



# Education Act 2011

## 2011 CHAPTER 21

### PART 4

#### QUALIFICATIONS AND THE CURRICULUM

##### *Careers education and guidance*

#### **28 Education and training support services in England**

- (1) Part 2 of ESA 2008 (education and training support services in England) is amended as set out in subsections (2) to (5).
- (2) Section 69 (Secretary of State directions in relation to education and training support services) is repealed.
- (3) In consequence of subsection (2)—
  - (a) in section 68 (provision of support services by local authorities)—
    - (i) omit subsection (2);
    - (ii) in subsection (3), omit “and section 69”;
    - (iii) in subsection (4), omit paragraph (a) (and the “and” after it);
  - (b) in section 70(2) (local authorities: supplementary powers), omit “or 69”;
  - (c) in section 71(8) (provision of support on conditional basis), for “68(2) and (4)” substitute “68(4)”.
- (4) Section 73 (duty on schools and FE institutions to permit access by persons involved in providing education and training support services) is repealed.
- (5) In section 76A (supply of information obtained in connection with education and training support services), omit subsection (5) (information not to be disclosed in a way that reveals identity of individual to whom it relates).
- (6) In consequence of the amendment made by subsection (2), omit section 255(2) of ASCLA 2009.

*Status: Point in time view as at 01/02/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Cross Heading: Careers education and guidance. (See end of Document for details)*

**Commencement Information**

**II** S. 28(5) in force at 1.2.2012 by S.I. 2012/84, art. 3

**29 Careers guidance in schools in England**

- (1) Part 7 of EA 1997 (careers education and guidance) is amended as set out in subsections (2) to (8).
- (2) Before section 43 insert—

**“42A Provision of careers guidance in schools in England**

- (1) The responsible authorities for a school in England within subsection (2) must secure that all registered pupils at the school are provided with independent careers guidance during the relevant phase of their education.
- (2) A school is within this subsection if it provides secondary education and is one of the following—
  - (a) a community, foundation or voluntary school;
  - (b) a community or foundation special school (other than one established in a hospital);
  - (c) a pupil referral unit.
- (3) The responsible authorities for a school within subsection (2) are—
  - (a) in the case of a school within subsection (2)(a) or (b), its governing body;
  - (b) in the case of a pupil referral unit, the local authority that maintain it.
- (4) The responsible authorities must secure that careers guidance provided under subsection (1)—
  - (a) is presented in an impartial manner,
  - (b) includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and
  - (c) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.
- (5) Careers guidance provided to pupils at a school is independent for the purposes of this section if it is provided other than by—
  - (a) a teacher employed or engaged at the school, or
  - (b) any other person employed at the school.
- (6) For the purposes of this section the relevant phase of a pupil's education is the period—
  - (a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 14, and
  - (b) ending with the expiry of the school year in which the majority of pupils in the pupil's class attain the age of 16.
- (7) In this section—

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“apprenticeship” includes employment and training leading to the issue of an apprenticeship certificate under section 3 or 4 of the Apprenticeships, Skills, Children and Learning Act 2009;

“career” includes undertaking any training, education, employment or occupation;

“careers guidance” means guidance about careers;

“class”, in relation to a pupil, means—

- (a) the teaching group in which the pupil is regularly taught, or
- (b) if the pupil is taught in different groups for different subjects, such one of those groups as is designated by the head teacher of the school or, in the case of a pupil at a pupil referral unit, by the teacher in charge of the unit;

“16 to 18 education or training” means education or training suitable to the requirements of persons who have ceased to be of compulsory school age but have not attained the age of 18;

“training” includes a voluntary or other placement apt to enable the development of any skill or competency (whether or not taking place at a time when the person concerned is still a registered pupil at a school in England).”

(3) In section 43 (careers education in schools)—

- (a) in subsection (1), after “school” insert “ in Wales ”;
- (b) in subsection (2), omit paragraph (d) (but not the “and” after it);
- (c) omit subsections (2A) and (2B);
- (d) in subsection (3)—
  - (i) omit “(and, where applicable, subsection (2B))”;
  - (ii) omit paragraph (b) (but not the “and” after it);
- (e) omit subsection (4);
- (f) in subsection (6)—
  - (i) in the definition of “class”, for the words from “, in relation” to the end substitute “ has the same meaning as in section 42A; ”;
  - (ii) omit the definitions of “16-18 education or training” and “training”;
- (g) in the heading, at the end insert “ in Wales ”.

(4) In section 44—

- (a) in subsection (8)(a), for “listed in section 43(2)(a) to (d)” substitute “ in Wales listed in section 43(2)(a) and (c) ”;
- (b) in subsection (8)(b), after “institutions” insert “ in Wales ”;
- (c) for subsection (9) substitute—

“(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.”;
- (d) in subsection (10)(a), after “a school” insert “ in Wales ”;
- (e) in subsection (10)(b), after “an institution” insert “ in Wales ”;
- (f) in the heading, after “institutions” insert “ in Wales ”.

(5) In section 45 (provision of careers information at schools and other institutions)—

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- (a) in subsection (2)(a), for “listed in section 43(2)(a) to (d)” substitute “ in Wales listed in section 43(2)(a) and (c) ”;
- (b) in subsection (2), omit the words from “and, in the case” to the end;
- (c) omit subsections (2A) and (2B);
- (d) for subsection (3) substitute—
  - “(3) It is the duty of each of the following to secure that subsection (1) is complied with—
    - (a) the governing body of the school or institution;
    - (b) its head teacher, principal or other head.”;
  - (e) in subsection (5), for “ “careers education” and “16-18 education or training”” substitute “and “careers education””.
- (6) In section 45A (guidance as to discharge of duties)—
  - (a) in subsection (1), for “43(2)(a), (c) or (e)” substitute “ 42A(2) ”;
  - (b) in subsection (2), for “any of sections 43(3), 44(9) and 45(3)” substitute “ 42A(1) or (4) ”;
  - (c) in the heading, at the end insert “ : schools in England ”.
- (7) In section 45B (provision of curriculum information), in the heading, at the end insert “ : Wales ”.
- (8) In section 46 (extension or modification of provisions of sections 43 to 45)—
  - (a) in subsection (1), for the words from “43” to “44(10)(a)(i)” substitute “ 42A, 43 or 44 by substituting for the period specified in section 42A(6), 43(5) or 44(10)(a)(i) ”;
  - (b) after subsection (2) insert—
    - “(2A) The Secretary of State may by regulations make provision for requiring—
      - (a) the governing bodies of institutions in England within the further education sector, and
      - (b) the principals or other heads of such institutions,
 to secure that careers guidance is provided for any specified description of persons attending such institutions.”;
    - (c) in subsection (3)(a), after “institutions” insert “ in Wales ”;
    - (d) in subsection (5), after the definition of “careers education” insert—
      - ““careers guidance” has the same meaning as in section 42A;”.
- (9) In consequence of the amendments made by subsections (1) to (8), omit—
  - (a) paragraph 71 of Schedule 9 to LSA 2000;
  - (b) paragraph 8 of Schedule 7 to EA 2002;
  - (c) section 81(2) and (3) of ESA 2008;
  - (d) section 250 of ASCLA 2009.

#### Commencement Information

**I2** S. 29(1)(2)(8) in force at 1.2.2012 for specified purposes by S.I. 2012/84, art. 3

**Status:**

Point in time view as at 01/02/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2011, Cross Heading: Careers education and guidance.