



Department
for Education

Consultation on revised statutory guidance on access to schools for education and training providers

Launch date 20 June 2022

Respond by 25 July 2022

Contents

Introduction	3
Who this is for	3
Issue date	3
Enquiries	4
Additional copies	4
The response	4
About this consultation	5
Respond online	7
Other ways to respond	7
Deadline	7
Changes to the access for education and training providers statutory guidance	8
Background	8
Changes to the legislation	8
Changes to the statutory guidance	11
Timescales	12
Consultation questions	13
Ease of use and understanding	13
Examples of good practice	13
Provider access statement	14
Support and compliance	14
Quality assurance	15
Equality impact assessment	16

Introduction

This consultation seeks views on the statutory guidance for schools on 'access for education and training providers', which forms part of the document 'statutory guidance on careers guidance and access for education and training providers'. The 'access for education and training providers' section relates to the duty on schools to ensure that there is an opportunity for a range of providers to access pupils to inform them about technical education and apprenticeships (Section 42B of the Education Act 1997). Schools must have regard to this statutory guidance when carrying out this legal duty (Section 45A of the Education Act 1997).

In the Skills for Jobs: lifelong learning for opportunity and growth white paper, the government committed to strengthen this provider access legislation and enforce it more effectively, making sure that all secondary schools open their doors to other education and training providers. The revised statutory guidance on access for education and training providers that we are consulting on, explains the changes made to the law, through the Skills and Post-16 Education Act 2022, and what schools must do to comply when the new law commences on 1 January 2023. The guidance provides advice to governors, headteachers, careers leaders and staff on developing and implementing a provider access policy which helps young people to learn about the range of technical education qualifications and apprenticeships that are available, supporting young people to make more informed choices.

For the purpose of this consultation, references to statutory guidance refer only to the 'access for education and training providers' section of the statutory guidance that we are proposing to amend. The 'careers guidance' section of the statutory guidance is unaffected by the changes made to the provider access legislation and is therefore out of scope and not included in the accompanying draft statutory guidance document.

Who this is for

1. Governors, headteachers, senior leaders, system leaders, careers leaders and other staff in maintained schools, academies, alternative provision academies, community, foundation or voluntary schools, community or foundation special schools (other than one established in a hospital) and pupil referral units.
2. Governors, headteachers, senior leaders, careers leaders and other staff in education and training providers including further education colleges, independent training providers, apprenticeship providers, University Technical Colleges (UTCs), universities and studio schools.
3. Careers advisers and careers professionals.
4. Teaching unions.

Issue date

The consultation was issued on 20 June 2022 and can be completed [online](#).

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email:

provideraccesslegislation.CONULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) later in the year. The revised statutory guidance document will be published in the autumn term of the 2022/23 academic year, so that schools can prepare for the commencement of the new legislation on 1 January 2023.

About this consultation

This consultation seeks views on the updated section of the statutory guidance on access to pupils for education and training providers for the purposes of informing pupils about their technical education and apprenticeship options. Changes to Section 42B of the Education Act 1997 are reflected in the revised statutory guidance.

Section 42B(7) of the Education Act 1997 requires all maintained schools and academies to publish a policy statement setting out opportunities for providers of technical education and apprenticeships to visit schools to talk to all year 8-13 pupils, and to make sure the statement is followed. Through the Skills and Post-16 Education Act 2022, we have strengthened the legislation by introducing a minimum number of six provider encounters that every school must provide and, for the first time, introducing parameters around the duration and content of these encounters to help ensure they are of high quality.¹

In advance of the planned commencement of this legislation (s.14 of the Skills and Post-16 Education Act 2022 - the “provider access legislation”) on 1 January 2023, we are proposing changes to the statutory guidance on access for education and training providers that help schools understand what they are required to do by law and what they are expected to do to ensure that all encounters with providers of technical education and apprenticeships are of sufficiently high quality. Changes to the document have been made based on the need to explain the changes to the law, to put in place support for schools to comply and to set out a range of interventions to support improvement and to address any persistent cases of non-compliance.

We are seeking your views on:

- The ease of use and understanding of the statutory guidance.
- Examples and case studies of delivery of high quality provider encounters to strengthen the final statutory guidance document and ensure it is based on existing professional practice.
- The usefulness of the example of a provider access statement.
- The effectiveness of a ladder of support and intervention as a means of ensuring that there is a transparent and consistent approach to helping all schools to meet the provider access legislation.
- Increasing the independence of quality assurance of careers guidance in schools and colleges. We are interested to consider whether there is a role for greater independent peer or expert review and whether this could further help schools

¹ Section 14 of the Skills and Post-16 Education Act 2022

and colleges to learn from good practice and further develop their careers programmes.

- The coverage of the equality impact assessment and whether all potential equality impacts have been explored.

For clarification, the provider access legislation relates to schools only, whereas the wider questions in the consultation about increasing the independence of quality assurance relates to schools and colleges.

The responses to the consultation questions will inform the final statutory guidance on access for education and training providers and the government's longer-term policy on the quality assurance of careers guidance for young people.

A draft version of the revised statutory guidance on access for education and training providers has been published alongside this consultation, and the two documents should be read in conjunction.

We would like to hear your views on our proposals. By participating in this consultation, you will enable us to improve the statutory guidance and ensure that the legislative changes are implemented in a way that works for schools, providers and, most importantly, for young people. Clear and effective statutory guidance will support schools to work with providers to offer every young person an insight into the technical education opportunities open to them and support them to make well informed decisions at key transition points about the next step in their education or training.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

provideraccesslegislation.CONULTATION@education.gov.uk

By post

Provider Access Legislation Consultation
Careers and Further Education (Ground floor)
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes on 25 July 2022.

Changes to the access for education and training providers statutory guidance

Background

Education and skills are at the very heart of our plans to level up opportunity across the country and allow talent to flourish. Our ambition is to have an education system that rigorously prepares pupils to take their next step, whether that be continued study or moving into the workplace. Our skills reforms will give pupils the opportunity to choose between clearly defined academic and technical routes with high quality qualifications with a primary focus on entry to further education and skilled employment, respectively. This includes the continued rollout of T Levels, new flagship technical education programmes first introduced in 2020. From September 2023 around 400 colleges, schools and other providers will offer T Levels and they will be moving towards a mainstream technical education offer. Apprenticeships are more important than ever in helping businesses to recruit the right people and develop the skills they need and our reforms have made apprenticeships longer and better, with more off-the-job training and proper assessment at the end.

This clarity of purpose of different pathways will help pupils to make good choices and see more easily how their study will help them to progress. High-quality careers guidance is vital to help people navigate this new landscape. As of March 2021, 89% of schools and colleges had used the Gatsby Benchmarks of Good Career Guidance to develop their careers programmes, resulting in improvements in every dimension of careers support.² Yet, at present, despite progress, we have an unequal system where A levels followed by university is often seen as the gold standard. Pupils and their parents need careers education, information, advice and guidance on the full range of pathways including the exciting, high-quality alternatives that technical options can offer. They need to understand the opportunities to train in fast-moving industries and key sectors that can help them to succeed. That is why we have strengthened legislation to increase the opportunities for young people to hear directly from providers of technical education and apprenticeships about options beyond school.

Changes to the legislation

Provider access legislation is designed to guarantee pupils access to education and training providers during the relevant phase of their education for the purpose of informing them about approved technical education qualifications or apprenticeships.

The Technical and Further Education Act 2017 inserts section 42B into the Education Act 1997 and came into force on 2 January 2018. This law requires the proprietor of all schools and academies to ensure that there are opportunities for providers of technical

² https://www.careersandenterprise.co.uk/media/zt0bgoa0/1488_destinations_report_v4.pdf

education and apprenticeships to visit schools for the purpose of informing year 8-13 pupils about approved technical education qualifications and apprenticeships.

Schools must prepare a policy statement setting out the circumstances in which education and training providers will be given access to pupils, and to ensure that this is followed. The policy statement must be published and must include:

1. any procedural requirement in relation to requests for access;
2. grounds for granting and refusing requests for access;
3. details of premises or facilities to be provided to a person who is given access.

To help schools to fulfil their legal obligations, we have funded The Careers & Enterprise Company to roll out the careers infrastructure. This includes [Careers Leader training](#), to enable the development of progressive careers programmes in schools, and Careers Hubs, to support collaboration and sharing of good practice, such as the [Making it Meaningful: Benchmark 7 guide](#). Further government-funded resources, to help schools to deliver meaningful encounters with education and training providers for their pupils, include [Uni Connect](#), the [Apprenticeships Support and Knowledge for Schools and Colleges \(ASK\)](#) programme and a practical guide for schools, '[Encounters with further and higher education: Practical ideas for achieving Gatsby Benchmark 7](#)'.

Department for Education research showed that by the end of the last academic year, year 9 and 10 pupils had almost as strong awareness of apprenticeships as A Levels. This builds on longitudinal research that shows an increase in young people being told about an apprenticeship (43% to 64% from 2009 to 2018). Young people also reported improvements in the timing, amount and suitability of careers support they received³. Mid-year Functional Skills qualifications (FSQ) data from 15,000 pupils shows apprenticeships awareness increases with age, rising to 70% for year 10 and 11 (only slightly lower than A-levels). Additionally, 86% of respondents to the Youth Voice Census 2021 reported that apprenticeships had been discussed with them in school. This work is important because where the provision of apprenticeship information is high, evidence⁴ suggests take-up rises by 16%.

Although progress has been made and there are many examples of schools providing opportunities for pupils to meet alternative providers in line with legal requirements, evidence shows that there is still more to do to ensure all pupils hear about the benefits of technical education qualifications and apprenticeships.

1. In 2019, 38% of pupils in year 8 reported that their school had provided them with the opportunity to learn about vocational or technical options from FE colleges.

3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1027406/Young_people_s_experiences_of_careers_information_advice_and_guidance.pdf

⁴ https://www.careersandenterprise.co.uk/media/zt0bgoa0/1488_destinations_report_v4.pdf

For apprenticeship providers the figure was 32%, for University Technical Colleges (UTC) 25% and for Studio Schools it was 5%.⁵

2. The March 2021 UCAS report 'Where next?' highlighted that almost one in three young people said they did not receive any information about apprenticeships from their school.
3. The May 2021 UCAS report 'Where next? Improving the journey to becoming an apprentice' highlighted that over half of pupils looking to apply in 2022 told UCAS they are interested in apprenticeships, but many find it hard to get the information they need about them, and only 8% of people associated apprenticeships with leading to a good job.⁶
4. Uptake of apprenticeship pathways is about 16% higher in the 39% of schools who provide information on apprenticeships to all pupils compared to the 6% of schools who provide the information to just a few pupils.⁷

More needs to be done to correct the imbalance between the amount of information on academic and technical pathways that young people receive. To address this, we have taken steps to strengthen the provider access legislation through the Skills and Post-16 Education Act 2022, which received Royal Assent on 28 April 2022.

There will be a new minimum legal requirement for all maintained schools and academies to **provide at least six encounters** with a provider of approved technical education qualifications or apprenticeships.

The first **four** encounters are mandatory for all registered pupils to attend: two in school years 8 or 9 and two in school years 10 or 11 (held between 1 September and 28 February if for pupils in year 9 or year 11).

Schools will also be required to put on **two** encounters for pupils in school years 12 or 13 (held between 1 September and 28 February if for pupils in year 13) that are mandatory for the school to put on but optional for pupils to attend. This works out to be an average of one per year over the course of school years 8-13, to which the duty applies.

Schools and providers should work together and schools must ask each provider to provide information to pupils that, as a minimum, includes:

1. information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,

⁵ DfE (2019) Pupil & their Parents/Carers Wave 5:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786040/survey_of_pupils_and_their_parents_or_carers-wave_5.pdf

⁶ UCAS (May 2021) Where next? Improving the journey to becoming an apprentice

⁷ CEC (June 2021) The benefits of Gatsby Benchmark achievement for post-16 destinations

2. information about the careers to which those technical education qualifications or apprenticeships might lead,
3. a description of what learning or training with the provider is like,
4. responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.

Providers and schools should also consider how this information can be reinforced outside of the encounter itself and, for example, how the encounter can be supplemented with follow up resources that are specifically tailored to parents and carers.

The school is required to give access to providers for a reasonable period of time during the standard school day. Schools must set out in their policy statement the times at which access is to be given and must explain how they will meet the new legal requirement to put on six provider encounters.

Changes to the statutory guidance

For the purpose of this consultation, we are seeking views on the revised statutory guidance on access for education and training providers which explains the changes to the law and sets out what schools must do to comply. The guidance has been rewritten to support schools more effectively to work with providers to offer high quality provider encounters to all year 8-13 pupils. The revised guidance has been organised into four sections.

Information on skills and technical education reforms for all staff

This section describes the government's skills reforms and the range of high-quality technical options that are available to pupils.

Provider access legislation

This section explains the department's rationale for strengthening the provider access legislation, the changes to the legislation through the Skills and Post-16 Education Act 2022 and what schools are required to do as a result.

Approaches to delivering encounters with providers of technical education and apprenticeships

This section summarises the range of providers of approved technical education qualifications and apprenticeships that schools may invite to meet pupils, in order to comply with the legislation. There are links to further information about each type of provider, including lists of providers. There is advice on the timing and content of provider encounters. The guidance sets out what the school must do to ensure their provider access statement is reviewed and updated to comply with the legal changes, and includes an updated example of a school policy statement for provider access. There is an explanation of how the provider access duty fits with the Gatsby Benchmarks and the wider school careers programme.

Ensuring provider encounters are meaningful and high quality

This section focuses on the quality of provider encounters, offering advice on how schools can prepare for each encounter, consider the needs of pupils with special

education needs or disabilities and involve parents and carers. There is consideration of the role of online provider encounters. There is guidance on how we will monitor and enforce compliance with the provider access duty, including a ladder of support and intervention. There are links to further useful resources and examples of good practice.

Timescales

We will publish the revised statutory guidance in autumn 2022 with a commencement date of 1 January 2023. Schools should begin to prepare for the changes but should continue to follow the current guidance, [Careers guidance and access for education and training providers](#), until the revised changes commence in January 2023.

Consultation questions

- **What is your name?**
- **Would you like us to keep your responses confidential?**
Yes/ No
- **What is your email address?**
If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.
- **What is the name of your organisation? (if applicable)**
Maintained school 11-18, Maintained school 11-16, Academy 11-18, Academy 11-16, Independent Training Provider, Sixth Form College, FE College, University Technical College, Studio School, University, Community/Foundation Special School, Pupil referral unit, other (Please specify)
- **In what capacity are you responding to this consultation? Please select one option from the list below.**
Governor, Head teacher, Careers Leaders, other staff in a maintained school, academy, alternative provision academy, community, foundation or voluntary school, community or foundation special school (other than one established in a hospital), pupil referral unit, education and training provider including further education college, independent training provider, apprenticeship provider, University Technical College (UTCs), university or studio school? Careers adviser or teaching union. Other.

If you answered "Other" please specify in what capacity, you are responding to this consultation.

Ease of use and understanding

To support schools in meeting their updated statutory duty we have sought to make the statutory guidance user-friendly and easy to understand. We have tried to be concise, use plain language and provide clear explanations of what is required of schools.

- **Do you agree that the revised statutory guidance is clear and easy to understand?** Yes / No / No opinion
- **Are there any areas of the revised guidance you believe could be further improved?** Yes / No / No opinion. If yes, please provide further feedback.

Examples of good practice

This question relates to the examples of good practice on page 19. We have included these examples of how the statutory duty applies in practice to support schools in understanding the new legal requirements. Our intention is to strengthen this section with real-life examples provided through the responses to this consultation. We are

particularly interested in examples of schools and providers working across a local area to put on specific provider events/days.

- **Do you think the examples will help schools meet their statutory duties and deliver meaningful provider encounters?** Yes / No / No opinion – Please explain your answer
- **Please provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.**
- **Are there any other areas in which you believe an example may be useful?** Yes / No / No opinion. If yes, please provide further information.
- **Can you provide any examples of good practice in provider access? If so, please include them below.**

Provider access statement

This question relates to pages 13-15 and the annex in the draft guidance.

We have included a new example of a provider access statement that schools must publish and follow, in order to comply with their statutory duty.

- **Do you agree that the example in the annex will help schools to develop their own provider access statement?** Yes / No / No opinion
- **Do you have any views on whether and how this can be strengthened further?** Yes / No / No opinion. If yes, please explain.

Support and compliance

This question relates to pages 17-19 in the draft guidance.

We are proposing a ladder of support and intervention to set out the range of support that we will make available to help all schools to comply with their statutory duty. The first step on the ladder introduces targeted support and guidance and it is expected that the vast majority of schools will be able to comply with the requirements set out in the legislation after benefitting from this additional support. It also outlines the steps we will take in the event of concerns about persistent non-compliance, which include introducing an expert review of the school's careers provision with a focus on provider

access, a letter from a DfE Minister or an official, Careers Leader training and the use of the Secretary of State's intervention powers.⁸

- **Do you agree that this is an effective way to set out the support and intervention that we will put in place for schools? Yes / No / No opinion**

[add free text/chance for commentary]

Quality assurance

This question relates to the government's longer-term plans to increase the independence of quality assurance of careers guidance in schools and colleges.

The delivery of provider encounters for pupils, under the terms of the provider access legislation, is one element of a broader careers programme that we expect schools and colleges to develop in line with the Gatsby Benchmarks of Good Career Guidance. Currently schools and colleges largely self-report their progress against the Gatsby Benchmarks and any expert reviews are the responsibility of the school or college, together with their support network such as a Careers Hub, to provide. We are interested to consider whether there is a role for greater independent peer or expert review and whether this could further help schools and colleges to learn from good practice and further develop their careers programmes.

- **We are keen to hear about any examples of peer and expert review that schools or other education and training providers employ to quality assure i) careers programmes and/or ii) delivery of other key statutory duties or programmes for young people and the impact this has had.**
- **In your experience, is the use of peer and expert review an effective way to improve quality? Yes / No / No opinion**
- **Do you have a suggestion as to who might be best placed to undertake expert reviews? Yes/ No/ No opinion. Please explain**

You are not required to provide additional information if you do not have any further comments.

⁸ Secretary of State's intervention powers, under Section 496 and 497 of the Education Act 1996, to require appropriate remedial action to be taken.

Equality impact assessment

As the Department for Education is a public body, we must comply with the public sector equality duty in section 149(1) of the Equality Act 2010.

In developing these proposals, we have considered the likely impact on persons who share particular protected characteristics.

The Public Sector Equality Duty requires public authorities to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

We believe that the proposed changes to the guidance will have a positive impact on all pupils with one or more protected characteristics by ensuring that education and training providers of technical education and apprenticeships have access to pupils. This means that all pupils in year 8 to 13 have the opportunity to learn about the range of technical education qualifications and apprenticeships that are available, supporting young people to make more informed choices.

We do not believe the proposed changes will have a negative impact on any pupils with one or more of the relevant protected characteristics outlined in the Equality Act.

- **Do you have any comments about the potential impact, both positive and negative, of our proposals on individuals on the basis of their protected characteristics? Where you have identified potential negative impacts, can you propose ways to mitigate these?** Yes/ No/ No Opinion. Please explain



Department
for Education

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