

The Baker Clause: Best Practice Guidance for Schools, Providers and Learners

Overview

AELP and ASCL in partnership have published this briefing paper providing an overview of the Baker Clause, its implications on stakeholders and guidance that supports navigating the further education sector. This paper is beneficial to schools, providers, young learners and their parents/carers.

What is the Baker Clause?

Introduced as an amendment to the Technical and Further Education Act 2017, the Baker Clause stipulates that schools must allow colleges and training providers access to every student in years 8-13 to discuss non-academic routes that are available to them (*See Appendix A*). It is expected that by doing so this will help address the UK's productivity challenges and address skills shortages experienced across several sectors of the economy. This regulation has been enforced since January 2nd 2018.

What does this mean for stakeholders?

The Baker Clause will have different implications depending on whether you are a school or provider. In this section, we have provided some guidance on what the Baker Clause will require schools to do in practice and what it will mean for both college and training providers.

Schools

The Department for Education's [Statutory guidance for governing bodies, school leaders and school staff](#) sets out the expectations of schools which includes:

- Every school must ensure that there is an opportunity for a range of education and training providers to access all pupils in year 8 to year 13 for the purpose of informing them about approved technical education qualifications or apprenticeships.
- Every school must publish a policy statement setting out their arrangements for provider access and ensure that it is followed.

Schools must also publish a policy statement detailing the ways in which colleges and training providers will be granted access which must include:

- (a) any procedural requirements in relation to requests for access;
- (b) grounds for granting and refusing requests for access;
- (c) details of premises or facilities to be provided to a person who is given access

This statement may be revised by the school's Governing Body from time to time and must be published- both original and amended versions. If your school has not yet done so, we strongly recommend you publicly publish a policy statement on provider access immediately as this is a statutory requirement. An example of a policy statement on provider access can be viewed [here](#).

The following are classified as schools under the Education Act 1997:

- (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.

FE Providers

As the Baker Clause is a statutory duty, schools are obliged to comply with the terms set out in Section 42B of the Education Act 1997. In order to gain access to schools, colleges and providers should check the website of the school they wish to attend. Access policies should be readily available - in the event that this is not the case, they should get in touch with the individual school directly.

Whilst we welcome the opportunities the Baker Clause provides in opening up schools to the further education sector, we believe that this should be a gradual process. Schools should not be overwhelmed by providers attempting to access them. Therefore, should providers require advice or clarification around accessing schools, we encourage this is done through AELPs regional provider networks.

AELP Regional Network Chair Contacts:

Region	Network Chair	Email
North	Charlotte Cookson (Secretariat)	charlotte.c@gmlpn.co.uk
Midlands	Rob Colborne	robc@ptp-training.co.uk
London and East of England	Mark Pike	pikeM@developebp.co.uk
South	Sue Taylor Sharron Robbie	sue@alpsurrey.co.uk sharron.robby@trainingprovider.com

Advice and guidance for schools, parents and carers

- [The Apprenticeship Support and Knowledge for schools and colleges programme \(ASK\)](#)

This government-funded programme is designed to give schools and other educational establishments across England free support to develop and transform how your students think about apprenticeships. Further information on the full offering can be found in the [2018/19 ASK brochure](#). What that support looks like for you will depend on your establishment's size, focus and requirements, but it could include an "inspiring apprenticeship awareness" assembly, apprenticeship application workshop, careers fair

attendance, free resources, a teacher CPD session or a whole range of other options. “Amazing Apprenticeships” (see below) help to coordinate and facilitate that support.

- [The essential guide to apprenticeship support](#)
Whilst this guide is directed towards apprentices, the information may also be useful for parents, carers and other groups who offer advice and guidance.
- [Parents’ Pack Apprenticeship Information](#)
This guide has been created for parents who want to explore and understand the range of apprenticeships that are available. Furthermore, the guide is available in Punjabi and Polish.
- [Amazing Apprenticeships](#)
Amazing Apprenticeships deliver national projects designed to inform and inspire England’s students about apprenticeships on behalf of the National Apprenticeship Service. They arrange bespoke support packages for schools and colleges who want to increase awareness of apprenticeships. They create and deliver resources from posters and guides to films and live broadcasts with some of the country's most prestigious employers.
Amazing Apprenticeships have a wealth of informative resources, helping to explain apprenticeships whether you are a parent, teacher or thinking of becoming an apprentice yourself.
- [Careers & Enterprise Company](#)

[Find an activity provider](#)- This tool allows schools to search for careers activities within their vicinity to fit their own local needs. It will also help them to meet the Gatsby benchmarks e.g. Gatsby Benchmark 7 which states:

“By the age of 16, every pupil should have had a meaningful encounter with a provider of the full range of learning opportunities.”

The Careers & Enterprise Company invest in careers activity providers across England, helping them to deliver activities with schools and colleges.

[Compass](#)- Compass helps you to evaluate your school or college's careers activity against best practice. The evaluation is based on the Gatsby Good Career Guidance Benchmarks. The tool is free to use and created in partnership with the Gatsby Charitable Foundation.

Advice and guidance for young people

- [A guide to apprenticeships](#)
This leaflet provides information on the opportunities, progression and benefits of doing an apprenticeship with case studies from real apprentices.
- [Apprenticeship Champions](#)

This network consists of over 1000 people working in education and training across England who promote the apprenticeship brand. You can locate your nearest Champion by visiting their [website](#).

- [UCAS](#)
Whilst most student associate UCAS with applying to university, UCAS also have a dedicated section to further education, including apprenticeships and traineeships. They provide a breakdown of types of apprenticeships, entry requirements and how to apply. They also include opportunities beyond intermediate apprenticeships for learners wishing to pursue a higher or degree level apprenticeship.
- [GOV.UK “Become an apprentice”](#)
This page provides information on how to apply for apprenticeships using GOV.UK’s service, what to do in the event that you are unsuccessful for the apprenticeship and conditions of pay.
- [Not going to uni](#)
notgoingtouni.co.uk is now one of the UK's leading websites dedicated to helping school and college leavers make informed decisions about their future by showing the opportunities that exist outside of traditional university, such as apprenticeships, sponsored degrees, diplomas, gap years, distance learning and jobs.
- [GetMyFirstJob](#)
GetMyFirstJob provide information and apprenticeship vacancies across a variety of sectors- providing opportunities to connect employers with potential apprentices. In addition, they also provide information about traineeships for those who may not yet be ready for an apprenticeship.

Further information?

About AELP

Members of the Association of Employment and Learning Providers (AELP) support employers in the delivery of over 75% of apprenticeships in England and they deliver other publicly funded skills and employment programmes. The majority of AELP’s 900+ members are independent private, not-for-profit and voluntary sector training and employment services organisations with employers, universities, FE colleges, schools and end-point assessment organisations joining AELP in increasing numbers.

Association of Employment and Learning Providers (AELP)

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About ASCL

The Association of School and College Leaders (ASCL) speaks on behalf of members and acts on behalf of children and young people. ASCL is Britain's leading professional body representing over 19,000

school and college leaders in all phases across the UK. Our members are responsible for the education of more than four million young people. ASCL works to shape national education policy, provides advice and support to members and delivers first-class professional development.

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Please feel free to contact ASCL or AELP with any further queries

Appendix

Appendix A: Education Act 1997 c. 44 Section 42B: Information about technical education: access to English schools

(1) The proprietor of a school in England within subsection (2) must ensure that there is an opportunity 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.

(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.

(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;

(c) details of premises or facilities to be provided to a person who is given access.

(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), 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.

(10) In this section “approved technical education qualification” means a qualification approved under section A2DA of the Apprenticeships, Skills, Children and Learning Act 2009.