

EDUCATION ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Qualifications and the Curriculum

Careers education and guidance

Section 28: Education and training support services in England

161. *Subsection (2)* removes the Secretary of State's power under section 69 of ESA 2008 to give local authorities directions relating to the exercise of their functions under section 68 of that Act.
162. The duty in section 68 (which remains in force) requires local authorities in England to make available to young people and relevant young adults for whom they are responsible such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training. A "young person" means a person who has attained the age of 13 but not the age of 20. A "relevant young adult" is a person aged 20 to 24 years who has a learning difficulty within the meaning of subsections (6) and (7) of section 15ZA of EA 1996.
163. *Subsection (3)*, as a consequence of omitting section 69, removes all references to section 69 and the Secretary of State's direction making powers in sections 68, 70(2) and 71(8) of ESA 2008. This section retains the provision for local authorities to have regard to any guidance issued by the Secretary of State (section 68(4)(b) of ESA 2008).
164. *Subsection (4)* repeals the duty in section 73 of ESA 2008 which requires schools and other educational institutions to allow persons involved in providing education and training support services (for example, Connexions personal advisers) access to pupils or students, and facilities on their premises.
165. *Subsection (5)* repeals section 76A(5) of ESA 2008. Section 76A(1) of ESA 2008 enables the Secretary of State to make arrangements with another person for the holding and supply of certain information in connection with education and training support services provided in pursuance of section 68 or 70(1)(b) of ESA 2008. This power has been used to make arrangements with a contractor to hold information on the participation of young people in education and training in a database known as the National Client Caseload Information System (NCCIS). Subsection (3) of section 76A allows anyone holding "relevant information" as referred to in 76A(2) to supply it to either the Secretary of State or the NCCIS contractor. Section 76A(5) prevents information obtained by either the Secretary of State or the NCCIS contractor under 76A(3) from then being disclosed to each other in a way that reveals, or could reveal, the identity of an individual. The repeal of this subsection removes this prohibition.
166. The Government intends to use this power to generate data about the kinds of activities that pupils from a school or college go on to do after they leave. This will be done by "matching" information from the NCCIS (which contains information about where individuals go on to work or study) with information the Secretary of State holds on

*These notes refer to the Education Act 2011 (c.21)
which received Royal Assent on 15 November 2011*

individuals' education outcomes in the National Pupil Database. Published information will not identify individuals. Both the NCCIS contractor and the Secretary of State will continue to be required to comply with the Data Protection Act 1998 which protects the use of individuals' personal data.

Section 29: Careers guidance in schools in England

167. *Subsection (2)* inserts a new section 42A into EA 1997 to require maintained schools and pupil referral units in England to secure independent careers guidance for pupils in the school year in which they reach the age of 14 until they have ceased to be of compulsory school age.
168. New section 42A(4) provides that the guidance must be impartial, and as is currently set out in section 43(2ZB) (which has not been brought into force), it must also include information on all 16 to 18 education or training options, including apprenticeships.
169. New section 42A(5) sets out what constitutes independent guidance: a school cannot fulfil the duty by asking a teacher or another person employed by the school to provide guidance to all pupils. However, this would not prohibit a teacher from offering some careers advice.
170. *Subsections (3) to (9)* make consequential amendments to sections 43 to 46 of EA 1997, principally to confine their application to schools in Wales. However, the duty in section 45 to provide careers information continues to apply to further education institutions in England.