



# Education Act 2011

## 2011 CHAPTER 21

### PART 4

#### QUALIFICATIONS AND THE CURRICULUM

##### *Careers education and guidance*

#### **29 Careers guidance in schools in England**

- (1) Part 7 of EA 1997 (careers education and guidance) is amended as set out in subsections (2) to (8).
- (2) Before section 43 insert—

##### **“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)—

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- (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.
- (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).”
- (3) In section 43 (careers education in schools)—
- (a) in subsection (1), after “school” insert “in Wales”;
  - (b) in subsection (2), omit paragraph (d) (but not the “and” after it);
  - (c) omit subsections (2A) and (2B);
  - (d) in subsection (3)—
    - (i) omit “(and, where applicable, subsection (2B))”;
    - (ii) omit paragraph (b) (but not the “and” after it);
  - (e) omit subsection (4);
  - (f) in subsection (6)—
    - (i) in the definition of “class”, for the words from “, in relation” to the end substitute “has the same meaning as in section 42A.”;

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- (ii) omit the definitions of “16-18 education or training” and “training”;
  - (g) in the heading, at the end insert “in Wales”.
- (4) In section 44—
  - (a) in subsection (8)(a), for “listed in section 43(2)(a) to (d)” substitute “in Wales listed in section 43(2)(a) and (c)”;
  - (b) in subsection (8)(b), after “institutions” insert “in Wales”;
  - (c) for subsection (9) substitute—
    - “(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.”;
    - (d) in subsection (10)(a), after “a school” insert “in Wales”;
    - (e) in subsection (10)(b), after “an institution” insert “in Wales”;
    - (f) in the heading, after “institutions” insert “in Wales”.
- (5) In section 45 (provision of careers information at schools and other institutions)—
  - (a) in subsection (2)(a), for “listed in section 43(2)(a) to (d)” substitute “in Wales listed in section 43(2)(a) and (c)”;
  - (b) in subsection (2), omit the words from “and, in the case” to the end;
  - (c) omit subsections (2A) and (2B);
  - (d) for subsection (3) substitute—
    - “(3) It is the duty of each of the following to secure that subsection (1) is complied with—
      - (a) the governing body of the school or institution;
      - (b) its head teacher, principal or other head.”;
    - (e) in subsection (5), for ““careers education” and “16-18 education or training”” substitute “and “careers education””.
- (6) In section 45A (guidance as to discharge of duties)—
  - (a) in subsection (1), for “43(2)(a), (c) or (e)” substitute “42A(2)”;
  - (b) in subsection (2), for “any of sections 43(3), 44(9) and 45(3)” substitute “42A(1) or (4)”;
  - (c) in the heading, at the end insert “: schools in England”.
- (7) In section 45B (provision of curriculum information), in the heading, at the end insert “: Wales”.
- (8) In section 46 (extension or modification of provisions of sections 43 to 45)—
  - (a) in subsection (1), for the words from “43” to “44(10)(a)(i)” substitute “42A, 43 or 44 by substituting for the period specified in section 42A(6), 43(5) or 44(10)(a)(i)”;
  - (b) after subsection (2) insert—
    - “(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,

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- to secure that careers guidance is provided for any specified description of persons attending such institutions.”;
- (c) in subsection (3)(a), after “institutions” insert “in Wales”;
  - (d) in subsection (5), after the definition of “careers education” insert—  
““careers guidance” has the same meaning as in section 42A;”.
- (9) In consequence of the amendments made by subsections (1) to (8), omit—
- (a) paragraph 71 of Schedule 9 to LSA 2000;
  - (b) paragraph 8 of Schedule 7 to EA 2002;
  - (c) section 81(2) and (3) of ESA 2008;
  - (d) section 250 of ASCLA 2009.