



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 [^{F2}their secondary 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;
 - [an Academy school;
 - ^{F3}(d)
 - (e) an alternative provision Academy.]
- (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;
 - [in the case of an Academy school or an alternative provision Academy, the
 - ^{F4}(c) proprietor.]
- (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

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.

[Subsection (4)(b) does not apply in relation to pupils over compulsory school age.]
F5(4A)

- (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.

F6(6)

(7) In this section—

F7
...

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

“careers guidance” means guidance about careers;

F8
...

“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
- F2 Words in s. 42A(1) substituted (1.9.2022) by [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(2\), 3\(2\)](#); S.I. 2022/724, reg. 2
- F3 S. 42A(2)(d)(e) inserted (1.9.2022) by [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(3\), 3\(2\)](#); S.I. 2022/724, reg. 2
- F4 S. 42A(3)(c) inserted (1.9.2022) by [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(4\), 3\(2\)](#); S.I. 2022/724, reg. 2
- F5 S. 42A(4A) inserted (1.9.2022) by [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(5\), 3\(2\)](#); S.I. 2022/724, reg. 2
- F6 S. 42A(6) omitted (1.9.2022) by virtue of [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(6\), 3\(2\)](#); S.I. 2022/724, reg. 2
- F7 Words in s. 42A(7) omitted (2.1.2018) by virtue of [Technical and Further Education Act 2017 \(c. 19\), ss. 2\(3\), 47\(2\)](#); S.I. 2017/1055, reg. 3(c)
- F8 Words in s. 42A(7) omitted (1.9.2022) by virtue of [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\), ss. 1\(7\), 3\(2\)](#); S.I. 2022/724, reg. 2

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](#)

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F9}42B Information about technical education: access to English schools

(1) The proprietor of a school in England within subsection (2) must ensure that there [^{F10}are opportunities] for a range of education and training providers to access registered pupils during the relevant phase of their education for the purpose of informing them about approved technical education qualifications or apprenticeships.

[In complying with subsection (1), the proprietor must give access to registered pupils ^{F11}(1A) on at least two occasions during each of the first, second and third key phase of their education.]

(2) A school is within this subsection if it provides secondary education and is one of the following—

- (a) an Academy;
- (b) an alternative provision Academy;
- (c) a community, foundation or voluntary school;
- (d) a community or foundation special school (other than one established in a hospital);
- (e) a pupil referral unit.

[The proprietor of a school in England within subsection (2) must— ^{F12}(2A) (a) ensure that, during each of the first and second key phases of the education of each registered pupil—

- (i) on at least two occasions the pupil meets at least one provider to whom access is given (or any other number of such providers that may be specified for the purposes of that key phase by regulations under subsection (8)), and
- (ii) the pupil does not meet exactly the same provider or providers on each of those occasions, and

- (b) ask providers to whom access is given to provide information that includes the following—
 - (i) information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,
 - (ii) information about the careers to which those technical education qualifications or apprenticeships might lead,
 - (iii) a description of what learning or training with the provider is like, and
 - (iv) responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.

(2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.]

(3) The proprietor of a school in England within subsection (2) must prepare a policy statement setting out the circumstances in which education and training providers will be given access to registered pupils for the purpose of informing them about approved technical education qualifications or apprenticeships.

(4) The proprietor must ensure that the policy statement is followed.

(5) The policy statement must include—

- (a) any procedural requirements in relation to requests for access;
- (b) grounds for granting and refusing requests for access;

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) details of premises or facilities to be provided to a person who is given access ^{F13}and the times at which the access is to be given;]
- ^{F14}[an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).]
- (6) The proprietor may revise the policy statement from time to time.
- (7) The proprietor must publish the policy statement and any revised statement.
- (8) The Secretary of State may by regulations make provision supplementing subsection (1) [^{F15}or (2A)], for example provision about who is to be given access to pupils, to which pupils they are to be given access and how and when.
- (9) 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 13, 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 18.
- ^{F16}[For the purposes of this section—
 - (9A) (a) the first key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 13, and
 - (ii) ending with 28 February in the following school year;
 - (b) the second key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 15, and
 - (ii) ending with 28 February in the following school year;
 - (c) the third key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 17, and
 - (ii) ending with 28 February in the following school year.]
- (10) In this section “approved technical education qualification” means a qualification approved under section [^{F17}A2D3 or A2D5] of the Apprenticeships, Skills, Children and Learning Act 2009.]

Textual Amendments

- F9** S. 42B inserted (2.1.2018) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 2(2)**, 47(2); S.I. 2017/1055, [reg. 3\(c\)](#)
- F10** Words in s. 42B(1) substituted (1.1.2023) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 14(2)**, 36(3); S.I. 2022/1349, [reg. 2](#)
- F11** S. 42B(1A) inserted (1.1.2023) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 14(3)**, 36(3); S.I. 2022/1349, [reg. 2](#)
- F12** S. 42B(2A)(2B) inserted (1.1.2023) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 14(4)**, 36(3); S.I. 2022/1349, [reg. 2](#)
- F13** Words in s. 42B(5)(c) inserted (1.1.2023) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 14(5)(a)**, 36(3); S.I. 2022/1349, [reg. 2](#)
- F14** S. 42B(5)(d) inserted (1.1.2023) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 14(5)(b)**, 36(3); S.I. 2022/1349, [reg. 2](#)

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F15** Words in s. 42B(8) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), ss. 14(6), 36(3); S.I. 2022/1349, reg. 2
- F16** S. 42B(9A) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), ss. 14(7), 36(3); S.I. 2022/1349, reg. 2
- F17** Words in s. 42B(10) substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 12(10), 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)

43 [^{F18}Provision of careers education in schools [^{F19}in Wales]][^{F18}Provision of careers education for certain persons: Wales]

- [^{F18}(1) A programme of careers education must be provided for—
- (a) each pupil who—
 - (i) is a registered pupil at a school in Wales listed in subsection (2), and
 - (ii) is of compulsory school age, or over compulsory school age, but under the age of 19;
 - (b) each person who—
 - (i) is attending an institution in Wales within the further education sector (whether full or part time), and
 - (ii) is of compulsory school age, or over compulsory school age but under the age of 19;
 - (c) each child or young person for whom arrangements are made under section 19A of the Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere: Wales).
- (2) The schools are—
- (a) community, foundation and voluntary schools;
 - (b) community special schools (other than those established in hospitals).
- (3) The following persons must secure that subsection (1) is complied with—
- (a) in the case of a pupil falling within subsection (1)(a), the head teacher of the school;
 - (b) in the case of a person falling within subsection (1)(b), the principal or other head of the institution;
 - (c) in the case of a child or young person falling within subsection (1)(c)—
 - (i) the local authority that makes the arrangements, and
 - (ii) where the arrangements include the provision of education at a pupil referral unit maintained by a local authority in Wales, the teacher in charge of the unit.
- (4) 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.]

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F18** S. 43 substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(7)**
- F19** 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
- F20** 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
- F21** 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**
- F22** 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**
- F23** 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**
- F24** 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)
- F25** 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
- F26** 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
- F27** 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
- F28** 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
- F29** 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)**
- F30** 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
- F31** Words in s. 43(6) substituted (1.9.2022) by [Education \(Careers Guidance in Schools\) Act 2022 \(c. 13\)](#), **ss. 2(1)**, 3(2); S.I. 2022/724, reg. 2
- F32** 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**
- C6** S. 43: power to modify conferred (temp.) (W.) by [Coronavirus Act 2020 \(c. 7\)](#), **Sch. 17 para. 7** (as amended (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(2)**)

44 Schools and other institutions [^{F33}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

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 [^{F34}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.
- (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 [^{F35}in Wales listed in section 43(2) [^{F36}(a) and (c)]]; [^{F37}and]
 - [^{F38}(aa) pupil referral units maintained by local authorities in Wales, and]
 - (b) institutions [^{F39}in Wales] within the further education sector.
- [^{F40}(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—

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F41}(a) a pupil at a school in Wales, or at a pupil referral unit maintained by a local authority in Wales, is a relevant pupil if the pupil is receiving secondary education and—
- (i) in the case of a pupil at a school is under 19, and
 - (ii) in the case of a pupil at a pupil referral unit, is under 18; and]
- (b) a person is a relevant student at an institution [^{F43}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

- F33** 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
- F34** 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**
- F35** 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
- F36** Words in s. 44(8)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(8)(a)(i)**
- F37** Word in s. 44(8) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(8)(a)(ii)**
- F38** S. 44(8)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(8)(a)(iii)**
- F39** 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
- F40** 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
- F41** S. 44(10)(a) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(8)(b)**
- F42** 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
- F43** 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

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

C7 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—
- (a) guidance materials, and
 - (b) a wide range of up-to-date reference materials,
- relating to careers education and career opportunities.

- (2) This section applies to—
- (a) the schools ^{F44}in Wales listed in section 43(2) ^{F45}(a) and (c)]; ^{F46}and
 - ^{F47}(aa) pupil referral units maintained by local authorities in Wales; and
 - (b) institutions within the further education sector.

^{F48}

^{F49}(2A)

^{F49}(2B)

- ^{F50}(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.]

^{F51}(3A) In the case of children within subsection (1), it is the duty of the local authority concerned to secure that subsection (1) is complied with.]

- (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” ^{F52}and “careers education”] have the same meaning as in section 43.
- (6) Nothing in this section applies to any primary school.

Textual Amendments

F44 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

F45 Words in s. 45(2)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(a)(i)

F46 Word in s. 45(2) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(a)(ii)

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F47** S. 45(2)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(9)(a)(iii)**
- F48** 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
- F49** 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
- F50** 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
- F51** S. 45(3A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(9)(b)**
- F52** 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)

- C8** 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.

[^{F53}45A Guidance as to discharge of duties]^{F54} : schools in England]

- (1) The persons responsible for discharging a relevant duty in relation to a school in England falling within section [^{F55}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 [^{F56}section 42A(1) or (4) or 42B] .]

Textual Amendments

- F53** 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
- F54** 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
- F55** 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
- F56** Words in s. 45A(2) substituted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(4)**, 47(2); S.I. 2017/1055, reg. 3(c)

[^{F57}45B Provision of curriculum information]^{F58} : 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.

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.
- (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); [^{F59}and]
 - ^{F60}[(aa) the local authority and the teacher in charge of a pupil referral unit maintained by a local authority in Wales; 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 [^{F61}during the relevant phase of their education][^{F61}who are receiving secondary education]; and
 - (aa) [^{F62}in relation to a pupil referral unit, information about the curriculum for registered pupils at the unit who are receiving secondary 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;
 - ^{F63}“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

- F57** 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)
- F58** 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
- F59** Word in s. 45B(6) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(10)(a)(i)**
- F60** S. 45B(6)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(10)(a)(ii)**
- F61** Words in s. 45B(7) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(10)(b)(i)(aa)**

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F62** Words in s. 45B(7) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(10)(b)(i)(bb)**
- F63** Words in s. 45B(7) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(10)(b)(ii)**

46 Extension or modification of provisions of [F64 ss. 43 to 45][F64 sections 42A to 45] .

- (1) The Secretary of State may by regulations extend the scope of operation of section F65 [F66 ... [F67 [F68 42B,] 43 or 44][F67 42A or 42B, in relation to England] by substituting for the period specified in section F69 [F70 ... [F71 42B(9)] 43(5) or 44(10)(a)(i)][F70 42A(6) or 42B(9)] such other period as is specified.
- [F72(1A) The Welsh Ministers may by regulations make provision extending the range of pupils, children and young persons to whom section 43 or 44 applies.
- (1B) The regulations may among other things make provision by reference to a description of school specified in the regulations.]
- (2) The Secretary of State may by regulations make provision for extending the scope of operation of section [F73 43, 44 or] 45 to primary schools or to any specified description of such schools.
- [F74(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.]
- (3) The Secretary of State may by regulations make provision for requiring—
- (a) the governing bodies of institutions [F75 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;
- [F76 “careers guidance” has the same meaning as in section 42A;]
- “specified” means specified in the regulations in question.

Textual Amendments

- F64** Words in s. 46 heading substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 3(11)(a)**

Changes to legislation: Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F65** Word in s. 46(1) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 2(2)(a), 3(2)**; S.I. 2022/724, reg. 2
- F66** 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
- F67** Words in s. 46(1) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(11)(b)(i)**
- F68** Word in s. 46(1) inserted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(5)(a), 47(2)**; S.I. 2017/1055, reg. 3(c)
- F69** Word in s. 46(1) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 2(2)(b), 3(2)**; S.I. 2022/724, reg. 2
- F70** Words in s. 46(1) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(11)(b)(ii)**
- F71** Word in s. 46(1) inserted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(5)(b), 47(2)**; S.I. 2017/1055, reg. 3(c)
- F72** S. 46(1A)(1B) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(11)(c)**
- F73** Words in s. 46(2) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(11)(d)**
- F74** 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
- F75** 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
- F76** 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

Changes to legislation:

Education Act 1997, Part VII is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ga) inserted by [2008 c. 25 s. 161\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(2B)-(2D) inserted by [2008 c. 25 s. 9](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by [2008 c. 25 s. 161\(11\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by [2008 c. 25 s. 161\(13\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by [2022 asc 1 Sch. 4 para. 9\(3\)\(b\)](#)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by [2022 asc 1 Sch. 4 para. 9\(4\)\(b\)](#)
- s. 43(2ZA)(2ZB) inserted by [2009 c. 22 s. 250\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)