

EDUCATION (CAREERS GUIDANCE IN SCHOOLS) ACT 2022

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Education (Careers Guidance in Schools) Act 2022 which received Royal Assent on 31 March 2022 (c. 13).

- These Explanatory Notes have been provided by the Department for Education in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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These Explanatory Notes relate to the Education (Careers Guidance in Schools) Act 2022, which received Royal Assent on 31 March 2022 (c. 13)

Overview of the Act

- 1 The Education (Careers Guidance in Schools) Act 2022 amends the existing duty on maintained schools, special schools and pupil referral units in England to secure independent careers guidance to pupils throughout their secondary education. Currently the duty only applies from the year in which the majority of the pupils attained the age of 13, until the end of the school year in which the majority of the pupils attained the age of 18.
- 2 The Act extends the duty to all students in state-funded secondary education and also establishes consistency across education settings by extending the statutory duty to academy schools and alternative provision academies in England.
- 3 Academy schools and alternative provision academies will also be required to have regard to statutory guidance that underpins the legal duty.
- 4 The Act ensures that all pupils in all types of state-funded secondary school are legally entitled to independent careers guidance throughout their secondary education.

Policy background

- 5 At present, there is a statutory duty on schools to secure independent careers guidance from the year in which the majority of the pupils attain the age of 13, until the end of the school year in which the majority of the pupils attain the age of 18 – this equates to school years 8 to 13. The careers guidance must include information on 16-18 education or training options, including apprenticeships, for pupils who are of compulsory school age. The duty includes a requirement to have regard to [careers statutory guidance](#). This statutory duty currently falls on maintained schools, special schools and pupil referral units, but not academies. However, many academies have a contractual duty to secure independent careers guidance through their funding agreements.
- 6 The Act addresses this anomaly and from commencement will place the same statutory duty under Section 42A of the Education Act 1997 on all types of state-funded secondary schools. The Act extends the careers duty to academy schools and alternative provision academies, meaning that pupils in all types of state-funded school will receive careers guidance that is subject to the same legal standards.
- 7 The Act extends the careers duty to pupils throughout their secondary education, which fulfils a commitment in the government's '[Skills for Jobs: Lifelong Learning for Opportunity and Growth](#)' white paper, published in January 2021, to bring the careers duty in line with the government's recommended careers framework for schools ([Gatsby Benchmarks of Good Career Guidance](#)) which applies from year 7 to year 13.¹
- 8 The careers statutory guidance is structured around what schools should do to meet the Gatsby Benchmarks. The Careers & Enterprise Company supports schools and colleges to meet the Gatsby Benchmarks through its Careers Hubs, the Enterprise Adviser Network of senior business volunteers and through Careers Leader training.

¹ From the year in which the majority of the pupils attain the age of 12, until the end of the school year in which the majority of the pupils attain the age of 18.

- 9 The Act seeks to level the playing field by ensuring that all pupils receive independent careers guidance throughout their secondary education, regardless of their age or the type of state-funded school they attend.

Legal background

- 10 The Act amends the scope of operation of [Section 42A of the Education Act 1997](#) which concerns the provision of careers guidance in schools in England.
- 11 The Act extends the lower age limit of the duty on schools in England to secure independent careers guidance to include pupils throughout their secondary education. It also extends the duty to academy schools and alternative provision academies in England. Academies will also be required to have regard to statutory guidance that underpins the duty.
- 12 Academies are already subject to the rest of the government's careers requirements in primary legislation. [Section 42B of the Education Act 1997](#) requires all academy and maintained schools to ensure that there is an opportunity for a range of education and training providers to access pupils in year 8 to year 13 for the purpose of informing them about approved technical education qualifications or apprenticeships.

Territorial extent and application

- 13 Section 3(1) sets out the territorial extent of the act; that is the legal jurisdiction in which the Act is intended to form part of the law. The extent of an Act can be different from its application. Application is about where an Act will have a practical effect, the extent is England and Wales and the application is England only.
- 14 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Act

Section 1: Extension of duty to provide careers guidance in schools

- 15 Section 1 is made up of seven subsections and extends the careers statutory duty to all pupils in secondary education in all types of state-funded secondary school, including academy schools and alternative provision academies.
- 16 Subsections (1) and (2) extend the Section 42A duty to secure independent careers guidance (as provided by Section 42A of the Education Act 1997) to pupils throughout their secondary education, by replacing the words 'relevant phase of their education' with 'secondary education'; previously there was no obligation for this to begin until pupils were in the year in which the majority turned 13.
- 17 Subsection (3) extends the duty to secure independent careers guidance to all academy schools and alternative provision academies. Subsection (4) provides that the responsible authority for academy schools and alternative provision academies are the academy proprietors.
- 18 This means that all academy schools and alternative provision academies will be required to ensure that registered pupils are provided with independent careers guidance which is presented in an impartial manner, includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.
- 19 Section one, subsection (5) provides that the requirement for the independent careers guidance secured under this duty to include information on 16-18 education or training options, including apprenticeships, does not apply to pupils over compulsory school age.
- 20 Section one, subsection (6) omits section 42A(6) which previously referred to the ages of pupils to whom the duty applies. Subsection (7) omits the definition of "class" in Section 42A(7), as "class" is used only in Section 42A(6) which will be omitted.

Section 2: Consequential amendments

- 21 Section two covers consequential amendments. Subsection (1) substitutes the definition of 'class' in section 43(6) of that Act (careers education in Welsh schools). The Welsh provisions in the Act were relying on the definition of 'class' in section 42A. This has now been omitted because the duty is being extended to pupils throughout their secondary education. As the Act does not apply to Wales, a definition of 'class' is still required. This subsection is moving the definition of 'class' to the Welsh provisions of the Act.
- 22 Subsection (2) omits "42A," and "42A(6)," from section 46 (1) of the Education Act 1997 (power to extend scope of certain provisions).
- 23 Subsection (3) revokes the Careers Guidance in Schools Regulations 2013 (S.I. 2013/709) which extended the age range of the career guidance obligations to pupils aged 13-18. The Careers Guidance in Schools Regulations 2013 are no longer required because the careers duty is being extended to pupils throughout their secondary education.

Section 3: Extent, commencement and short title

- 24 Section three sets out the extent and provides that the Act will come into force on a day or days chosen by the Secretary of State by regulations.

Commencement

25 The Act will come into force on 1 September by regulations made by Statutory Instrument.

Related documents

26 The following documents are relevant to the Act and can be read at the stated locations:

- [Statutory guidance: Careers guidance and access for education and training providers - GOV.UK \(www.gov.uk\)](#)
- [Skills for jobs: lifelong learning for opportunity and growth - GOV.UK \(www.gov.uk\)](#)
- [The Good Career Guidance Report, The Gatsby Foundation](#)
- [Careers guidance in schools, colleges and universities \(England\) – House of Commons Library](#)

Annex A - Territorial extent and application in the United Kingdom

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1	Yes	No	No	No
Section 2	Yes	No	No	No

Annex B - Hansard References

27 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament

Stage	Date	Hansard Reference
<i>House of Commons</i>		
Introduction	16 June 2021	Vol. 697 Col. 322
Second Reading	10 September 2021	Vol. 700 Col. 560
Committee	27 October 2021	Col. 1- 10 of the Education (Careers guidance in schools) Bill Committee
Report and Third Reading	14 January 2022	Vol. 706 Col. 768
<i>House of Lords</i>		
Introduction	17 January 2022	Vol. 817 Col. 1326
Second Reading	4 March 2022	Vol. 819 Col. 1063
Committee of the Whole House	22 March 2022	Vol. 820 Col. 821
Third Reading	25 March 2022	Vol. 820 Col. 1197
Royal Assent	31 March 2022	House of Commons Vol. 711 Col. 997
		House of Lords Vol. 820 Col. 1675

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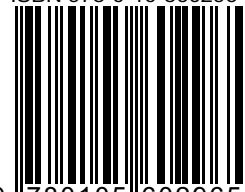
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