

**EXPLANATORY MEMORANDUM TO**  
**THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS**  
**2018**

**2018 No. 466**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to introduce a requirement on maintained schools to publish information about their careers programme on their websites from 1 September 2018.
- 2.2 This will make the details of the school's careers offer more visible to young people, parents, teachers and employers; and parents will be able to use the information as a factor in choosing schools for their children. This will also help to raise standards of careers provision in schools because the people to whom this really matters will be able to hold schools to account for the careers programme they provide.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 This instrument is being made to fulfil a commitment set out in the Government's careers strategy, published in December 2017, which is available on Gov.uk at: <https://www.gov.uk/government/publications/careers-strategy-making-the-most-of-everyones-skills-and-talents>.
- 4.2 Schools are already required to deliver independent careers guidance for all year 8 to year 13 pupils under section 42A of the Education Act 1997. This further requirement obliges schools to publish information about their careers programme which relates to this duty.
- 4.3 This requirement is being introduced to support the delivery of high quality careers programmes in every school, in line with the aim set out in the careers strategy. By publishing information about their careers programme, the school will make the support that they offer more visible to interested audiences including young people, parents, teachers and employers. Requiring the published information to explain how the school measures and assesses the impact of their careers programme on pupils will encourage the school to seek regular feedback from interested audiences. This

requirement will both help to improve the standard of careers programmes provided by schools and inform decisions by parents and young people about which school to attend.

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

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England only.

## **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**

### *What is being done and why*

- 7.1 Regulation 10 of the School Information (England) Regulations 2008 (S.I. 2008/3093) (“the 2008 Regulations”) requires maintained schools in England to publish the information specified in Schedule 4 to those Regulations on their website. Regulation 10 of the 2008 Regulations also provides that parents may obtain a paper copy of information published on a school’s website without charge from the governing body of the school on request. This instrument adds a new requirement to Schedule 4, namely that schools must publish information about their careers programme.
- 7.2 The Government’s careers strategy sets out a range of measures to improve the quality of careers guidance for young people. The measures include an expectation that schools should use the Gatsby Benchmarks (developed by The Gatsby Charitable Foundation) to develop and improve their careers provision.
- 7.3 The eight Gatsby Benchmarks are based on robust international evidence and define the elements of an excellent careers programme. A key message from Gatsby’s original study (available online at: <http://www.gatsby.org.uk/education/focus-areas/good-career-guidance>) is that there is no single magic bullet for careers guidance: just a number of things done consistently and well.
- 7.4 The publication of information about a school’s careers programme on the school website is an important element of achieving the first Gatsby Benchmark: a stable careers programme. Gatsby’s study noted that there is an association between schools rated ‘outstanding’ by Ofsted being significantly more likely than schools rated as ‘good’ or ‘requires improvement’ to have a structured careers programme that is written down.
- 7.5 There is support for the introduction of this measure from a number of respected sources. A 2013 Education Select Committee inquiry into careers education and guidance recommended the introduction of a new requirement for schools to publish their careers plan.
- 7.6 Current data shows that almost two thirds of schools have information about their careers programme written down but only 40% publish it on the website and even fewer include information that is targeted at different audiences. We want to introduce this requirement so that schools are consistently publishing information about their careers programme so that it is known and understood by young people, parents, teachers and employers.

- 7.7 Schools will be required to publish information about their careers programme. This information must relate to the delivery of careers guidance to “pupils in the relevant phase of their education” (which means year 8-13 pupils) in accordance with section 42A of the Education Act 1997. For the academic year, schools must include:
- The name, email address and telephone number of the school’s Careers Leader
  - A summary of the careers programme, including details of how pupils, parents, teachers and employers may access information about the careers programme
  - How the school measures and assesses the impact of the careers programme on pupils
  - The date of the school’s next review of the information published
- 7.8 The instrument will come into force on 1 September 2018. The new requirements will apply only in relation to England and only to information in relation to the academic year 2018/19 and subsequent years. Statutory guidance for schools on careers guidance, published in January 2018, sets out our intention to introduce this new requirement from September 2018. We will issue a communication directly to all affected schools in April explaining in more detail what schools need to do to comply. The statutory guidance will also be updated by 1 September 2018 with further information, including examples of good practice.

#### *Consolidation*

- 7.9 The Department does not intend to consolidate the legislation.

### **8. Consultation outcome**

- 8.1 The Department for Education is working in partnership with The Gatsby Charitable Foundation and The Careers & Enterprise Company to deliver our policy for all schools to work towards meeting the Gatsby Benchmarks. We have collaborated to make sure the requirement for schools to publish information about their careers programme is aligned with this policy. We will continue to work together to produce guidance, examples of good practice and resources to help schools to fulfil the new requirement.
- 8.2 The Department has held a number of discussions with school representatives about the measures introduced in the careers strategy to improve careers provision for young people, including the publication of information on the careers programmes of schools. We invited members of the Department’s Head Teacher Reference Group to comment on the statutory guidance prior to publication. The Careers & Enterprise Company has held a series of information events for schools on the careers strategy. Feedback has generally been in favour of making information about the careers programme available to the public and indeed many schools already have such information written down. We intend to support schools to publish the information while giving them discretion over what they publish and minimising any workload involved.

### **9. Guidance**

- 9.1 Guidance on what maintained schools must publish on their websites is available on Gov.uk: <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>. This guidance will be updated once the Regulations are made.

- 9.2 Statutory guidance for schools on careers guidance and access for education and training providers is available on Gov.uk:  
<https://www.gov.uk/government/publications/careers-guidance-provision-for-young-people-in-schools>. The statutory guidance, published in January 2018, gave schools advance notice of our intention to introduce a new requirement to publish information about their careers programmes from September 2018. The statutory guidance will be updated with further details about what schools must do to comply and published before the Regulations come into force.
- 9.3 We will also communicate the changes once the regulations are made in a DfE communication on careers policy which will go direct to all schools. We will also raise awareness through teacher representative bodies for example through the Association of School and College Leaders (ASCL) and the National Association of Head Teachers (NAHT).

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is negligible. The instrument introduces a new publishing obligation on schools but it is one which many schools already fulfil, or could do so with minimal effort. Our data shows that two thirds of schools already have information about their careers programme written down.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 A review provision is not appropriate as these regulations do not regulate business.
- 12.2 The outcome will be subject to internal review, after 12 months of the Regulations being implemented, to look at the impact the instrument has had on the quality and visibility of careers programmes.
- 12.3 We will also be alert to any feedback from young people, parents, teachers and employers, and will take advantage of any opportunities to identify concerns. We will pay particular attention to any impact on school workload, sharing examples of good practice which demonstrate how schools have met this requirement in a proportionate way.

## **13. Contact**

- 13.1 Clare Worsdale at the Department for Education Telephone: 07725344460 or email: [Clare.Worsdale@education.gov.uk](mailto:Clare.Worsdale@education.gov.uk) can answer any queries regarding the instrument.