactionist perspectives. Children's learning is recognised as arising out of their social interactions which also create aspects of the context in which those interactions take place. As a consequence, practitioners are told to facilitate play which emerges from the children. But the assessment process is underpinned by an individualist perspective. If you doubt that the framework is prioritising the individualist approach, just look at where the learning outcomes are situated. There are seventeen of them, they are **in bold**, and they are in the Unique Child column.

So let's consider the contradictory position in which this places practitioners. Take a practitioner faced with a child who is not engaging in social activities in the prescribed way. The framework encourages them to assess that child individually and to create an individual support programme for them. The practitioner is not encouraged to assess the collective situation including the wider social expectations and pressures which constrain their own options and practice. As a consequence they are separating the individual from the context which they have

assessed them as being separate from in order to create individualised interventions which will get them to engage in that context.

Another key problem is that the individualist perspective brings with it a notion of a typically developing individual. This establishes the notion of the norm. It creates an average against which all can be measured. As it says in the *Summary of Changes* document, any child with 'emerging' against one the goals is 'below the expected level'. But, of course, if you have an average some people are bound to be above average and others are bound to be below. The norm is a consequence of the choices made by those who created the development statements. These choices create some children as *having* special needs and others as *being* gifted and talented.

The chosen development statements also generate a notion of typical behaviours. They narrow the available developmental pathways and create a limited range of everyday expectations, despite each of us having hugely different everyday experiences. For example, consider the typical notion of communication evident within the framework. It is premised on speech and literacy. There may be some very skilled communicators, for example using body language or signing, whose capabilities would not be recognised within this framework. Their communication falls outside the normal range. Inevitably this marginalises the importance of such communication skills in the minds of practitioners. But it may be the very lack of these communication skills on behalf of the practitioners which creates huge frustration for children. If this frustration is then evidenced as negative behaviours in relation to other aspects of the framework the child will be disabled by the framework.

As a consequence of this focus upon the chosen norm, diversity becomes an add-on. It appears at random moments, for example in *Speaking (16-26 months)* it is suggested that children should be supported using a variety of communication strategies, and at *20-60 months* it suggests children learning English as an additional language (not all children) will value non-verbal communications and

use of their home language. In *The world (30-50 months)*, there is a sudden mention that children with sensory impairment need supplementary experience and information in order that their learning is enhanced. Why should such experiences be supplementary? Why aren't they just a matter of every day practice? Will these practices be so unusual that typically developing children could not cope with them?

Statements about practice also suggest activities based upon norms, much of which goes against the sociocultural perspective of the pedagogy identified in the reviews. For example, this pedagogy recognises the uncertainty in the learning situation and the different meanings people apply to the same context. This is completely negated when norm-based advice about how to create an enabling environment is presented. For example, in *Moving and Handling (22-36 months)* it suggests:

Use gloop (cornflour and water) in small trays so that babies can enjoy putting fingers into it and lifting them out.

Who says they will enjoy it? If they do not, does that mean they need to or there is something wrong? Certainly it would encourage some practitioners to conclude that a child's choices about what to touch and what to leave alone reveal something about the quality of their development.

Every move you make ...

The diagnostic function of the Foundation Stage is given particular focus in Section 2 of the Statutory Framework document which looks at the principles and practices of assessment. In the introduction to this section assessment is defined as playing 'an important part in helping parents, carers and practitioners to recognise children's progress, understand their needs, and to plan activities and support'(p.10). Of course the 'progress' highlighted here is not progress that is relative to the individual child; it is not that they have worked out their own way of solving a problem or have made something happen that they have not made

happen before. It is not progress in terms of the young person being happier in their situation or progress in terms of the people around them becoming more familiar with their subtle ways of communicating. Lack of progress against these measures becomes a 'cause for concern' and flags up the need for remedial action.

Because 'progress' in the framework is conceived in the context of particular developmental criteria then the process of assessment is fundamentally medicalised within an individualistic perspective. Additionally 'practitioners must consider whether a child may have a special educational need or disability which requires specialist support' (p.6). The focus of assessment is to identify the individualistic in-child deficit rather than the environmental, social and cultural factors that may be impacting on the child's learning.

Within this section of the statutory guidance there is also a fundamental contradiction in the use of the terminology associated with assessment. It is stated that the on-going assessment expected of practitioners is formative. However, the process being described is not formative. If the on-going assessment was formative it would be fed back to the children so they could reflect on their own learning. The on-going assessment within the framework is normative and summative. The observations are used to 'build a picture' of the child that can then be set against the developmental framework, to plan and review how things are going and to assess whether there has been progress.

Significantly summative assessment receives increased priority in the 2012 Foundation Stage materials with the introduction of a second mandatory review of progress. The 'EYFS progress check at age two' has been added to the established 'EYFS Profile', assessment that takes place when the child reaches five. Its alignment with the 'Healthy Child Programme' of developmental checks on children at the same age by Health Visitors further exposes the individualistic medicalised perspective that permeates the EYFS (see also chapter 5).

Supplementary guidance for early years providers on the 'Progress Check' only serves to reinforce its underpinning diagnostic function. For example the 'Know How Guide' (NCB, 2012), as well as recommending a holistic approach to the progress review (involving the views of parents, practitioners and the child), identifies the Development Matters framework as representing 'standards' which should be used to 'inform and support assessment judgements' (p. 2). The choice of value laden language such as 'standards' conveys the very real sense that young children, and perhaps their families, are being judged as part of the process. It is perhaps not surprising that materials emerging from local authorities to support the EYFS progress check require the numerical recording of a child's comparative age and stage in the prime areas of development within the *EYFS* framework. Labelling a child of 26-months at the 12-month stage of developing communication and language immediately and all too easily separates that young person from their peers, potentially shifting focus away from the child and on to their newly acquired label. By introducing the 'Progress Check at two' into the *EYFS* a tipping point has been created for some children. The balance will shift from being part of a collective learning experience to needing individual plans and possibly specialist support.

Ironically although the guidance and Statutory Framework highlight the need to involve other outside professionals, their availability is also in question. At a time of service reduction, restructuring and fragmentation, resulting from spending cuts, legislative changes and the aspiration for new forms of provision, specialist support may be harder for settings to access.

The guidance accompanying the *EYFS* framework also describes a distinct process for carrying out the progress check with children labelled with 'identified disabilities or special educational need' (NCB, 2012: 20). Involving other agencies, referring to other checklist materials and seeking expert advice to proceed with the assessment are included in the suggestions. For children placed in this category parents are regarded as pivotal to the process because of their 'significant expertise in and understanding of their child's development' (NCB, 2012: 20). In

contrast other parents are cast much more as contributors to their children's progress reviews, who can share their 'in depth knowledge of their child' but also need 'suggestions ... in supporting their child at home' (NCB, 2012: 10-11). Evidently the *EYFS* framework has the potential to impose other layers of differentiation and division within the early years community.

The concluding points in the Assessment section of the Statutory Framework cover the *Early Years Foundation Stage Profile (EYFSP)*, the second summative check that practitioners have to complete. Although the recommendations are that the profile will represent a 'well rounded picture' of a child, the focus is on the individual's 'knowledge, understanding and abilities, their progress against expected levels, and their readiness for Year 1' (p.11). There is recognition that for some children the profile may not capture the diversity of their skills and abilities. For disabled children there is a suggestion that specialist support may be needed to adapt the profile but the guidance states that these adjustments must be 'reasonable' and 'appropriate'. There is no further definition as to what is considered reasonable and so the question remains as to the consequences for those children whose skills and talents cannot be readily mapped on to the profile. What foundation has their years of early learning built for them?

Whose values?

The language of the framework and supporting documents also contain a great deal of unspoken assumptions which individually mean little but taken as a whole undermine the aims claimed for early years and the framework. In the introduction, for example, it is suggested that 'Good parenting' will lead to a child making the most of their abilities and talents. This, leads to the question, who decides what is good? ([see also chapter 14](#)) It also increases the risk of blame being attached to a parent when their child falls behind on the framework. A great deal is also made about developing 'working partnerships' with parents. This is part of a thread through the framework which professionalises parents. They are key players in preparing the child and ensuring their appropriate development.

Similarly, section 3 opens with a statement that 'children learn best when they are healthy, safe and secure, when their individual needs are met'. They will of course continue to learn in all life situations, but the notion of 'best' is one that goes unquestioned within the framework. By implication, best learning is that which moves the child along their pathway further and quicker and is facilitated by responding to individual needs. This implies that less good learning does not move the child along the pathway and ignores individual needs. But frequently both of these things are going to apply. Disabled children may simply not develop in an area designated by the framework; this then becomes identified as an individual need. Consequently, practitioners may feel encouraged to find a remedy for weakness rather than building on strengths and be more likely to design individualised solutions rather than engage with wider social learning opportunities.

The lack of a focus upon collective needs is also pertinent to the notion of behaviour within the *EYFS*, which expects behaviour to be 'managed'. This suggests that behaviour emerges from the individual; that it is something children do which practitioners need to control. However, evidence from the sociocultural and interactionist perspectives recognises that behaviour emerges from the context. For example OfSTED (2005) reported that a lack of planning and differentiation can lead to behavioural problems for some children and exacerbate the problems for others. However, the Scottish government documentation focuses upon promoting positive behaviour (Dunlop *et al.*, 2008) just as the *EYFS* promotes good health. Regarding negative behaviour from the individualist perspective has a significant implication because the framework encourages staff to focus upon specific behaviours as evidence of development. This is evidence which travels with children identified with behavioural difficulties in their records, informing their transition and onward journey through school.

Whose priorities?

The *EYFS* aims to ensure 'school readiness', providing the foundation for progress. The *EYFS* therefore is not justified on the basis of now, but on what will

come. It is about the future and not the present. This is a very particular view of education and one which does not fit with many of the pedagogical suggestions. It is also at odds with much of the sociocultural and interactionist perspectives which underpin the literature reviews.

This tension is evident in the aspiration that all children make 'good progress' and none are 'left behind'. What are they making progress towards? From what are they being left behind? This completely contradicts the statement that is on every page of the development statements: 'Children develop at their own rates, and in their own ways'. It is evident too in the statement about providing a secure foundation on the basis of planning around each individual child and providing them with development opportunities. The children cannot be in charge of their own exploration. The framework implies that development cannot be left up to them and will not occur without planning, assessment and review. As a consequence, the collective process of learning (which is recognised in the sociocultural and interactionist perspective) is to be planned using an individualist perspective.

This top down view of child development and the management of their learning environment is particularly salient in relation to issues of equality of opportunity, anti-discriminatory practice and children's agency. Practitioners are to ensure that every child is included and supported. But included in what, to do what, included by whom, and supported by whom? By implication, they are fitting individuals in with the priorities for the majority.

Whose principles?

A real problem for many practitioners is that many of the individualist statements in the framework will seem unquestionably true; for example, the first guiding principle that every child is a unique child. But this is a major cultural statement. It could say: all children have overlapping needs which they experience individually and collectively. But it does not. It embeds the notion of the individual within that child, as do the second and third guiding principles. The second asserts that

children learn strength and independence 'through positive relationships'. Apart from questioning what makes a relationship positive and whose priorities define this, it is worth asking why we are focussing upon independence and strength above all human characteristics. Given the focus within the EYFS upon socialisation, surely interdependence and flexibility might be better options? The third principle also seeks strength, claiming that enabling environments are those which respond to children's individual needs within strong adult partnerships. This creates a room full of individualised children responding to opportunities provided by unified authority. In other circumstances the phrase 'divide and rule' might be applied. It certainly does not sit comfortably with the sociocultural and interactionist literature cited in the underpinning evidence claimed for the *EYFS*.

This linking together of multiple individual differences creates other problems. The *EYFS* states, for example, that children develop and learn in different ways and at different rates. It is absolutely true that children develop in different ways and at different rates, but the notion that they learn in different ways is very debatable. What is meant by this? That different children require qualitatively different pedagogy? That not all children learn with all their available senses and from the experiences they have? The view you take on this will very much depend upon your cultural and theoretical perspective. However, to conflate the two notions is much the same as the conflation of the two articles from the UN convention. Such a statement is particularly disconcerting, given that it is linked to the inclusion of children with special educational needs and disabilities. By implication the ones who develop differently will learn differently. This is not true.

Conclusion – What *EYFS* needs?

The *EYFS* requires that education and care are tailored to individual needs. The notion of needs has long been debated. Typically needs are assessed and defined by professionals who are judging against the norms that their peers have created, rather than identified by people for themselves. Roaf and Bines (1989) note that an emphasis on *needs* in special education detracts from a proper consideration of the *rights* of those who are being educated. Needs have to be established before

provision is made. They have to be identified 'disregarding how those needs are constructed through the assessment process itself' (Armstrong, 1995: 149). Mayall (2006) describes professional beliefs in child development and socialising children that lead to:

a set of powerful and interlinked beliefs: that adults understand children, that adults can legitimately draw up a list of children's needs ... that problems besetting children are individual rather than socio-political.
(p.13)

The EYFS suggests that the more developed the child becomes the more emphasis will be upon adult-led activities. However, if too few of these development statements are in evidence, this too requires increased adult involvement, with a focus upon a next step in development, aiming to overcome a perceived weaknesses. But this brings into play an irony recognised by early years practitioners working with very young children in early intervention: 'We wouldn't be doing this with another child' (Rix and Paige-Smith, 2011: 35).

Special educational needs are by definition beyond the ordinary. The EYFS requires that providers focus upon support for children with 'special educational needs or disabilities'². It requires all children's individual needs be met, but in brackets adds that this includes two groups: 'children who are disabled or have special educational needs'. Why do they need to identify these types of child separately? Why not specifically mention every group who are frequently marginalised? Lots of groups have different social and cultural needs. A great many of us require reasonable adjustments to be made for us at different times of our lives.

Additionality is also evident when the *EYFS* links effectiveness of inclusive practices to a capacity to promote and value diversity and difference. The function of inclusion within the EYFS is to create recognition that people are different and recognition that this is important. It does not – as it could if it drew on the

sociocultural perspective – frame inclusive practices as the creation of teaching and learning opportunities which engage all learners in a unifying curriculum which is situated in cultural diversity and difference.

Special educational needs are both created and marginalised by the EYFS. The seventeen early learning goals and the development statements define what learning should achieve. In so doing the failure to achieve these goals and meet these statements defines learning difficulties, giftedness and additional needs. As a document it identifies social, cultural and biological norms, presenting them as robust, research-based and rights-based. Practitioners need to find a way through this social construction. Their starting point must be recognising that this framework is infused with practical and theoretical contradictions, underpinned by political assumptions and priorities, creating scaffolds for some but barriers for many others.

Points for reflection and discussion

1. Do you agree that the EYFS is a theoretical mess? Can one document effectively reflect the many voices and anticipate the many audiences who work within the early years?
2. Could we manage without formally assessing children? Who would be disadvantaged if we did not assess them?
3. Why might the notion of child development interfere with our capacity to support a young person's learning and growing?

Follow-up readings

- A parent researcher & Alice Matthews (in press) Viewing the child as a participant within context, *Disability and Society*
- Evangelou, M., Sylva, K., Kyriacou, M., Wild, M. and Glenny, G. (2009) *Early Years Learning and Development Literature Review*. London: DCSF.
- Hedegaard, M. (2009) 'Children's Development from a Cultural-Historical Approach: Children's Activity in Everyday Local Settings as Foundation for Their Development', *Mind, Culture, and Activity*, 16: 1, 64 — 82

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United Nations (UN) (1989) *United Nations Convention on the Rights of the Child*. Geneva: UN.

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- ¹ Evangelou et al (2009) also conclude that findings from neuroscience which can be applied to the EYFS are sparse. However on five separate occasions the Tickell Review refers to evidence from neuroscience in absolute terms.
 - ² The definition of special educational needs at the time of writing already includes mention of disabilities. If a child with disabilities as defined in legislation requires additional support they are already in the definition of special educational needs; if they do not require additional needs, why mention them?