

# Minutes

<b>Date</b>	16 June 2010
<b>Subject</b>	<i>the information authority</i> board
<b>Location</b>	St Mary's Hall, Coventry
<b>Time</b>	10:30 to 13:30
<b>Publication intent</b>	PUBLIC DOCUMENT

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**Present** Board members: Emma Cochrane (Ofqual); Jon Collis (ALP); Ruth Curry (BIS); Mario Ferelli (HEFCE); Julian Gravatt (AoC); Graham Jones (Chairman); Martin Lamb (YPLA); Caroline Miller (Kenton College); Paul Moore (Ofsted); Julie Nugent (Skills Funding Agency); Bob Powell (HOLEX); Ian Pryce (Bedford College); David Pye (LGA); Robert Spano (GoSkills); Kate Starkey (DfE); and Ian Thomson (BIS).

Presenters: Pete Ashton (*the information authority*); Anne Fessi (*the information authority*); Peter Millard (*the information authority*); John Perks (*the information authority*);

Others: Stephie Brook (*the information authority*);

**Apologies** Tim Allen (LGA); Jo Baty (REACT); Malcolm Britton (DfE); Robert Pike (Ofsted);

## Item 1. Welcome and introductions

- 1.1 The Chairman welcomed attendees and alternates (including Paul Moore who attended for Robert Pike – Ofsted) and gave apologies for those unable to attend.
- 1.2 The Chairman introduced new attendees: Kate Starkey attending on behalf of Malcolm Britton (DfE) and David Pye attending on behalf of Tim Allen (LGA).

## Item 2. Minutes of the last meeting and Action Log

### 2.1 Minutes

- Point 7.4 – The Chairman explained to the board that the secretariat had been advised by Julian Gravatt that the following statement from the last meeting is incorrect. *Julian Gravatt stated that he had previously used FfE, continues to use it now and found it useful.* The board reviewed the point and agreed that this is not a true reflection of the last board meeting.
- The board approved the minutes and the Chairman thanked staff who produced them.

*the information authority board*

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## 2.2 Action log

Anne Fessi and Pete Ashton updated the group on the actions from previous meetings. As outlined in the action log, these are summarised as follows:

- 11/08-01 and 02 – Pete Ashton confirmed that planned contact hours had been included within the ILR and proposed that these two actions should be closed. The board agreed.
- 03/09-02 – The board agreed closure of this action.
- 03/09-13 – David Pye agreed to follow up on this action.
- 03/09-17 – The board agreed the closure of this action.
- 12/09-04 – The board agreed the closure of this action.
- 03/10-01 – The board agreed the closure of this action.
- 03/10-02 – Definitions methodology published and circulated to members of the board. The board agreed closure of this action.
- 03/10-03 – The board agreed the closure of this action.
- 03/10-04 - The board agreed the closure of this action.

### Item 3. Matters arising

No matters were raised.

### Item 4. Reports for external groups

- 4.1 Pete Ashton summarised the key points as outlined in the “Reports from External Groups” paper.

#### FE Data Management Group Update

- 4.2 Pete Ashton explained that the proposal about recording learning aims not yet indicated or fundable on the learning aims database performs two functions:
- 4.2.1 It protects the provider from criticism that learning aim codes have been changed.
  - 4.2.2 It allows the extent of the problem to be monitored and provides information to inform work to resolve the underlying issues.
- 4.3 Emma Cochrane asked if this approach would bring more certainty to providers in terms of funded learning. Pete Ashton explained that this is a big issue for providers as they seek to complete their planning activities for 2010/11 and whilst there can be no certainty; the proposed way forward will close the loop. John Perks added that this situation is also exacerbated by the move to QCF, and *the information authority* is not in a position to resolve all the issues relating to this.
- 4.4 Julie Nugent emphasised the need to ensure that this paper applies to all providers and not just colleges, as stated in section 4.
- 4.5 John Perks advised the group of the request from providers to state “where qualifications are not being funded”. Julie Nugent confirmed that it is clear within the published guidance/documentation and will be updated later in the year. In addition, her team are working on ensuring clarity and transparency where qualifications are not being funded.

- 4.6 The Chairman explained that the responses to the outstanding Data Management questions will require the approval of the board prior to going back to the FE Data Management Group. With this in mind, the Chairman asked the group, firstly if they agree with the guidance, and secondly if they feel *the information authority* is in a position to do anything about it in terms of pressing others for clarity.
- 4.7 The group confirmed their support for the guidance and agreed that any specific concerns would be managed by John Perks and the secretariat.
- 4.8 Pete Ashton explained that the timely recording of ESOL presents the biggest challenges as ESOL qualifications are very different in terms of the structure of other qualifications and it is very difficult to determine the direction of travel for ESOL students and the associated outcome at an early stage in the learning process. In some instances a learner commences a particular ESOL qualification, but subsequently may decide to transfer to another sometime afterwards.

**The board confirmed it was content for the advice on paragraphs 13 to 17 of the paper to be published.**

- 4.9 Pete Ashton confirmed that consultation with stakeholders had already commenced and ESOL colleagues have expressed their concerns about the solution proposed by the FE Data Management Group.
- 4.10 Further discussion took place around the fundamental problems arising from the current structure of qualifications; however, Pete explained that this is not an area of expertise for *the information authority* nor an area where it has authority. It was however agreed that there is a requirement for the consistent and accurate recording of data.

**The board agreed for this piece of work to continue to be taken forward and for consultation to be undertaken. The secretariat will report back to the board in September 2010.**

### **Nested Qualifications**

- 4.11 The group reviewed the Nested Qualifications section of the paper and requested the inclusion of a statement pointing to structuring the curriculum around nested qualifications. It was agreed that this would go some way to avoiding further problems with the completion of data. Julie Nugent asked that the statement makes it clear that there is endorsement from Ofsted. This was confirmed.
- 4.12 Board members agreed that existing practices boosted success rates and do not generally consider the interests of learners, and Ofsted has made it clear that the curriculum structure has to be focused on the best interests of the learner.

**The board confirmed that it is content for the statement to be developed and when agreed with Ofsted and other stakeholders, referenced from the FAQs.**

## Appendix A – ILR Data Management Principles

- 4.13 Pete Ashton confirmed the “Principles for completing the ILR” paper was being presented for comment and the board to approve prior to consultation with the sector. Comments will then be presented to the FE Data Management Group at its next meeting.
- 4.14 John Perks confirmed that these principles were developed in response to the letter to providers from the Chief Executive of the Learning and Skills Council, prior to the Machinery of Government changes being put in place.
- 4.15 Julie Nugent highlighted the potential issues around prior attainment and recommended that a sense check is required. John Perks agreed that there are certain areas that need to be investigated.

**New action** – John and Julie to take this off line and to bring back any relevant issues to the board in September if required.

- 4.16 The group debated the terminology used in the principles document, with some members preferring the term “may” to be used in place of “must”. However, it was viewed that “may” would be used if this was a set of guidance documentation and might indicate that providers have the option to follow the principles. The group therefore agreed that “must” continues to apply.
- 4.17 Bob Powell and Mario Ferelli highlighted the potential changes around the basic pieces of information outlined in Principle 5, such as name changes. It was agreed that this principle should be supported by a list of what can and cannot be changed.

**New action:** *the information authority* secretariat to compile a supporting list highlighting which pieces of information cannot be changed, and to include this when going out to consultation.

- 4.18 The group agreed that Principle 6 should include a note to state that the data management best practice publication is a good aid to developing systems for managing data. It was agreed to highlight this report as **one of many** good approaches to managing data.

## Appendix B - Principles for Funding Bodies and Agencies

- 4.19 Martin Lamb asked that *the information authority* consult all the relevant agencies and departments at policy level. Ruth Curry emphasised the need to reference each department by name to ensure clarity.
- 4.20 The Chairman also asked that the notes section should include a statement to explain how information is used and make references to the relevant protocols in place.

- 4.21 Mario Ferelli suggested that these principles might also include a section on how *the information authority* manages demands for information; including sudden changes. The Chairman explained that whilst the board appreciates that some requirements for data do demand flexibility and the secretariat does seek to respond in the most appropriate way, *the information authority* asks that there are no separate collections. It is the funding body's responsibility to use the data in the right way and to demand high levels of quality. Pete Ashton explained that the FE Data Management Group had debated this, and this is the rationale for the term "expected" in sections 1, 3 and 4.
- 4.22 Paul Moore raised concerns around the publication of algorithms. John Perks explained that this is one of the biggest causes of burden on providers when they attempt to reverse engineer the algorithms and, therefore, John is in favour of getting the detail of any algorithms used to produce statistics on providers into the public domain.
- 4.23 The board agreed to Julie Nugent's recommendation that the principles include details of the Data Service. The Chairman also suggested the inclusion of the term "transparency" in the document.

**New action** – Pete Ashton to incorporate the above points and to take back to the FE Data Management Group.

#### **F05 Hard Close Group**

- 4.24 Pete Ashton explained that the F05 Hard Close group met for the first time on 24<sup>th</sup> May 2010 and its members were keen for the board to have sight of the risk register.
- 4.25 Ruth Curry stressed the need to ensure the rules are not relaxed for the hard close and that this should be clearly communicated to providers.

#### **Bureaucracy Reduction Group (BRG)**

- 4.26 Anne Fessi provided an update on the BRG, as the secretariat is currently providing support for this group whilst its long-term future is decided in a sector-led review (headed up by AoC).
- 4.27 The board agreed to the content of the report and approved the consultation activities and the reporting back to the board in September 2010.

#### **Item 5. Timeliness of Employer Responsive Data**

- 5.1 Peter Millard provided a summary of the proposal to introduce a standard for timing of data collected within the Employer Responsive (ER) ILR.
- 5.2 Julie Nugent confirmed that, as set out in section three, the guidance note has been distributed by the Skills Funding Agency signalling the intent to implement this. She explained that it would be helpful to receive feedback, but reiterated that this was funding guidance and not ILR guidance.

- 5.3 John Perks expressed his concern with the previous lack of a standard in this area and that needed to be addressed. Pete Ashton confirmed that *the information authority* and the Skills Funding Agency had worked closely on this.
- 5.4 Julian Gravatt explained that the delay in submitting ER data has been due to the Learning Aims Database not being updated in a timely manner and funding guidance being issued late. He therefore suggested that a hard close was not imposed on ER data, but that this could be a move towards a hard close. Julie Nugent confirmed that there are ongoing discussions with the Association of Learning Providers (ALP).
- 5.5 Ian Pryce commented that there needs to be a tighter deadline on the recording of achievement data. There was a general agreement that this needs to be communicated to Awarding Organisations so that results are reported back to the providers in a timely manner.
- 5.6 Julie Nugent agreed that the recommendations need to be more detailed.
- 5.7 The board agreed the timeliness guidelines in principle, but that a note should be added to indicate that where providers have made every effort, but there are mitigating circumstances as to why their ER data is returned late, then these should be considered on a case by case basis.

## **Item 6 – New Government Policy Updates**

- 6.1 Ruth Curry provided an outline of the coalition government policy updates:
- 6.1.1 There is a significant increase in funding for Apprenticeships and the investment in Train to Gain is being diverted to this area. In addition, there is a desire for a reduction in NEETS (Not in Education, Employment or Training).
- 6.1.2 John Hayes (Minister for Skills and Lifelong Learning) along with all other ministers is committed to Further Education and this is clearly demonstrated by the level of investment and associated FE budget.
- 6.1.3 Ruth confirmed that there is a clear direction of travel for the FE sector and that is to introduce greater simplification, freedom and flexibility for colleges and providers.
- 6.1.4 In terms of future organisational structures there are differing views within the coalition government and discussions continue to seek further clarity in this area. The government is also working towards investment priorities in the autumn, with a comprehensive spending review being announced in October. More immediately, the funding envelope for the next three years is scheduled to be announced on Tuesday 22<sup>nd</sup> June 2010.
- 6.1.5 Consultation will be taking place during the summer period to review the funding system.
- 6.2 Ian Pryce asked if any decisions had been made as yet as to the future of the libraries and leisure facilities provided within local government. Ruth explained that whilst the future of education is a “given”, there is no indication as yet as to the future of these services, although most certainly there will be a review of their size.

- 6.3 Kate Starkey updated the group on known developments within the Department for Education (DfE).
- 6.3.1 There is still a great deal of uncertainty as to the future, with Business As Usual activities continuing in the meantime.
  - 6.3.2 Future known changes include Academies, GCSE qualifications, new attainment measures and burden. The key area of focus will be transparency and the availability of data to the public.
  - 6.3.3 One of the key challenges will be around technology, its capability and the level of investment moving forward.
- 6.4 Julian Gravatt pointed out that the introduction of new Academies would in fact fall outside of the need for transparency. In addition, he underlined the recent treasury directive limiting IT spend to below £1m.
- 6.5 Kate and Ruth also reminded the group of the freezes to marketing and advertising spend.
- 6.6 Emma Cochrane highlighted the review of the Secretary of State system for determining league tables, and that Ofqual has a duty to review this. It was agreed that Emma and Kate would take this issue offline.
- 6.7 The Chairman thanked the group for the discussions around these specific points and expressed an interest in seeing how academies might be progressed in the future.
- 6.8 Finally, the Chairman thanked both Ruth and Kate for their contributions.

#### **Item 7 – Adjustment to 2008/09 Learner Responsive data**

- 7.1 John Perks gave a verbal update to the group on this issue. Briefly, a late change in the algorithm used for the recording and matching of learner start dates had resulted in duplicate learners being entered in some provider data returns. After analysis, it was found that 179 providers' success rate data would be an inaccurate reflection of that merited by their performance. In order to ensure the credibility of nationally published statistics going forward, the Data Service was commissioned to re-run all the data reports submitted to remove these duplicate records. This would ensure that the Statistical First Release could be corrected and would be an accurate indication of providers' performance.
- 7.2 John underlined the need to ensure that ILR guidance is adhered to and that the publication of algorithms is timely to allow providers time to check their data for accuracy prior to submission, particularly when hard close is being implemented.
- 7.3 John also confirmed that one of the key objectives of *the information authority* is to ensure there is an effective communication process in place and that the secretariat plays a prominent role in making sure those responsible for producing algorithms are on track.
- 7.4 Julian Gravatt highlighted the problems with comparing one ILR to an old ILR and the resulting creation of ghost learners. This deserves a degree of publicity and there is a need to allow time either side before running the data.

- 7.5 John reminded the group of the significant change to the methodology as a result of the introduction of Demand Led Funding. The earlier the algorithms can be made available to providers, the better the situation will become.
- 7.6 Paul Moore asked if there were any known issues around quality assurance before reports are distributed. John explained that there is no real indication that anything should be wrong and that it is all part and parcel of the normal process.
- 7.7 John explained that this was a very tough and complex technological issue, one which required a heavy technological solution to resolve the problem. We now need to learn from this and introduce clarity and effective communications.
- 7.8 Julian Gravatt asked if there might be an opportunity to introduce a degree of flexibility for returning data. The existing process does not make any allowances for problems arising and for the additional time required to resolve them. A set of hard close “range of dates” would be welcomed by providers.
- 7.9 Anne Fessi and Pete Ashton explained that they are currently working on a communications campaign to emphasise the importance and implications of hard close and to ensure that providers are aware of the tools that are available to assist them in returning accurate data.
- 7.10 The group continued to discuss the provision of a time window for submitting data and the possibility of allowing, for example, three working days for submitting the data. Members of the board asked if there might be an option to keep a hard close date, but to have in place an additional 48 hours to enable providers to rectify any mistakes they may have discovered on submitting the data. In essence, this might be promoted as a special case system. The general view is that publicising this approach could be counter-productive as providers may still not return data until the very final deadline.
- 7.11 Julie Nugent suggested that flexibility could be introduced for the re-submission of data only (i.e. only corrected data, rather than fresh data, would qualify the provider to utilise the flexible time window).
- 7.12 It was agreed that a criteria would need to be put in place to manage this effectively and the Data Service will need to have the mechanisms in place to do this.

**New action** – The secretariat to review the feasibility of introducing a flexible time window to allow the correction of data errors and to present the options and associated issues to the board in September.

## **Item 8 – Data Collection Menu**

- 8.1 The secretariat has developed a Data Collection Menu which, as recommended in the report, forms the broad review of the ILR. The board was asked to comment on the document as it currently stands, on the understanding that Pete Ashton would circulate the final document to board members by e-mail in the near future.
- 8.2 Paul Moore asked about the fit with the FE Learner Data Strategy. John Perks confirmed that this is a parallel piece of work and the two are interrelated.

- 8.3 Julie Nugent raised an issue regarding the status between the two and explained that there are implications from the FE Learner Data Strategy on the Data Collection Menu. Julie also asked for clarification around the purpose of this exercise and the need to understand its context, where it will go and who will be accountable for it.
- 8.4 Pete Ashton confirmed that once completed, the content of the summary sheet circulated for comment would be developed into a comprehensive Data Collection document.
- 8.5 Ruth Curry emphasised the need for all to be clear that the ILR remains the principal data collection method. Julie Nugent endorsed this and added that when ministers request additional pieces of information, there will be a requirement to work with *the information authority* on the best methods of collecting data.

**Decision: Board members indicated that they were happy to give further feedback on the document outside of the meeting, but that in principle had no opposition to the Data Collection Menu being published.**

#### **Item 9 – Process for dealing with late ILR change requests**

- 9.1 Pete Ashton introduced the discussion around a potential process for managing late ILR change requests, with the following questions:
- 9.1.1 Do we need a late change process?
- 9.1.2 If we do, should we formalise the process?
- 9.2 Martin Lamb suggested that if the process is working, maybe we should not be looking at introducing something different. Ian Pryce added that responses to previous late requests have been very positive and that a workable process was in place, but it had not been formally documented. Ruth Curry supported the suggestion that the process should be kept as an undocumented / informal one.

**Decision: It was decided that the current informal arrangements for dealing with late requests for changes should be maintained and that board members should be aware that this process is available. However, each case will be considered on its own merit and the change request will be subject to the same rigorous criteria check and investigations as any other request.**

- 9.3 Pete Ashton confirmed that about twelve ILR change requests for 2011/12 have been received to date, and this might indicate that the secretariat will receive late changes as government policy becomes clearer. Julie Nugent added that as part of the funding review, the Skills Funding Agency will ensure *the information authority* is engaged in the consultation process. Bob Powell asked the board to appreciate the risk around resource constraints that might impact on the ability to manage increased volumes of late change requests.

## Item 10. Update on Communications Targets

- 10.1 Anne Fessi highlighted some of the key communications activities being managed by the secretariat, as outlined in the board paper.
- 10.2 Kate Starkey asked that section 4 be expanded to reflect the joint work activity on the strategies.
- 10.3 Ruth Curry asked that the secretariat keep BIS in the loop regards communications and marketing activities, as there are some exemptions to the recent freeze on marketing spend.
- 10.4 Robert Spano also requested that whilst the future of the Sector Skills Councils is uncertain, the alliance should be included as part of any consultation and communications exercise. The Chairman supported this view and added that all members of *the information authority* board need to be aware of these activities.

## Item 11. Secretariat Report

- 11.1 John Perks underlined the two key decisions to be taken by the board:
  - 11.1.1 To note the direction of the Connexions Data developments and to agree to its continued progress. All agreed to it being taken forward and Martin Lamb added that if this work could be speeded up, this would be hugely beneficial.
  - 11.1.2 Data Burden/Simplification – the board agreed to this piece and confirmed that they are satisfied with its contents.

## Dashboard

- 11.2 John Perks summarised the milestones, risks and issues, and web usage statistics. He emphasised to the board that the budget for 2010/11 is indicative only and may well be subject to change.

## Date of next meeting

The next meeting is on 29 September 2010.

Meeting closed.

<b>Meeting chair</b>	Graham Jones
<b>Minute taker</b>	Stephie Brook
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