



Welsh Government
Consultation – summary of responses

Education (Student Information) (Wales)
Regulations 2017

Education (Destination Information) (Prescribed
Activities) (Wales) Regulations 2017

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Introduction

The Small Business, Enterprise and Employment Act 2015 received Royal Assent on 26 March 2015.

Part 6 of the Act concerns education evaluation data sharing. Sections 79 and 80¹ insert section 253A into the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA 2009) and section 49B of the Further and Higher Education Act 1992. (FHEA 1992) Section 253A of ASCLA 2009 enable Welsh Ministers to make regulations prescribe the persons and the categories of persons to whom a person in Wales may provide student information. The regulations also prescribe the type of student information that may be shared and the circumstances in which that information may be shared. Section 49B of the FHEA 1992 allows regulations prescribes which activities of a student, that has left a further education institution in Wales, count as “destination information” for the purposes of section 49B(2) and 49B(3) of the Further and Higher Education Act 1992. .

The named organisations listed in the draft regulations either as ‘prescribed persons’ or ‘persons’ falling within a prescribed category’ are limited to those that require the data for purposes that go beyond research, information, advice and guidance. Examples include learning providers and government bodies working in the field of education. These bodies generally require student-level data for operational aims such as monitoring, inspection, minimising the burden of administration and quality assurance of information.

2. Analysis of responses

The Welsh Government received a total of ten responses by the deadline date of 31 July 2017.

The consultation document and the response proforma adopted for this consultation can be found on the Welsh Government’s website at:
<https://consultations.gov.wales/consultations/regulations-sharing-student-information>

We would like to take this opportunity to thank everyone who responded to the consultation for their contribution.

3. Responses

Question 1: Do you agree that the policy underlying both sets of regulations is appropriate?

Yes	No	No response
9	0	1

- All respondents who answered this question agreed that the policy is appropriate.

¹ The education provisions in part 6 (sections 78-80) were commenced automatically two months after Royal Assent

Question 2: Do you think there are any equality impacts arising from the policy underlying both sets of regulations?

Yes	No	No response
2	7	1

- Most respondents did not identify any equality impacts.
- One respondent answered 'yes', but did not provide any further information on what the impacts might be.
- One respondent identified a potential positive impact, by improving the availability of data on outcomes for young people with disabilities and additional learning needs.

Question 3: Do you agree with the circumstances in which student information can be shared?

Yes	No	No response
7	1	2

- Most respondents were in agreement with the defined circumstances.
- One respondent commented that anonymised information would need to be publicly accessible in order to respond to Freedom of Information requests.

Question 4: Do you agree with the named organisations that persons may provide student information to?

Yes	No	No response
5	3	2

- The responded who answered 'no' to this question suggested other organisations that could be included:
 - Providers that deliver formal qualifications but are not funded by the Welsh Government;
 - Local authorities which provide Welsh Government funded learning;
 - The public, under Freedom of Information rules; and
 - CITB, in order to carry out research to fulfil its functions as a Sector Skills Council.
- Qualifications Wales agreed with its inclusion as a named organisation, but noted that the wording of the consultation paper could more clearly reflect its statutory functions in relation to general and vocational qualifications. (This wording does not appear in the regulations themselves).

Question 5: If your organisation has not been named as a ‘prescribed person’ or ‘person falling within a prescribed category’ but you think you require access to student level information for purposes that go beyond research, analysis and provision of information, advice and guidance, please explain why?

- Most respondents did not answer this question, or answered ‘not applicable’.
- Two respondents gave reasons why their organisations would want access to anonymised data and/or statistics, but did not explicitly indicate that they would require individual (non-anonymised) learner data.
- CITB’s response set out reasons for its request to be included as a prescribed person, in order to carry out research to benefit the construction industry (including analysis of qualifications and learner destinations).

Question 6: Do you agree with the prescribed activities?

Yes	No	No response
7	2	1

- In relation to the Education (Student Information) (Wales) Regulations 2017, the majority of respondents agreed that the prescribed activities, including information in relation to whether students have gone on to higher education, training or employment, were reasonable.
- One respondent felt the definition of ‘progression’ should include learners moving onto courses at the same or lower level, as a learner may have to do this in order to change career pathways.

Question 7: Do you agree that we should look at the destination of the student in the academic year following them leaving the relevant institution?

Yes	No	No response
7	0	2

- There was general agreement that it was appropriate to look at the destination of the student in the academic year following them leaving the relevant institution (with one respondent commenting that there was ‘no straightforward answer’).
- Two respondents also suggested that longer scale tracking of learner destinations would give a clearer picture of where learners end up, and facilitate better longer term planning.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

- Respondents commented on:
 - The need to ensure that data is available to show outcomes for learners with disabilities;
 - The importance of longer-term tracking of learner destinations; and
 - Concerns about using data for accountability measures, and the possible unintended consequences that may result.

Welsh Government response

The consultation showed that there is a broad consensus in relation to both sets of regulations. Overall, it was clear that respondents understood the purpose of the regulations and recognised the benefits of improving data on learner outcomes.

These Regulations relate specifically to the sharing of personal learner level data. Some respondents highlighted the importance of ensuring that anonymised data and/or statistical analysis is available, either to assist with research or in response to Freedom of Information requests from the public. If an organisation is not named in the regulations as a prescribed person or prescribed category of person, it does not necessarily preclude them from receiving anonymised or aggregated data where other powers exist to share information. We believe that most of the data requirements identified by respondents can be met through the provision of anonymised data. Local authorities, mentioned by one respondent, are already included in the 'learning providers' category of the list of prescribed categories of person. We do not believe that the consultation identified any other persons or categories of person whose data requirements would be served by these regulations, but will, where possible, make anonymised data and analysis available for research purposes.

Welsh Government will match data from different sources to identify learners' progression pathways into further learning and employment. This will include data held by third parties such as Careers Wales, the Department for Work and Pensions (DWP) data and Her Majesty's Revenue and Customs (HMRC). This means we are not reliant on individual schools and FE colleges 'tracking' where their learners go. Based on the consultation responses, we will use destination in the academic year after leaving an institution as the basis for our analysis at individual learner level; this does not preclude undertaking analysis of longer-term destinations, or the sharing of this data in aggregated formats.

Respondents made some helpful suggestions on the different groups of learners, and types of outcome, that could be included in analysis. We will take these into account in the continued development of performance measures and reporting.

4. Next steps

There are no changes required to the policy set out in the consultation as a result of the consultation. Regulations will be made and it is anticipated that these will come into force in late September 2017.