



THE EDUCATION BILL: BRIEFING FOR THE NEXT STAGES

1. The Education Bill moved, after its House of Commons REPORT STAGE on 11th May (please see appendix 1), to the House of Lords and received its First Reading on 12.5.2011. The Second Reading in the HoL is now set for 14.6.2011.
2. The Bill proposes to remove parts of the current Local Authority (LA) duty to provide careers guidance to young people in schools. At present this is delivered by independent professional advisers (employed by the LA or by quality assured organisations the LA contracts with to discharge its duty). These professional advisers (often called 'careers advisers' or 'Connexions personal advisers') currently have the statutory right of access to all publicly-funded schools and regularly go into schools but crucially are not employed by the schools, and have important contacts with the labour market.
3. Under the terms of the Bill, Connexions will effectively be broken up; its current duties to support vulnerable young people and the NEET group being retained by LAs, and the Bill proposes a new duty upon all schools to "secure" independent careers advice and guidance for all students aged 13-16. This duty upon schools would become the new way in which the Secretary of State would discharge his duty to provide a careers service for young people (under Section 8-10 of the 1973 Employment & Training Act).
4. There are no firm plans yet to make this a right also for 17/18/19 year olds, which makes little sense with options and choices at this age range every bit if not more complex than at 16 (however in Committee in the HoC, Ministers promised to consult in the summer upon extending this to 17/18 year olds – and this was confirmed in the Paper on Supporting Youth Unemployment published on by the Prime Minister on 12th May).
5. Most worryingly, there are no plans to quality assure who schools may secure these independent and impartial careers advice and guidance services from, thus poor quality provision in many areas could well happen, with damaging consequences for young people's lives and for the economy. Regrettably an amendment seeking to secure such quality assurance was defeated at HoC Report Stage & Third Reading.
6. In relation to aspects of assuring quality, there are precedents which we would suggest the Government should follow in respect of careers advice and guidance. It is fairly standard practice in public procurement (especially by DWP and by the SFA on behalf of DBIS) that organisations have to be on an 'approved list' (often termed a 'Framework') in order to be considered for contracts – we would question why should the service area of careers advice and guidance to be 'secured' by schools should be different and why Ministers seem so resistant to such a tried, tested and established practice? The second key point to consider is in relation to safeguarding young people -



all current providers of publicly-funded careers advice to young people have a workforce which is compliant with this area of legislation and are often exemplars of good practice. We are increasingly concerned that Government is not being mindful of its own responsibilities here, and will not be assisting the thousands of Head Teachers and Governing Bodies who need to prepare to discharge their new duty by ensuring that there is a register of 'approved suppliers' (who meet quality measures, professional standards and are compliant with safeguarding regulations) for schools to secure services from.

7. The Bill also removes the statutory right of access to schools by careers advisers (under Sections 43-45 of the Education Act, 1997). If enacted the Bill would also remove the current duty on schools (under the Education Act, 1997) to provide a programme of careers education (usually a taught programme delivered directly by the school covering, for example, labour market information, interview skills, and leading to young people gaining the essential skills for career decision-making, career planning, and thus well prepared for making the best use of independent and impartial careers advice and guidance from expert careers advisers).

8. Not only would the removal of the duty to provide careers education create the real possibility that many young people would lose access to such programmes, with consequences which would be damaging for their futures), it also potentially undermines the effectiveness of careers advice and guidance since young people will often be ill prepared for choices, decisions and transitions.

9. The Government's intention is also to create an "all age careers service" (to be known as "the National Careers Service") – this has been widely supported, including by Careers England. We understand that the Government has sufficient powers (under the 1973 Employment & Training Act) to establish the NCS without new legislation. Careers England has recently published a comprehensive review of Government Policy in respect of careers guidance (please see Appendix 2).

10. Regrettably, the process towards achieving the new duty on schools and the new NCS appears deeply flawed due to a number of questionable underpinning design features:

- It is uncertain whether the NCS will be a strong strategic public provider of specialist careers support in all localities, or merely a set of contracted operators. Increasingly there are serious concerns that the NCS may only be able to support on a face to face basis a limited number of adults.
- Funding for the NCS at present has only been confirmed by one Department (DBIS), which covers support for over 19s; no funding commitment from DfE has been made for either the NCS (in particular for 16-19s who might wish to access the NCS) or for the new duty being placed upon schools for 13-16 year olds (the funding to LAs for Connexions included approximately £200m for 'careers service' activities for 13-19s, and no announcement whatsoever has been made publicly by DfE Ministers about what is happening beyond 31.3.2012 to such funding which LAs previously received).
- It also appears that the new NCS will have no right of access to any school unless invited in. How young people in a school where the NCS is not invited in will access it, is likely to be limited to website provision, which of course every citizen can access anyway as the



NCS site will be public. The NCS will not be resourced to provide face to face careers advice to any young people in education; it will only be enabled to do so if schools buy its services in. So calling it an all age service seems designed to confuse. Given the intention to raise the age for participation in learning to 18 by 2015, it is bizarre to limit their entitlement to careers guidance to age 16 and for the NCS to have no funding to support under 19s.

- Savage cuts have been made in recent months by many Local Authorities to their Connexions services, especially to the careers advisory element, despite their (Section 68/69 of the Education & Skills Act, 2008) statutory duties to provide this persisting until the Bill becomes law (and the Secretary of State then fulfils his careers service duty through placing the duty on schools, as noted in paragraph 3 above). These cuts are undermining the possibility of successfully establishing the new era as proposed. No plans from HMG have been made to secure a smooth transition, with potentially damaging effects for young people's futures.

- Moreover, it seems highly likely that the funding currently allocated to LAs to provide a careers service for young people (under Connexions) will not be transferred by the Secretary of State from LAs to schools along with the duty. So how schools will fund buying in a service it has previously received for free is questionable to say the least.

- It also seems that the Bill will propose that young people with disabilities will have to look in two directions for advice. To the LA who will continue to have a statutory duty to undertake an assessment of their post-school education and training needs (what is called a Section 139A assessment), and to whichever 'supplier' (the NCS or ANO) their school secures to advise them of the opportunities available to them and help them and their parents choose a suitable path.

11. An Advisory Group was established in December 2010 by the two Government Departments (the Department for Education, and the Department for Business, Innovation and Skills) to assist Ministers and officials to plan for and implement the "all age careers service" - which Ministers had said should build upon the "best of Connexions and Next Step" (the current careers service provision for young people and adults respectively).

12. Careers England and all key stakeholders have readily responded to the invitation to serve on the Advisory Group. At the end of May this year, however, the Group was informed that its remit was to be amended only to cover matters within the purview of DBIS, and that DfE would no longer co-chair the Group. This removes any opportunity to influence the proposed new duty on schools under the Education Bill and its implementation. The Advisory Group is in effect to be excluded from advising on policy for under 19s. This is a matter of grave concern to all who serve on the Advisory Group.

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APPENDIX 1: THE BILL & THE TWO HOUSES OF PARLIAMENT



The Bill started in the House of Commons so its passage is firstly through all of the 5 stages in the Commons, then up to the Lords for 5 further stages, then back to the Commons for final approval before Royal Assent

House of Commons

1 First Reading 2 Second Reading C Committee R Report Stage 3 Third Reading

House of Lords

1 First Reading 2 Second Reading C Committee R Report Stage 3 Third Reading



Final Reading back in the Commons for consideration of Lords amendments which may have been made before **Royal Assent**

Last event

- 1 [1st reading: House of Lords 12 May, 2011](#) | 12.05.2011

Next event

- 2 **2nd reading: House of Lords | 14.06.2011**

[All previous stages of the Bill](#)

This Bill was presented to Parliament on 26 January 2011. This is known as First Reading and there was no debate on the Bill at this stage. This Bill had its House of Commons Second Reading debate on 8 February and was committed to a Public Bill Committee. The Committee last considered the Bill on 5 April 2011. The Report Stage and the Third Reading took place on 11th May 2011. The Bill is now in the House of Lords, with its Second Reading scheduled for 14th June 2011.



APPENDIX 2: Here we reproduce the Introduction to “Careers England Policy Commentary 15: The Coalition’s Emerging Policies on Career Guidance”.

We do so as it offers the Board’s latest statements in respect of Government policy up to the 13th April announcements. The widespread dismay at the decision of DfE to reduce its involvement in the aaCS ADVISORY GROUP, see para 11 in the paper above, adds to the doubts that the policies will bring the success young people and adults deserve – improved social mobility is now at risk unless these policies are reviewed and amended.

You can access Policy Commentary 15 on [www.careersengland.org.uk](http://www.careersengland.org.uk/documents/Public/Policy%20Commentary%2015.pdf) see <http://www.careersengland.org.uk/documents/Public/Policy%20Commentary%2015.pdf> }

POLICY COMMENTARY 15

Introduction from the Careers England Board:

In publishing this detailed review commissioned from Professor Tony Watts, we reaffirm that as the trade association for employers in the careers guidance business in England, we have supported the Government’s proposals for an all-age Careers Service (aaCS) from the time it was first announced in November 2010.

Whilst we welcome some of the clarifications given by the Government in announcements on 13 April 2011 (including the naming of the aaCS as the National Careers Service), we remain deeply concerned that over the past few months very little progress has been made on turning the Government’s vision for a world-class all-age strategic careers service into reality.

There are pressing, urgent and important matters which the Government must address. These are covered thoroughly in this Policy Commentary. They include the urgent issues of transition from current arrangements and statutory duties to the new proposals for careers services for all age groups, alongside the need for absolute clarity about the support to be available to young people in schools in the future. The announcements on 13 April clarified some of these, but raised alarm on others.

At a time of growing youth unemployment, the serious cuts by many local authorities to the Connexions Services – which it remains their statutory duty to provide until the new laws are in place – risk exacerbating the damage to many young lives. All local authorities are accountable to Parliament and their local electorates for the fulfilment of these duties, informed by local circumstances as well as national priorities. The unprecedented cuts made by many local authorities to careers support for young people in their areas also undermine the steps required to improve social mobility and achievement for these young people. By default rather than design, these cuts



also weaken insidiously the foundations upon which the future careers support for adults through the National Careers Service should be built.

The Government says it wishes to re-professionalise careers guidance in England. We support this goal wholeheartedly. But without investment in the careers profession workforce, such a goal is no more than an empty aspiration. A professional careers service, properly resourced across England, is a crucial component in promoting employability skills for all age groups, reducing unemployment, and securing the economic and social health of the country.

We remain fully committed to help the Government to make its new policies for career guidance work. However, as this Policy Commentary demonstrates, there are grave doubts about whether the changes envisaged by the Government are achievable within the timescales set and the still uncertain resources that seem likely to be available.

Whilst the views expressed below in this Policy Commentary are those of its author, the Careers England Board commends this careful and thorough analysis to all who care for the future of careers services for all age groups in England.