



Education Act 1997

1997 CHAPTER 44

PART VII

CAREERS EDUCATION AND GUIDANCE

44 Schools and other institutions [^{F1}in Wales] to co-operate with careers advisers.

- (1) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be provided with—
 - (a) the name and address of every relevant pupil or student at the institution; and
 - (b) any information in the institution's possession about any such pupil or student which the careers adviser needs in order to be able to provide him with advice and guidance on decisions about his career or with other information relevant to such decisions.
- (2) If the registered address of a parent of any such pupil is different from the pupil's registered address, subsection (1)(a) requires the parent's address to be provided as well.
- (3) Paragraph (a) or (as the case may be) paragraph (b) of subsection (1) does not, however, apply to any pupil or student to the extent that—
 - (a) (where he is under [^{F2}the age of 16]) a parent of his, or
 - (b) (where he has attained that age) he himself,has indicated that any information falling within that paragraph should not be provided to the careers adviser.
- (4) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any relevant pupil or student specified by him, access to that person—
 - (a) on the institution's premises, and
 - (b) at a reasonable time agreed by or on behalf of the head teacher, principal or other head of the institution,

Changes to legislation: Education Act 1997, Section 44 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

for the purpose of enabling him to provide that person with advice and guidance on decisions about his career and with any other information relevant to such decisions.

- (5) Such access shall include an opportunity for the careers adviser to interview that person about his career, if he agrees to be so interviewed.
- (6) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any group of relevant pupils or students specified by him, access—
- (a) to that group of persons in the manner specified in subsection (4)(a) and (b), and
 - (b) to such of the institution’s facilities as can conveniently be made available for his use,
- for the purpose of enabling him to provide those persons with group sessions on any matters relating to careers or to advice or guidance about careers.
- (7) Any request made for the purposes of subsection (1), (4) or (6) must be made in writing to the head teacher, principal or other head of the institution in question.
- (8) This section applies to—
- (a) the schools [^{F3}in Wales listed in section 43(2) [^{F4}(a) and (c)]]; [^{F5}and]
 - [^{F6}(aa) pupil referral units maintained by local authorities in Wales, and]
 - (b) institutions [^{F7}in Wales] within the further education sector.
- [^{F8}(9) It is the duty of the each of the following to secure that subsections (1), (4) and (6) are complied with—
- (a) the governing body of the school or institution;
 - (b) its head teacher, principal or other head.]
- (10) For the purposes of this section—
- [^{F9}(a) a pupil at a school in Wales, or at a pupil referral unit maintained by a local authority in Wales, is a relevant pupil if the pupil is receiving secondary education and—
 - (i) in the case of a pupil at a school is under 19, and
 - (ii) in the case of a pupil at a pupil referral unit, is under 18; and]
 - (b) a person is a relevant student at an institution [^{F11}in Wales] within the further education sector if he is receiving at the institution either—
 - (i) full-time education, or
 - (ii) part-time education of a description commonly undergone by persons in order to fit them for employment.

(11) For the purposes of this section—

 - (a) “careers adviser” means a person who is employed by a body providing services in pursuance of arrangements made or directions given under section 10 of the ^{M1}Employment and Training Act 1973 and who is acting, in the course of his employment by that body, for the purposes of the provision of any such services; and
 - (b) a careers adviser has responsibilities for any persons if his employment by that body includes the provision of any such services for them.

(12) In this section “career” has the same meaning as in section 43.

Changes to legislation: Education Act 1997, Section 44 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 44 heading inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(f)**, 82(3); S.I. 2012/1087, art. 3
- F2** Words in s. 43(3)(a) substituted (in force for specified purposes on 28.7.2000 and 1.4.2001 for E. and W.) by 2000 c. 21, s. 149, **Sch. 9 para. 72**; S.I. 2001/654, art. 2, **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F3** Words in s. 44(8)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(a)**, 82(3); S.I. 2012/1087, art. 3
- F4** Words in s. 44(8)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(8)(a)(i)**
- F5** Word in s. 44(8) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(8)(a)(ii)**
- F6** S. 44(8)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(8)(a)(iii)**
- F7** Words in s. 44(8)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(b)**, 82(3); S.I. 2012/1087, art. 3
- F8** S. 44(9) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(c)**, 82(3); S.I. 2012/1087, art. 3
- F9** S. 44(10)(a) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(8)(b)**
- F10** Words in s. 44(10)(a) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(d)**, 82(3); S.I. 2012/1087, art. 3
- F11** Words in s. 44(10)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(e)**, 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

- C1** Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, **reg. 2**

Marginal Citations

- M1** 1973 c. 35.

Changes to legislation:

Education Act 1997, Section 44 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ga) inserted by [2008 c. 25 s. 161\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(2B)-(2D) inserted by [2008 c. 25 s. 9](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by [2008 c. 25 s. 161\(11\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by [2008 c. 25 s. 161\(13\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by [2022 asc 1 Sch. 4 para. 9\(3\)\(b\)](#)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by [2022 asc 1 Sch. 4 para. 9\(4\)\(b\)](#)
- s. 43(2ZA)(2ZB) inserted by [2009 c. 22 s. 250\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)