



Education Act 1997

1997 CHAPTER 44

PART VII

CAREERS EDUCATION AND GUIDANCE

[^{F1}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.

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- (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—
 - “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).]

Textual Amendments

F1 S. 42A inserted (1.2.2012 for specified purposes, 1.9.2012 in so far as not already in force) by Education Act 2011 (c. 21), **ss. 29(2), 82(3)**; S.I. 2012/84, art. 3; S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

C1 S. 42A applied (with modifications) (E.) (1.9.2013) by [The Careers Guidance in Schools Regulations 2013](#) (S.I. 2013/709), regs. 1, 2

C2 S. 42A(4)(b) excluded (E.) (1.9.2013) by [The Careers Guidance in Schools Regulations 2013](#) (S.I. 2013/709), regs. 1, 3

43 Provision of careers education in schools [F2 in Wales]

- (1) All registered pupils at a school [F3 in Wales] to which this section applies must be provided, during the relevant phase of their education, with a programme of careers education.
 - (2) This section applies to—
 - [F4(a) community, foundation and voluntary schools;]
 - [F5(b)
 - [F6(c) community F7... special schools (other than those established in hospitals);]
 - [F8(d)
 - (e) pupil referral units.
- [F9(2A)

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^{F9}(2B)

(3) It is the duty of each of the following to secure that subsection (1) ^{F10}... is complied with, namely—

(a) in the case of a school falling within subsection (2)(a) to (c), the governing body of the school and its head teacher,

^{F11}(b)

(c) in the case of a pupil referral unit, the [^{F12}local authority] maintaining the unit and the teacher in charge of it.

^{F13}(4)

(5) 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 his class attain the age of 14; and

(b) ending with the expiry of the school year in which the majority of pupils in his class attain the age of 16.

(6) In this section—

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

“careers education” means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions;

“class” [^{F14}has the same meaning as in section 42A;]

^{F15}

^{F15}

Textual Amendments

F2 Words in s. 43 heading inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(3)(g)**, 82(3); S.I. 2012/1087, art. 3

F3 Words in s. 43(1) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(3)(a)**, 82(3); S.I. 2012/1087, art. 3

F4 S. 43(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F5 S. 43(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 217(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F6 S. 43(2)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F7 Words in s. 43(2)(c) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 18(3)**; S.I. 2013/1800, art. 3(j)

F8 S. 43(2)(d) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(b)**, 82(3); S.I. 2012/1087, art. 3

F9 S. 43(2A)(2B) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(c)**, 82(3); S.I. 2012/1087, art. 3

F10 Words in s. 43(3) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(i)**, 82(3); S.I. 2012/1087, art. 3

F11 S. 43(3)(b) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(ii)**, 82(3); S.I. 2012/1087, art. 3

F12 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**

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- F13** S. 43(4) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(3)(e), 82(3); S.I. 2012/1087, art. 3
- F14** Words in s. 43(6) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(3)(f)(i), 82(3); S.I. 2012/1087, art. 3
- F15** Words in s. 43(6) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(3)(f)(ii), 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

- C3** Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, reg. 2
- C4** S. 43: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928) art. 3, {Sch. 3(k)}
- C5** S. 43 extended (E.) (1.9.2004) by Education (Extension of Careers Education) (England) Regulations 2003 (S.I. 2003/2645), regs. 1(1), 2

44 Schools and other institutions [^{F16}in Wales] to co-operate with careers advisers.

- (1) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be provided with—
- (a) the name and address of every relevant pupil or student at the institution; and
 - (b) any information in the institution's possession about any such pupil or student which the careers adviser needs in order to be able to provide him with advice and guidance on decisions about his career or with other information relevant to such decisions.
- (2) If the registered address of a parent of any such pupil is different from the pupil's registered address, subsection (1)(a) requires the parent's address to be provided as well.
- (3) Paragraph (a) or (as the case may be) paragraph (b) of subsection (1) does not, however, apply to any pupil or student to the extent that—
- (a) (where he is under [^{F17}the age of 16]) a parent of his, or
 - (b) (where he has attained that age) he himself,
- has indicated that any information falling within that paragraph should not be provided to the careers adviser.
- (4) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any relevant pupil or student specified by him, access to that person—
- (a) on the institution's premises, and
 - (b) at a reasonable time agreed by or on behalf of the head teacher, principal or other head of the institution,
- for the purpose of enabling him to provide that person with advice and guidance on decisions about his career and with any other information relevant to such decisions.
- (5) Such access shall include an opportunity for the careers adviser to interview that person about his career, if he agrees to be so interviewed.

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- (6) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any group of relevant pupils or students specified by him, access—
- (a) to that group of persons in the manner specified in subsection (4)(a) and (b), and
 - (b) to such of the institution’s facilities as can conveniently be made available for his use,
- for the purpose of enabling him to provide those persons with group sessions on any matters relating to careers or to advice or guidance about careers.
- (7) Any request made for the purposes of subsection (1), (4) or (6) must be made in writing to the head teacher, principal or other head of the institution in question.
- (8) This section applies to—
- (a) the schools [^{F18}in Wales listed in section 43(2)(a) and (c)]; and
 - (b) institutions [^{F19}in Wales] within the further education sector.
- [^{F20}(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.]
- (10) For the purposes of this section—
- (a) a pupil at a school [^{F21}in Wales] is a relevant pupil—
 - (i) at any time during the period which is the relevant phase of his education for the purposes of section 43, or
 - (ii) if he is over compulsory school age and receiving secondary education; and
 - (b) a person is a relevant student at an institution [^{F22}in Wales] within the further education sector if he is receiving at the institution either—
 - (i) full-time education, or
 - (ii) part-time education of a description commonly undergone by persons in order to fit them for employment.
- (11) For the purposes of this section—
- (a) “careers adviser” means a person who is employed by a body providing services in pursuance of arrangements made or directions given under section 10 of the ^{M1}Employment and Training Act 1973 and who is acting, in the course of his employment by that body, for the purposes of the provision of any such services; and
 - (b) a careers adviser has responsibilities for any persons if his employment by that body includes the provision of any such services for them.
- (12) In this section “career” has the same meaning as in section 43.

Textual Amendments

F16 Words in s. 44 heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(4)(f)**, 82(3); [S.I. 2012/1087](#), [art. 3](#)

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- F17** Words in s. 43(3)(a) substituted (in force for specified purposes on 28.7.2000 and 1.4.2001 for E. and W.) by 2000 c. 21, s. 149, **Sch. 9 para. 72**; S.I. 2001/654, art. 2, **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F18** Words in s. 44(8)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(a)**, 82(3); S.I. 2012/1087, art. 3
- F19** Words in s. 44(8)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(b)**, 82(3); S.I. 2012/1087, art. 3
- F20** S. 44(9) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(c)**, 82(3); S.I. 2012/1087, art. 3
- F21** Words in s. 44(10)(a) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(d)**, 82(3); S.I. 2012/1087, art. 3
- F22** Words in s. 44(10)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(e)**, 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

- C6** Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, **reg. 2**

Marginal Citations

- M1** 1973 c. 35.

45 Provision of careers information at schools and other institutions.

- (1) Persons attending an educational institution to which this section applies must be provided with access to both—
- guidance materials, and
 - a wide range of up-to-date reference materials, relating to careers education and career opportunities.
- (2) This section applies to—
- the schools [^{F23}in Wales listed in section 43(2)(a) and (c)]; and
 - institutions within the further education sector.
- ^{F24}
- ^{F25}(2A)
- ^{F25}(2B)
- [^{F26}(3) It is the duty of each of the following to secure that subsection (1) is complied with—
- the governing body of the school or institution;
 - its head teacher, principal or other head.]
- (4) The persons who under subsection (3) above are responsible for discharging that duty in relation to an institution shall seek assistance with discharging it from a body providing services in pursuance of arrangements made or directions given under section 10 of the ^{M2}Employment and Training Act 1973.
- (5) In this section “career” [^{F27}and “careers education”] have the same meaning as in section 43.
- (6) Nothing in this section applies to any primary school.

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Textual Amendments

- F23** Words in s. 45(2)(a) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(a)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F24** Words in s. 45(2) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(b)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F25** S. 45(2A)(2B) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(c)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F26** S. 45(3) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(d)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F27** Words in s. 45(5) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(e)**, 82(3); S.I. 2012/1087, [art. 3](#)

Modifications etc. (not altering text)

- C7** S. 45 modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), **regs. 1(1)**, 3(d), 7(b)

Marginal Citations

- M2** 1973 c. 35.

[^{F28}45A Guidance as to discharge of duties]^{F29} : schools in England]

- (1) The persons responsible for discharging a relevant duty in relation to a school in England falling within section [^{F30}42A(2)] must, in discharging the duty, have regard to any guidance given from time to time by the Secretary of State.
- (2) A “relevant duty” means a duty under [^{F31}42A(1) or (4)].

Textual Amendments

- F28** S. 45A inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(4)**, 173(4); S.I. 2009/1513, [art. 3](#)
- F29** Words in s. 45A heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(c)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F30** Word in s. 45A(1) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(a)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F31** Words in s. 45A(2) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(b)**, 82(3); S.I. 2012/1087, [art. 3](#)

[^{F32}45B Provision of curriculum information]^{F33} : Wales]

- (1) Subject to subsections (2) and (3), a service provider may demand from a person mentioned in subsection (6) such curriculum information as is specified in the demand.
- (2) A service provider must not demand any curriculum information unless the provider reasonably considers that the information would assist it in providing its services.
- (3) A service provider must not demand any curriculum information which identifies, or allows to be identified, any pupil or student.
- (4) A person mentioned in subsection (6) must comply with a demand made under subsection (1) by providing the service provider with the information demanded.

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- (5) A service provider may publish in whatever form it sees fit any curriculum information provided under subsection (4).
- (6) The persons referred to in subsection (1) are—
- (a) the governing body and head teacher of a school in Wales falling within section 43(2)(a); and
 - (b) the governing body and principal of an institution within the further education sector in Wales.
- (7) In this section—
- “curriculum information” means—
- (a) in relation to a school mentioned in subsection (6)(a), information about the curriculum for registered pupils at the school during the relevant phase of their education; and
 - (b) in relation to an institution within the further education sector, information about the courses of study and other education and training available at the institution;
- “pupil” means, in relation to a school mentioned in subsection (6)(a), a person receiving education at the school;
- “relevant phase” has the same meaning as in section 43(5);
- “service provider” means a person providing services in pursuance of arrangements made with, or directions given by, the Welsh Ministers under section 10 of the Employment and Training Act 1973, and “services” shall be construed accordingly; and
- “student” means, in relation to an institution within the further education sector, a person receiving education at the institution.]

Textual Amendments

- F32** S. 45B inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 45(2)**, 49(2); [S.I. 2009/3174](#), art. 2(1)(p)
- F33** Word in s. 45B heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(7)**, 82(3); [S.I. 2012/1087](#), art. 3

46 Extension or modification of provisions of ss. 43 to 45.

- (1) The Secretary of State may by regulations extend the scope of operation of section ^{[^{F34}} 42A, 43 or 44 by substituting for the period specified in section 42A(6), 43(5) or 44(10)(a)(i)] such other period as is specified.
 - (2) The Secretary of State may by regulations make provision for extending the scope of operation of section 43, 44 or 45 to primary schools or to any specified description of such schools.
- ^{[^{F35}}(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.]

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- (3) The Secretary of State may by regulations make provision for requiring—
- (a) the governing bodies of institutions [^{F36} in Wales] within the further education sector, and
 - (b) the principals or other heads of such institutions,
- to secure that a programme of careers education is provided for any specified description of persons attending such institutions.
- (4) The Secretary of State may by regulations amend the definition of “careers adviser” set out in section 44(11)(a).
- (5) In this section—
- “careers education” has the same meaning as in section 43;
 - [^{F37}“careers guidance” has the same meaning as in section 42A;]
 - “specified” means specified in the regulations in question.

Textual Amendments

- F34** Words in s. 46(1) substituted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(a\)](#), 82(3); S.I. 2012/84, art. 3
- F35** S. 46(2A) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(b\)](#), 82(3); S.I. 2012/84, art. 3
- F36** Words in s. 46(3)(a) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(c\)](#), 82(3); S.I. 2012/84, art. 3
- F37** Words in s. 46(5) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(d\)](#), 82(3); S.I. 2012/84, art. 3

Status:

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