



Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART III

OTHER EMPLOYMENT MATTERS

Careers services

45 Careers services

For sections 8 to 10 of the Employment and Training Act 1973 (careers services of education authorities) and the heading immediately preceding them there shall be substituted—

“Careers services

8 Duty of Secretary of State to ensure provision of careers services for school and college students

- (1) It shall be the duty of the Secretary of State to secure the provision of relevant services for assisting persons undergoing relevant education to decide—
 - (a) what employments, having regard to their capabilities, will be suitable for and available to them when they cease undergoing such education, and
 - (b) what training or education is or will be required by and available to them in order to fit them for those employments,and for assisting persons ceasing to undergo relevant education to obtain such employments, training and education.
- (2) In subsection (1) of this section and section 9 of this Act “relevant services” means—

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- (a) giving of assistance by collecting, or disseminating or otherwise providing, information about persons seeking, obtaining or offering employment, training and education,
 - (b) offering advice and guidance, and
 - (c) other services calculated to facilitate the provision of any services specified in paragraphs (a) and (b) of this subsection.
- (3) In this section and section 9 of this Act “relevant education” means—
- (a) education involving full-time attendance at any educational institution in Great Britain, other than an educational institution within the higher education sector, and
 - (b) education involving part-time attendance at any educational institution in Great Britain, other than an educational institution within the higher education sector, which is education of a description commonly undergone by persons in order to fit them for employment.
- (4) The references in subsection (3) of this section to an educational institution within the higher education sector shall be construed—
- (a) as respects England and Wales, in accordance with section 91(5) of the Further and Higher Education Act 1992 or, if this section is in force at any time before section 65 of that Act comes into force, in accordance with section 61(3)(a) of that Act until that section comes into force, and
 - (b) as respects Scotland, in accordance with section 56(2) of the Further and Higher Education (Scotland) Act 1992.

9 Power of Secretary of State to arrange for provision of careers services for others

The Secretary of State shall have power to secure the provision of relevant services, or any description of relevant services, for assisting persons other than those undergoing relevant education, or any description of such persons, to decide—

- (a) what employments, having regard to their capabilities, are or will be suitable for and available to them, and
- (b) what training or education is or will be required by and available to them in order to fit them for those employments,

and for assisting those persons to obtain such employments, training and education.

10 Provision of services

- (1) The Secretary of State may perform the duty imposed on him by section 8 of this Act, and exercise the power conferred on him by section 9 of this Act, by making arrangements with—
- (a) local education authorities or (in Scotland) education authorities,
 - (b) persons of any other description, or
 - (c) local education authorities or education authorities and persons of any other description acting jointly,
- under which they undertake to provide, or arrange for the provision of, services in accordance with the arrangements; and in doing so the Secretary of State shall have regard to the requirements of disabled persons.

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- (2) The Secretary of State may also perform the duty imposed on him by section 8 of this Act, and exercise the power conferred on him by section 9 of this Act, by giving directions to local education authorities or education authorities requiring them to provide, or arrange for the provision of, services in accordance with the directions; and in doing so the Secretary of State shall have regard to the requirements of disabled persons.
- (3) Directions given under this section may require local education authorities and education authorities—
 - (a) to provide services themselves or jointly with other authorities or persons,
 - (b) to arrange for the provision of services by other authorities or persons, or
 - (c) to consult and co-ordinate in the provision, or in arranging for the provision, of services with other authorities or persons.
- (4) Arrangements made, and directions given, under this section may include provision for the making of payments by the Secretary of State, whether by way of grant or loan or otherwise, to the persons with whom they are made or to whom they are given.
- (5) Arrangements made, and directions given, under this section in exercise of the power conferred by section 9 of this Act may include provision permitting the making of charges for the provision of the services to which they relate.
- (6) Arrangements made, and directions given, under this section shall require the person with whom they are made or to whom they are given—
 - (a) to provide, or arrange for the provision, of services in accordance with such guidance of a general character as the Secretary of State may give, and
 - (b) to furnish the Secretary of State, in such manner and at such times as he may specify in the arrangements or directions or in guidance given under paragraph (a) of this subsection, with such information and facilities for obtaining information as he may so specify.
- (7) The Secretary of State may give directions to local education authorities and education authorities requiring them to transfer (on such terms as may be specified in the directions) to any persons who are providing, or are to provide, services in accordance with arrangements made, or directions given, under this section any records of the authorities which may be relevant in the provision of the services.
- (8) Local education authorities and education authorities shall have power—
 - (a) to provide services or arrange for the provision of services in accordance with arrangements made, or directions given, under this section (including services provided outside their areas) by any such means (including by the formation of companies for the purpose) as they consider appropriate, and
 - (b) to employ officers and provide facilities for and in connection with the provision of the services or arranging for the provision of the services; but, where directions are given to local education authorities and education authorities, the power conferred on them by this subsection shall be exercised in accordance with the directions.

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- (9) Where services are being provided in pursuance of arrangements made, or directions given, under this section, the authority with whom the arrangements are made or to whom the directions have been given shall have power, with the consent of the Secretary of State, to provide, or arrange for the provision of, more extensive (relevant) services than the arrangements authorise or the directions require and to employ more officers and provide more facilities accordingly.
- (10) Nothing in sections 8 and 9 and this section shall make it unlawful for a local education authority or education authority to defray the cost of exercising their powers under this section from resources other than payments of the Secretary of State.
- (11) A direction given under this section may be revoked or varied by another direction so given.
- (12) Nothing in this section shall be taken to limit the arrangements which may be made under section 2 of this Act.”.

46 Careers services: ancillary services

After section 10 of the Employment and Training Act 1973 (which is inserted by section 45 above) there shall be inserted—

“10A Provision of ancillary goods and services

- (1) The functions of a local education authority or education authority shall include power to enter into agreements for the supply of goods or services authorised by this section with any person (other than an authority) who provides, or arranges for the provision of, relevant services and is a person with whom this section authorises such arrangements to be made.
- (2) This section authorises the making of such arrangements with any person—
 - (a) who, under arrangements (or joint arrangements) made with that person under section 10(1) or (3) of this Act provides, or arranges for the provision of, the services;
 - (b) who provides the services jointly with an authority under section 10(3) of this Act;
 - (c) who is the means by which, under section 10(8), an authority provides, or arranges for the provision of, the services.
- (3) Subject to subsections (4), (5) and (6) below, this section authorises—
 - (a) the supply by the authority to the person of any goods;
 - (b) the provision by the authority for the person of any administrative, professional or technical services;
 - (c) the use by the person of any vehicle, plant or apparatus belonging to the authority and, without prejudice to paragraph (b) above, the placing at the disposal of the person of the services of any person employed in connection with the vehicle or other property in question;
 - (d) the carrying out by the authority of works of maintenance in connection with land or buildings for the maintenance of which the person is responsible;

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and the authority may purchase and store any goods which in their opinion they may require for the purposes of paragraph (a) above.

- (4) The supply by an authority of goods or services to any person is authorised by this section only for the purpose of the provision by that person of relevant services.
- (5) The supply by an authority of goods or services to any person is authorised by this section only during the period of two years beginning with the day on which that person first provides relevant services in the area of that authority.
- (6) Goods and services shall be supplied on such terms as can reasonably be expected to secure that the full cost of making the supply is recovered by the authority.
- (7) The supply by an authority of goods or services to any person is authorised outside as well as within the area of that authority.
- (8) This section is without prejudice to the generality of any other enactment conferring functions on local education authorities or education authorities.
- (9) In this section—
 - “goods” includes materials; and
 - “relevant services” has the meaning given in section 8(2) of this Act.”.