



THE EDUCATION ACT, 2011

Royal Assent was given on 15th November 2011

SECTIONS 28 & 29 are now enacted, copied below

Section 28 Education and training support services in England

(1) Part 2 of ESA 2008 (education and training support services in England) is amended as set out in subsections (2) to (5).

(2) Section 69 (Secretary of State directions in relation to education and training support services) is repealed.

(3) In consequence of subsection (2)—

(a) in section 68 (provision of support services by local authorities)—

(i) omit subsection (2);

(ii) in subsection (3), omit “and section 69”;

(iii) in subsection (4), omit paragraph (a) (and the “and” after it);

(b) in section 70(2) (local authorities: supplementary powers), omit “or 69”;

(c) in section 71(8) (provision of support on conditional basis), for “68(2) and (4)” substitute “68(4)”.

(4) Section 73 (duty on schools and FE institutions to permit access by persons involved in providing education and training support services) is repealed.

(5) In section 76A (supply of information obtained in connection with education and training support services), omit subsection (5) (information not to be disclosed in a way that reveals identity of individual to whom it relates).

(6) In consequence of the amendment made by subsection (2), omit section 255(2) of ASCLA 2009.

Section 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)—

(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;”;

(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 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,

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.