

**EXPLANATORY MEMORANDUM TO  
THE CAREERS GUIDANCE IN SCHOOLS REGULATIONS 2013**

**2013 No. 709**

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Purpose of the instrument**
  - 2.1 The Instrument covered by this Explanatory Memorandum is being made in order to extend the scope of section 42A of the Education Act 1997 (“the Act”). The extension of the careers guidance duty will come into force in September 2013.
  - 2.2 The Careers Guidance in Schools Regulations 2013 extend the relevant phase of education during which a school in England within subsection (2) of section 42A of the Act must secure that all registered pupils at the school within the relevant age range are provided with independent careers guidance.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 Section 42A of the Act places a requirement on schools in England to secure provision of independent careers guidance for all registered pupils at the school in years 9 (when the majority of pupils reach 14 years old) to year 11 (when the majority of pupils reach 16 years old). In meeting the requirement, schools must secure that the careers guidance: i) is presented in an impartial manner, ii) includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and iii) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given. Section 42A was inserted by section 29 of the Education Act 2011, which came fully into force on 1 September 2012.
  - 4.2 The Careers Guidance in Schools Regulations 2013 extends the requirement on schools to provide independent careers guidance down to include all its registered pupils in school year 8 (when the majority of pupils reach 13 years old) and up to include all its registered pupils in school year 13 (when the majority of pupils reach the age of 18). The Regulations disapply, in respect of pupils over compulsory school age, the requirement in section 42A(4)(b) for careers guidance to include information on 16 to 18 education or training options, including apprenticeships. This extension will come into force from September 2013.

4.3 Section 45A of the Act requires schools to have regard to guidance issued by the Secretary of State, when exercising their Section 42A duty, concerning the provision of careers guidance. The Department will publish revised statutory guidance to help schools to prepare for the extension of the duty (see section 9).

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Careers guidance refers to services and activities intended to assist individuals to make education, training and occupational choices and to manage their careers. The activities can include careers information provision, assessment and self-assessment tools, counselling interviews, careers education programmes, taster programmes, work search programmes and transition services. High quality careers guidance can help young people to progress in learning and careers, and schools have a crucial role in ensuring their pupils have access to appropriate provision. Statutory guidance outlining the essential components of careers guidance provision and a practical guide, offering further information and examples of good practice, are available to help schools interpret their responsibilities under the duty.

7.2 Section 29 of the Education and Skills Act 2011 amended Part 7 of the Education Act 1997 (Careers Education and Guidance) by inserting a new section 42A. This placed a requirement on schools to secure access to independent and impartial careers guidance for pupils in years 9-11 (when the majority of pupils reach 14-16 years old) on the full range of 16 to 18 education or training options, including apprenticeships. The duty came into force overall on 1 September 2012. Academies and Free Schools that opened from September 2012 have been made subject to this requirement through their funding agreements. We are drawing up a deed of variation to allow Academies that opened prior to September 2012 to adopt the requirement and will write to encourage them to do so.

7.3 The Careers Guidance in Schools Regulations 2013 will extend the age range of the duty down to year 8 and up to years 12 and 13, meaning that the duty will apply to pupils in the year in which the majority of them reach 13 years old up to 18 years old. This will allow more young people to access information and advice at key transition points. As schools are already subject to the careers guidance duty in respect of pupils in years 9-11, this will be an extension of the school's existing careers guidance programme. There will be no requirement to buy in a particular type of careers guidance to support the

extended age range. Apart from the elements identified in statutory guidance, it is for schools to decide the careers guidance provision to be made available based on the needs of pupils and opportunities available. Schools should meet any costs incurred from their overall budgets.

7.4 Extending the duty to year 8 will support access from an earlier age to information and advice on new opportunities at age 14 such as University Technical Colleges and Studio Schools. Access to independent and impartial careers guidance at this point gives young people more time to make informed choices about such a move. Other valuable careers work in year 8 will seek to raise aspirations and improve motivation where the school considers this will benefit individual pupils. Extending the duty to year 8 will also bring in the small number of middle schools in England for the first time, meaning that pupils could access careers guidance during the final year of middle school in an environment where they are well known.

7.5 Extending the age range upwards to 16-18 year olds is of particular significance in relation to the Government's commitment to raise the age of compulsory participation in education or training to age 17 by 2013 and to 18 by 2015. The decisions that young people make during the 16-18 phase of education are just as critical to them realising their future potential as the decisions they make pre-16. Our intention therefore is to ensure that all pupils up to the age of 18 have access to high quality careers guidance, underpinned by the principles of independence and impartiality.

7.6 In recognition of their status as independently constituted bodies, we will extend a careers guidance requirement in respect of 16-18 year olds in institutions within the further education ("FE") sector through their funding agreements rather than legislation.

## **8. Consultation outcome**

8.1 A 12 week public consultation was undertaken between 9 May and 1 August 2012. In addition to this, a number of consultative meetings were held with key partners and representative bodies. The purpose of the consultation was to gather views on whether the new duty should be extended down to pupils in year 8 and upwards to young people up to the age of 18 studying in school sixth forms and in institutions within the FE sector. The consultation sought views on the policy approaches to be implemented via these regulations. This helped us to assess whether there is a strong enough case for extending and what would be the best approach.

8.2 The consultation received 327 responses from a range of organisations, the majority from careers professionals (32%), schools (9%), institutions within the FE sector (8%) and local authorities (10%). 87% of respondents said that we should extend the new duty to secure independent, impartial careers guidance to young people aged 16-18 in schools and institutions within the FE sector. 80% of respondents said that the Government should extend the duty downwards to year 8 pupils (age 12-13).

8.3 Respondents said that careers guidance was important in supporting young people's decisions about their futures, including the benefits of university, vocational routes, apprenticeships, work-based education and training and employment. They said that careers guidance for year 8 pupils would support them in choosing GCSE options, improve motivation, raise aspirations and encourage engagement in education.

8.4 A detailed analysis of the results is provided in the Government's consultation report, published in November 2012 on the Department for Education website at:  
<http://media.education.gov.uk/assets/files/pdf/r/careers%20consultation%20report.pdf>

## **9. Guidance**

9.1 Statutory guidance for schools was published in March 2012 (<http://media.education.gov.uk/assets/files/pdf/s/statutory%20guidance%20for%20schools%20on%20careers%20guidance.pdf>). We are revising this guidance to set out schools' responsibilities in relation to careers guidance for the extended age range. Revised guidance will be published in March 2013. The practical guide for schools will also be revised to offer further support.

9.2 We will publish separate guidance for institutions within the FE sector to accompany the new requirement in their funding agreements.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The overall aim of careers guidance is to support young people to progress successfully to education, training or employment. Schools and institutions within the FE sector are already held to account for achievement of students. New Destination Measures show the percentage of students continuing their education in school, Further Education or 6th form college or Higher Education institution, and the percentage training through an apprenticeship or work-based learning. This will help to indicate how

successful - or otherwise - a school or college has been at preparing its students to continue in education or secure work.

12.2 The thematic review of the new careers guidance duty being conducted by Ofsted will provide an indication of the extent and quality of careers guidance provision in schools. The review will report in summer 2013 and this will help to inform any changes to the way in which careers guidance in schools is monitored.

### **13. Contact**

Clare Jones at the Department for Education (tel: 0114 2742449 or email [Clare.Jones@education.gsi.gov.uk](mailto:Clare.Jones@education.gsi.gov.uk)) can answer any queries regarding the instrument.