

## **SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT BILL: NOTE FROM THE DEPARTMENT FOR EDUCATION TO THE PUBLIC COMMITTEE ON CLAUSE 76**

Reference:

December 2014

To aid the Committee's consideration of the Small Business, Enterprise and Employment Bill, this note provides further information on the delegated powers in the Qualifications provision.

### **Policy background**

1. In the White Paper *The Importance of Teaching*, we said that international evidence demonstrates that, alongside school autonomy, accountability for student performance is critical to driving educational improvement. It is vital that schools and Further Education ("FE") institutions are accountable for how well students do, and how taxpayers' money is spent. More comprehensive performance tables will support these aims.

2. The performance tables report performance indicators in academic and vocational qualifications at a provider, a local authority and national level. This provides parents and students with a reliable source of comparative information on the achievements of individual schools and FE colleges so they can identify those that offer the best chance of helping them to achieve their ambitions. In addition, the performance indicators and the underlying data support the accountability system from self-evaluation through to informing Ofsted inspections. The information also enables research for the purpose of improving education and well-being of young people.

3. The Government launched a consultation on changes to the 16-19 accountability system in September 2013 and published the response in March 2014. The response announced that we should extend the coverage of the post-16 performance tables to provide a clearer and more comprehensive picture of provider

performance. The ambition is to report results for more qualifications and providers than ever before. A set of headline and additional measures will be reported to include information on retention, destinations, and achievements in work-based learning (eg. apprenticeships) and for the first time qualifications below level 3. We also want to report on the performance of other learning providers, such as training providers. The majority of these changes are planned to be implemented in the 2016 performance tables (published in January 2017).

4. The production of high quality performance tables relies on the collection and the ability to share back information of individual students. Student information is collected from learning providers by the department and its contractors. It is then aggregated to calculate performance measures at institution-level. This information is then shared back to learning providers to ensure the information is complete prior to publication.

5. The performance tables production processes therefore require a legal gateway in which the sharing of student information can take place between these persons. Whilst we have a gateway in place which requires schools to provide individual pupil information to the Secretary of State and to a prescribed person, we do not have comparable provision for sharing of student information by other learning providers. Such provision is necessary to create a level playing field for all providers. It will allow broader collection and sharing back of student information to reform the post-16 performance tables and facilitate wider provider self-evaluation and research of benefits to students.

### **Qualifications clause**

6. This clause enables a person to share student information to the Secretary of State and Welsh Ministers, an information collator, a prescribed person or category of persons. The intention is to create a gateway to allow the sharing of student information for the purposes of extending the performance tables; facilitating accountability and more inclusive provider self-evaluation; and widening research of benefit to students.

7. The legislation we are introducing through the Small Business, Enterprise and

Employment Bill will amend the Apprenticeships, Skills, Children and Learning Act 2009.

### **Proposed scope of Regulations**

8. Secondary legislation will prescribe the circumstances in which the sharing can take place, the description of information that can be shared and the prescribed persons or category of persons that can share student information.

9. Information shared under the clause will be restricted to student qualification or work-based learning related information such as the name of the student, his/her examination results, and completion of learning. It is intended that the information should only be shared in circumstances where a student is or has undertaken key stage 4 studies or a 16-19 study programme. Prescribed persons will be restricted to, for example, schools, colleges and work-based learning providers.

10. All student information will be shared in accordance with Data Protection Act 1998 and Human Rights Act 1998. It will not be published by those receiving the information in any form which identifies the student.

11. The Department has consulted with a range of stakeholders about the proposed extension to the information sharing gateway and the increased coverage of reformed performance tables. There was strong support for these changes.