

By Robert Long

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Education (Careers Guidance in Schools) Bill

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Summary

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Summary

On 16 June 2021, Mark Jenkinson presented the [Education \(Careers Guidance in Schools\) Bill](#), which is a Private Member's Bill to extend the duty for schools to provide careers guidance.

In his [announcement of the Bill](#), the MP for Workington said it would extend the current requirements to provide careers guidance to include children in year 7, and implement the proposals in the [Skills for Jobs White Paper](#), which the Government published in January 2021.

What would the Bill change?

The Bill would require all state-funded schools in England to provide careers guidance for children for the entirety of their secondary education. Currently, guidance does not have to be provided until year 8.

The Bill would place this duty on academies as well as local authority schools. Academies are not bound by the existing legislation, although many are required by their funding agreements to provide careers guidance in line with the requirements of local authority schools.

Recent efforts to improve careers education

In recent years, the Government has tried to improve the provision of careers education, most notably in the 2018-20 Careers Strategy and requirements on Ofsted to comment on careers guidance in its inspection reports. The Skills for Jobs White Paper set out plans to expand careers guidance, and more strictly enforce the requirements to give pupils information about technical education routes and apprenticeships.

The Bill would have effect in England only. The explanatory notes set out the intention that the changes would come into effect on 1 September 2022.

Second Reading of the Bill is scheduled to take place in the House of Commons on 10 September 2021.

Private Members' Bills

At the start of each parliamentary year, all backbench MPs are invited to enter a ballot. The few MPs who are lucky in the draw can each bring in a Bill

of their choosing. Mark Jenkinson drew the first position in the [ballot held on 20 May 2021](#).

1

Careers guidance in England: requirements for schools

In September 2012, local authority-maintained schools (maintained schools from here on) became subject to a statutory duty to provide impartial careers guidance to pupils in years 9 to 11.¹ In September 2013, this statutory duty expanded to cover pupils in school years 8 (12-13 year olds) to 13 (17-18 year olds).² There have been other connected reforms, including the establishment of a [National Careers Service \(NCS\)](#) in April 2012.

The Department for Education (DfE) published [statutory guidance](#) for maintained schools on their duty to provide careers guidance (last updated in July 2021).³

Many academies and free schools must provide independent careers guidance where this is set out in their funding agreements. This includes those which opened from September 2012 and those which have since moved to an updated funding agreement. Academies not required to provide careers education are encouraged to follow the guidance as a statement of good practice.⁴

All schools, including academies and free schools, are subject to a legal duty to provide pupils with access to a range of education and training providers, under what is commonly known as the ‘Baker Clause’. The statutory guidance highlights the need for careers guidance to include technical education and apprenticeship routes.⁵

The DfE’s [2017 Careers Strategy](#) adopted the benchmarks of good careers guidance developed by the Gatsby Charitable Foundation. Schools were initially expected to adopt the benchmarks by January 2018 to improve their careers education.⁶

By 2020, the Government expected schools to work towards achieving all eight benchmarks, including that all young people should have an interview with a careers advisor by the age of 16, and another interview by age 18.⁷

¹ [The Education Act 2011](#), Pt 4, Sect 29.

² [Careers Guidance in Schools Regulations, SI 2013/709](#), Regulation 2.

³ Department for Education, [Careers Guidance and Access for Education and Training Providers](#), July 2021

⁴ [Ibid](#), p3

⁵ [Ibid](#), p5

⁶ DfE, [‘Careers Strategy: Making the Most of Everyone’s Skills and Talents’](#) (December 2017), p8.

⁷ PQ, [‘Schools: Vocational Guidance’](#), 286227, 3 September 2019.

Gatsby benchmarks of good careers guidance

1. A stable careers programme;
2. Learning from career and labour market information;
3. Addressing the needs of each pupil;
4. Linking curriculum learning to careers,
5. Encounters with employers and employees;
6. Experiences of workplaces;
7. Encounters with further and higher education;
8. Personal guidance.

[Good Career Guidance: Reaching the Gatsby Benchmarks](#), p9.

Gatsby has also published advice on using benchmarks for students with special educational needs or disabilities.⁸

The Library briefing, [Careers guidance in schools, colleges and universities \(England\)](#), provides wider information on the careers guidance system in England and its performance.

⁸ Gatsby Trust, [Good Career Guidance: Perspectives from the Special Educational Needs and Disabilities Sector](#) (2019).

2 Careers strategies and the Skills for Jobs White Paper

2.1 Northern Powerhouse Strategy

The [Northern Powerhouse Strategy](#), published in November 2016, set out how the Government intended to approach careers guidance in the North of England.⁹ It said:

The government will work with the North to ensure that local priorities are fed into the provision of careers advice, so that it is employer led, integrated and meets local needs. This will involve joint working on the design of careers and enterprise provision for all ages, including collaboration on the work of the Careers and Enterprise Company and the National Careers Service.

The Strategy said areas in the North of England would be able to take part in pilots of new approaches to careers advice and guidance.¹⁰

In 2015, a two-year pilot began in 16 schools and colleges in the North East of England, coordinated by the Local Enterprise Partnership, to test the Good Career Guidance benchmarks set by the Gatsby Charitable Trust. After two years, 85% of participating schools and colleges achieved between six and eight benchmarks. This compares with only 50% of schools which had achieved at least one benchmark in 2015.¹¹

In evidence to the Education Select Committee in 2018, the then-Secretary of State for Education, Damian Hinds, outlined what the commitment to the Northern Powerhouse meant in practice. This included a £5 million investment in the Careers and Enterprise Company (CEC) to help disadvantaged students receive additional support. Additionally, the CEC, as of June 2018, had formed a network of 42 enterprise coordinators and 806 enterprise advisers to work with 741 schools and colleges and 120 special schools (for pupils with special educational needs) and alternative providers in northern England.¹²

⁹ The Government's [Northern Powerhouse website](#) states that The Northern Powerhouse geography covers all 11 Northern Local Enterprise Partnerships (LEP) areas as well as North Wales. The 11 Northern England LEPs are: Cheshire and Warrington, Cumbria, Greater Manchester, Humber, Lancashire, Leeds City Region, Liverpool City Region, North East, Sheffield City Region, Tees Valley, York, North Yorkshire and East Riding.

¹⁰ HM Treasury, [Northern Powerhouse Strategy](#), November 2016, p14.

¹¹ Gatsby Trust, ['Be Inspired'](#)

¹² [Secretary of State for Education to Chair of the Education Committee](#), 13 June 2018, p3.

2.2

DfE Careers Strategy 2018-2020

The Government's [careers strategy](#) was published in December 2017. It set out measures to improve careers guidance in England, to be implemented between 2018 and 2020.¹³ A full timetable is set out on pages 8-9 of the strategy.¹⁴ Its objectives included:

- Using the Gatsby Benchmark to improve careers provision;
- Publishing a careers programme by each school and college;
- Naming a careers leader for each school and college;
- Providing information about T-Levels (technical equivalents to A-levels), apprenticeships and technical information to pupils;
- Collecting and publishing data on student destinations;
- Improving the National Careers Service website;
- Ensuring every child has at least one 'encounter' a year with an employer. These should include science, technology, engineering and maths (STEM) employers.

[Statutory guidance](#) sets out how schools should meet the Gatsby Foundation benchmarks for excellence in careers education.¹⁵

Since January 2018, Ofsted have been required to comment in school and college inspection reports on the careers guidance provided to young people, in line with the statutory careers guidance.¹⁶

2.3

Augar review

The [Augar review of post-18 education and funding](#), published in 2019, raised the need for impartial information, advice and guidance for young people in their jobs, careers, education and qualifications. The review recommended that the strategy should be expanded:

...so that every secondary school is able to be part of a careers hub, that training is available to all careers leaders and that more young

¹³ PQ, [Schools: Vocational Guidance, 286227](#), 9 September 2019

¹⁴ Department for Education, [Careers Strategy: Making The Most Of Everyone's Skills And Talents](#), December 2017

¹⁵ DfE, [Careers Guidance and Access for Education and Training Providers: Statutory Guidance](#) (October 2018), pp. 7-9 set out how schools are expected to meet these guidelines and the support available to them.

¹⁶ Ofsted, [School Inspection Handbook](#), June 2021; Ofsted, [Inspecting further education and skills: guide for providers](#), August 2019

people have access to meaningful careers activities and encounters with employers.¹⁷

The Government published an [interim response](#) to the review in January 2021. It said it aimed to develop a skills system that would be complemented by expanded careers hubs and “other careers infrastructure”, to help improve programmes in line with the Gatsby Benchmarks:

This will mean that more people can access impartial careers advice and guidance and be supported to make the right education, training and career choices.¹⁸

2.4 Skills for Jobs White Paper 2021

The Government’s [Skills for Jobs White Paper](#) on further education and skills, published in January 2021, made proposals for careers advice.

The White Paper includes proposals to more strictly enforce the ‘Baker Clause’ (from the DfE’s statutory guidance), which requires schools to inform pupils about technical and vocational paths. It also proposed extending careers advice to pupils in year 7 (currently required in years 8-13), and reforming the work of existing careers advice bodies.

The paper stated that “at the moment, there is no single place you can go to get government-backed, comprehensive careers information”, and that:

We will address this problem by updating the [National Careers Service website](#) to become a single source of government-assured careers information for young people and adults. [...]

We will improve both local and national alignment between The Careers & Enterprise Company and the National Careers Service to create a clear, all-age careers system. We have appointed Professor Sir John Holman to advise on this alignment, as Independent Strategic Adviser on Careers Guidance, working closely with The Careers & Enterprise Company and the National Careers Service. We have developed four principles for increasing alignment which we will implement over the next 18 months as we work towards a longer-term review of the delivery system.¹⁹

¹⁷ Department for Education, [Independent Panel Report to the Review of Post-18 Education and Funding](#), May 2019, p56

¹⁸ Department for Education, [Interim conclusion of the Review of Post-18 Education and Funding](#), January 2021, p5

¹⁹ Department for Education, [Skills for jobs: lifelong learning for opportunity and growth](#), January 2021, p45

The paper then set out how the Government would provide information to pupils about technical paths and generally, including plans to update the relevant guidance. It said:

Students need information about apprenticeships. Currently, only 4% of young people start an apprenticeship after their GCSEs, and in Years 9 and 10 far fewer pupils had been spoken to about technical choices in comparison to academic routes.²⁰

To do this, the paper states the Government will introduce a three-point-plan to “enforce the Baker Clause” (the legal duty to give pupils access to technical education and training providers). This would be:

- a new minimum requirement about who is to be given access to which pupils and when;
- tougher formal action against non-compliance; and
- government-funded careers support for schools to be made conditional on Baker Clause compliance.

The Government also pledged to:

- lower the age range that schools must provide independent careers guidance to, to include year seven onwards (in line with Gatsby Benchmarks)
- publish updated guidance with expectations for secondary schools (as statutory guidance) and colleges (as a requirement for funding).
- ask Ofsted to undertake a thematic review assess of careers guidance in schools and colleges and make recommendations for improvement.²¹

A consultation has been published on reforms to [further education funding and accountability](#) included in the White Paper.²² It is open until 7 October 2021.

The Library briefing, [FE white paper: Skills for Jobs for Lifelong Learning for Opportunity and Growth](#), provides wider information on the Skills for Jobs White Paper.

Many proposals in the paper are now included in the [Skills and Post-16 Education Bill \[HL\]](#) which is currently before Parliament.

²⁰ Department for Education, [Skills for jobs: lifelong learning for opportunity and growth](#), January 2021, p47

²¹ As above

²² Department for Education, [Reforms to further education \(FE\) funding and accountability](#), 15 July 2021

3 The Bill

3.1 Private Members' Bill ballot

At the start of each parliamentary year, all backbench MPs are invited to enter a ballot. The few MPs who are lucky in the draw can each introduce a bill of their choosing. Mark Jenkinson was drawn in first position in the [ballot held on 20 May 2021](#).

3.2 The Bill's clauses

On 16 June 2021, Mark Jenkinson presented the [Education \(Careers Guidance in Schools\) Bill](#), which would extend the duty to provide careers guidance in schools.

When [announcing the Bill](#), Mr Jenkinson said it would extend existing requirements to provide careers guidance to children in year 7, and also implement the proposals in the Skills for Jobs White Paper.²³

Second reading debate is scheduled for 10 September 2021.

[The Bill](#) was published, along with [explanatory notes](#), on 22 July 2021.

Clause 1 of the Bill would extend the duty to provide careers guidance in schools. Subsections (1) and (2) would extend the requirement to provide careers education to the entirety of secondary education. The existing position is that it does not have to be provided until year 8.

Subsection (3) would extend the duty to provide careers guidance to all academies and alternative provision academies. Subsection (4) names the proprietors of those schools as the responsible authorities.

Subsection (5) would provide that the duty to include information on 16-18 education or training options, including apprenticeships, would not apply to pupils over compulsory school age.²⁴

Subsections (6) and (7) would remove existing references to pupils' class in existing legislation to facilitate the changes provided for in clause 1 by

²³ Mark Jenkinson MP, [Twitter post, 17 June 2021](#)

²⁴ Children in England must begin school at the start of the term following their fifth birthday, and leave school at the end of the academic year when they turn 16. [Section 8, Education Act 1996](#).

removing age definitions, as the duty expands to cover all secondary education.

Clause 2 would provide consequential amendments.

Subsection (1) ensures the definition of ‘class’ removed by clause 1(6) and (7) remains in legislation relevant to Welsh schools.

Subsection (2) would remove the power of the relevant Secretary of State to extend the scope of relevant provisions.

Subsection (3) would revoke [Careers Guidance in Schools Regulations 2013](#), which currently extend the age range of the career guidance obligations to pupils aged 13-18. This provision would no longer be required if the Bill’s provisions are implemented.

Clause 3 sets out that the Bill extends to England and Wales, although as schools policy is devolved it would only have effect in England.

It states that the Bill would come into force on a date which will be set by the Secretary of State in regulations. The [explanatory notes](#) say this is intended to be 1 September 2022.

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