EXPLANATORY MEMORANDUM TO

THE EDUCATION (INDIVIDUAL PUPIL INFORMATION) (PRESCRIBED PERSONS) REGULATIONS 2007

2007 No. 2050

1.   This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2.   Description

2.1   Amendments need to be made to the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999 (SI 1999/903), as amended, in relation to the operational data dissemination requirements of the Managing Information Across Partners (MIAP) programme and relate to the extension and updating of the prescribed persons and prescribed categories listed in regulations 3(4) and 3(5).

3.   Matters of special interest to the Joint Committee on Statutory Instruments

3.1   None.

4.   Legislative Background

4.1   The change is to prescribed persons and prescribed categories listed under regulations 3 (4) and 3 (5) of the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999, as amended.

5.   Territorial Extent and Application

5.1   This instrument applies to England.

5.2   Adoption of the shared services delivered under the MIAP programme by the Devolved Administrations will be subject to the successful passage of the Further Education and Training Bill.

6.   European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7.   Policy background

7.1   MIAP arose from the post-16 reforms following the Learning and Skills Act 2000 and the legacy of disparate data policies and systems. There was a recognition that effective data management would help realise the benefits of reform. MIAP now brings together over 40 post-14 learning and skills sector organisations who have signed up to a new framework for data sharing.

7.2   The MIAP programme of improvement to data collection and sharing will be

introduced over several years and will result in information being collected once, used many times and used by all organisations that are entitled to it. This will eliminate the burden placed upon Careers Advisers and learning providers to meet numerous information demands from various agencies at different times. For learning providers, including schools with post-14 pupils, MIAP will offer operational benefits in communicating with other educational bodies, such as examinations boards, and understanding the progression of learners. It will also remove bureaucracy for learners by making their interaction with the learning and training sector easier.

7.3   MIAP is introducing three internet based services, supported by Common Data Definitions:

o   a Learner Registration Service, incorporating a unique learner number for every person over the age of 14 in education and training. This service will directly enable the introduction of 14-19 diplomas and the Qualifications and Credit Framework, and will roll out from September 2007;

o   a data sharing interface will enable the creation of learner records, setting out an individual's learning participation and achievements, which can be accessed and shared with providers and potential employers as they wish. This service is expected to roll out from September 2008; and,

o   a UK Register of Learning Providers containing contact, course and performance information about individual providers. This service is already available and is being continually enhanced.

7.4   Consultation on the feasibility of a Unique Learner Number was carried out between 1 December 2003 and 4 March 2004. This showed widespread support for the adoption of the ULN and outcomes have been built into planning for the delivery of the MIAP services. In addition, a detailed user requirement analysis was undertaken involving a wide range of stakeholders. MIAP continues to involve stakeholders in the development of proposals, for example, tests and trials are currently underway in a range of scenarios and MIAP proposals were recently positively received by the national learner panel.

7.5   There is a need to add prescribed persons to enable data sharing by learning and training providers, careers advisers and examination boards who need to share information about learners and their participation and achievement to help personalise learning and lead to a variety of learning and skills sector efficiencies.

7.6   A brief summary of benefits to learners, providers, awarding bodies and employers is given at **Annex 1**.

7.7   The ULN will help enable the introduction of 14-19 Diplomas, the Qualification and Credits Framework and Skills Accounts. It will also support data sharing across the whole of the education sector.

7.8   MIAP data will also be usable by registered organisations that may wish to run data queries on aggregate and anonymous information. This will help planning, funding and quality assurance bodies to improve their understanding of learner progression and will lead to improved decision making.

7.9   Development of the first phase of the Learner Registration Service, which will allocate ULNs, is on course for launch in September 2007, when it is intended that early adopters of the MIAP services will be able to register learners for ULNs for the first time.

7.10   MIAP has taken necessary steps to work with the Information Commissioner to protect personal and sensitive data. The intention is that everyone over the age of 14 will be assigned a unique learner number as they interact with the publicly funded learning and skills sector. Individuals will be able to opt out of sharing their participation and achievement data. A full description of how MIAP supports data protection has been developed and shared with the Information Commissioner's Office and is being published on the MIAP website.

8.   Impact

8.1   A Regulatory Impact Assessment on MIAP is attached to this memorandum at **Annex 2**.

8.2   The impact on the public sector is an improved sharing of existing learner information in the learning and skills sector that will lead to efficiency savings and less bureaucracy for service users.

9.   Contact

Mrs. Bobbie McClelland at the Department for Innovation, Universities and Skills Tel: 0114 2594283 or e-mail: Bobbie.McClelland@dfes.gsi.gov.uk can answer any queries regarding the instrument.

The Benefits of MIAP

For Learners
- Learners will be able to make better decisions about their future education and training
- They will have access to improved information on local and national providers and the services they offer through the UK Register of Learning Providers
- They will be able to track and prove their own progress and achievements by accessing their Learner Record using their Unique Learner Number
- They will receive better advice, guidance and support because providers will know more about what they have already done

For Careers Advisers and Learning Providers
- MIAP will reduce the burden of bureaucracy placed upon education and training organisations by setting common sector standards and data definitions and enabling them to access information that has already been collected about learners, using a Unique Learner Number as a key
- This will allow them to offer better services to learners and potential learners and to enhance their capacity for collaborating with each other
- Having a single number will reduce the plethora of numbers currently used across the sector and will make the linking of records and administration processes far easier

For Awarding Bodies and Other Stakeholders
- MIAP will save awarding bodies' time and money by reducing administration demands
- It will enable them to improve their identity checking and will streamline their reporting of learner statistics
- By formulating common data standards and definitions, MIAP will make a big difference to the flow of information between agencies that will result in more effective data sharing
- They will be able to make improved funding and planning decisions through targeting and tailoring their services to meet the demands of individuals and employers
- MIAP will allow national agencies to make better funding and planning decisions and will provide them with the ability to see the impact of policies through longitudinal analysis

For employers
- Employers will have access to better information on providers and the services they offer
- This will allow them to make improved choices when deciding which education and training providers best meet their skills needs
- They will be able to access employees/applicants achievement and training records (with their consent) and thereby be better able to assess their suitability for a role and to verify their achievements

Annex 2

MIAP Regulatory Impact Assessment (including an Equality Impact Assessment) for the Minister's signature

1. Title of Proposal

The Education (Individual Pupil Information) (Prescribed Persons) (Amendment) Regulations 2007.

2. Purpose and intended effect

2.1 Objectives

To allow additional persons and categories, who are part of the Managing Information Across Partners (MIAP) Programme, to access individual pupil information.

2.2 Background

The purpose of The Education (individual Pupil Information) (Prescribed Persons) Regulations 1999 (SI 1999/903) is to set out the persons and categories of persons who can have access to individual pupil data. Amendments need to be made to allow the operational data sharing needs of the MIAP Programme.

MIAP arose from the post-16 reforms following the Learning and Skills Act 2000, and the legacy of disparate data policies and systems. The education and training sector is extremely diverse, and demands for information vary enormously. Different organisations collect data at different times and in different ways. This wide duplication of effort is time consuming and costly. It places huge administrative burdens upon schools, colleges, training providers and universities, which are expected to provide a variety of information to satisfy numerous requests. The need to provide better services to individual learners and organisations involved in education and training, and to reduce unnecessary bureaucracy across the sector by improving data management, were identified in the Post-16 Reforms of 2001. There was a recognition that effective data management would help realise the benefits of reform. MIAP brings together over 40 post-14 learning and skills sector organisations who have signed up to a new framework for data sharing.

The MIAP programme of improvement to data collection and sharing will be introduced over several years and will result in information being collected once, used many times and used by all organisations that are entitled to access it. For learning providers, including schools with post-14 pupils, MIAP will offer operational benefits in: communicating with other educational bodies, such as examinations boards; understanding the progression of their learners. It will also remove unnecessary bureaucracy for individual learners by making their interaction with the sector easier.

MIAP is introducing three internet based services, supported by Common Data Definitions:

> o   a Learner Registration Service, incorporating a unique learner number for every person over the age of 14 in education and training. This service will directly enable the introduction of 14-19 diplomas and the Qualifications and Credit

Framework, and will roll out from September 2007;

- o a data sharing interface will enable the creation of learner records, setting out an individual's learning participation and achievements, which can be accessed and shared with providers and potential employers as they wish. This service is expected to roll out from September 2008; and,

- o a UK Register of Learning Providers containing contact, course and performance information about individual providers. This service is already available and is being continually enhanced.

MIAP data will also be usable by registered organisations that may wish to run data queries on aggregate and anonymous information. This will help planning, funding and quality assurance bodies to improve their understanding of learner progression and will lead to improved decision making.

The MIAP programme is being strategically lead by the Department for Innovation, Universities and Skills. The Learning and Skills Council (LSC) is the Government's delivery partner for the MIAP programme and will provide some of the learner information required for MIAP through its Individualised Learning Record. MIAP driven changes, for example on common data definitions that enable data sharing, are being gradually adopted by the LSC as part of its own 'Agenda for Change'. The LSC is undertaking a range of tests and trials of the Learner Registration Service, which is assessing the impact on learners, learning providers, awarding bodies in a range of scenarios (e.g. 14-19 Partnerships, Personal, Community and Development Learning (formerly Adult and Community Learning) as part of this process.

A website (www. miap.gov.uk) has been operational since March 2006 and widely promoted.

An equality risk assessment has been completed for MIAP and is appended at Annex 1.

2.3 Rationale for government intervention

The proposed regulations will enable the full range of MIAP partners who support individuals in education and training to access individual pupil information. This will reduce unnecessary bureaucracy in the way that individual learners interact with the sector, for example, by removing the need for repetitive questioning when they enrol with a different learning provider or are seeking careers advice.

The persons (organisations) and categories covered by the proposed regulations and the rationale for extending the information to them are described below.

- o Department of Work and Pensions – to allow Jobcentre Plus staff access so that they can tailor their advice on learning and jobs to clients.

- o Department for Innovation, Universities and Skills - to allow the Department to access information about learner progression via MIAP

- o Students Loans Company – to allow access to information on achievements in relation to educational support loans provided to individual learners.

- o Universities and Colleges Admissions Services – to allow access to information on achievements to manage admissions for learners.

o Higher Education Statistics Agency – to allow access to information on achievements to enable a better understanding of progression into and from Higher Education.

o Persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose – to ensure that researchers, statisticians and economists from registered organisations can access MIAP information to assist with policy formation and performance measurement.

o Learning providers where the parent organisation is regulated through the UK Register of Learning Providers– learning providers who are registered with the UKRLP will need to access data from the MIAP Learner Registration Service to provide services to learners, e.g. speedier enrolment, allocation of a Unique Learner Number, improved liaison with awarding bodies.

o Accredited Awarding Bodies recognised by the Qualifications and Curriculum Authority – Awarding Bodies will need to access Learner Registration Service data to verify learners and their Unique Learner Numbers to reduce duplication and potential for confusion.

o Institutions within the higher education sector – to allow MIAP to have lifelong learning coverage, including the HE sector.

3. Consultation

A full consultation was conducted on the feasibility of introducing the Unique Learner Number (ULN) between 1 December 2003 and 5 March 2004. Details of the consultation can be found at: http://www.dfes.gov.uk/consultations/conResults.cfm?consultationid=1237. The responses to the consultation informed the development of the ULN and the means by which ULNs will be allocated (the Learner Registration Service) and the data interface through which data will be shared.

More informal consultation has also taken place:

o the MIAP programme has operated a stakeholder group since 2003, involving over 40 learning and skills organisations. This group has met 2-3 times a year for updates on progress and to raise questions and issues;

o feasibility work has been conducted including considering a range of delivery options. This has involved over 40 MIAP partner organisations and led to a set of recommendations to Ministers. Following Ministerial endorsement of the proposed approach, further stakeholder consultation was held in early 2005 into user requirements involving 39 one-to-one meetings and a series of 11 workshops attended by 130 organisation representatives;

o during late 2005 further consultation was held on the design of the MIAP Learner Registration Service (LRS) and its associated ULN. 11 workshops were held during September, October and November 2005 involving delegates from learning providers, schools, awarding bodies and the Joint Council for Qualifications. The Federation of Awarding Bodies consulted with 70 member awarding bodies as part of this process. An operational model for the LRS and ULN was developed from this activity; and,

o members of the National Learner Panel for Further Education, established last year, received a presentation and attended workshops to discuss MIAP in April 2007. The panel is representative of learners from all aspects of further education in the UK, with the age of

members ranging from 16 to 75 years. The response from the panel was very positive overall and further updates are planned.

Across government, representatives from the Department of Work and Pensions (DWP), the Information Commissioner's Office, the devolved administrations and the Office of Government Commerce have been regularly involved in stakeholder meetings and Gateway activity on the MIAP programme. DWP and the devolved administrations are also invited to MIAP Programme Boards as standing members.

4. Options:

7.   A variety of options have been considered for the MIAP Programme. The programme aims to share accurate information about learner participation and achievement, and about learning providers and provision, to support personalised front line services, and flexible, modular learning, through the efficient capture, collection and sharing of appropriate data. The options are:

Option 1: Do nothing – A range of strategies and programmes both within and outside the DCSF and DIUS have developed with dependencies on the MIAP learner registration service and the availability of a Unique Learner Number for each post-14 learner, e.g. the FE System Reform data changes; the 14-19 programme, including, in particular, Diplomas; the Skills Strategy and, in particular, the Qualifications and Credit Framework and Skills Accounts. Therefore, 'do nothing' would mean that other important strategies and programmes would need to implement some system to enable the unique identification of individuals. This would incur significant additional cost and unnecessary duplication and bureaucracy.

Option 2: Deliver MIAP limited to the current UK Register of Learning Providers service and the Learner Registration Service, including a Unique Learner Number – This would deliver a range of limited benefits such as confirmation of learner identity and ready access to information about learning providers and their provision, e.g. links to inspectorate information. However, there would be no ability to share data sourced from different data bases on individual learners (subject to learner permission) and thereby enable learners to create learner records and enable information, advice and guidance and learning providers to improve and personalise services to individuals. In addition, educational organisations would not be able to query data on an aggregate and anonymous basis to assist improved planning and decision making arrangements.

Option 3: Deliver a service capable of data sharing and the future addition of learner data – This represents the most favoured option and will deliver a degree of operability that will enable learner centric benefits, e.g. personalised services, development of learner records, linking credits achieved, offering major administrative savings and reducing the bureaucracy of learner interaction with the learning and skills system. It would also allow data query use of better quality data, for example on learner progression, to improve strategy and achieve a better focus in policy development. Initially it is planned to use information from the DCSF held National Pupil Database and the LSC held Individualised Learner Record. Over time, it is planned to add information collected and held by awarding bodies and by higher education institutions to offer lifelong coverage of needs. Additional sources of data would be added at a pace that suits the data owner's adoption of common data definitions and data quality while minimising cost to the MIAP programme, e.g. change is handled as part of normal business cycle improvement and upgrading.

Option 4: Deliver a fully operational service, which operates in real time and covers all available data immediately – This would have been the big bang approach requiring new systems throughout the sector. Partners advised that this approach would be high risk and high cost and it was ruled out as an option in the short term. Ministers preferred a phased approach to

implementation, with the end ambition of creating a real time data sharing system.

5. Costs and benefits

5.1 Sectors and groups affected:

MIAP is benefiting a wide range of stakeholders:

1) All post 14 learners {note that there will be limited historical capture of data and most benefits will affect school leavers after 2002}
2) Employers
3) 14-19 Partnerships
4) IAG Partnerships
5) Learning providers: schools, colleges, work based learning and personal and community development learning providers, universities and Higher Education institutions
6) Awarding Bodies
7) National education organisations - there are over 40 organisations involved in the development of MIAP including the Learning and Skills Council, the Qualifications and Curriculum Authority, the Higher Education Statistics Agency, representatives from other government departments (Department for Work and Pensions and Jobcentre Plus) and devolved administrations. Each will receive benefits, many of which are centred on learner identity issues, e.g. confirmation of eligibility.

5.2 Benefits

As an infrastructure, MIAP has the broad potential to enable benefits in many different areas of activity across the post-14 sector. In some cases, the benefits result directly from MIAP; for example, MIAP will reduce administrative costs across the whole sector. In many other cases, however, MIAP will enable benefits that will be dependent upon further investment in systems and business change by other programmes and agencies.

The benefits of MIAP can be classified into four broad groups:

- Efficiency – streamlined processes and the best use of resources, e.g. avoidance of double funding.
- Service – improvements in front line services, to the benefit of individual learners and employers.
- Research and analysis – better statistical and management information to support operational decisions, e.g. funding interventions, policy making and evaluation.
- Wider strategic fit – supporting the practical implementation of Government sponsored strategies.

See the appended chart providing a high level view of benefits (annex 2).

A MIAP benefits realisation report developed for OGC Gateway 3 held in January 2007 conservatively estimates that from 2010-2011, when MIAP full data sharing and registrations services will have significant market penetration under option 3, the benefits will be around £31.8 million per year. The full five year positive effect of these services from 2010-2011 is estimated to be £160 million. It is also anticipated that more efficiency benefits will be identified through further analysis and discussions with stakeholders, including the potential adoption of MIAP linkages by devolved administrations.

The report estimates that the efficiency benefits will build gradually from 2006/07, as follows:

Year	2006-07	2007-08	2008-09	2009-10
Total Benefits	£7.1	£11.8	£13.3	£23.2

5.3 Costs

Over the six year period 2006-2012, the total investment in procuring the Managing Information Across Partners (MIAP) services for option 3 will be around £45 million.

The MIAP business case indicates that by the end of the second year of full operation of the initial services (2012), the programme will have realised efficiency and administrative savings equivalent to or greater than the costs of development and operation.

Ongoing running costs will be subject to re-procurement activity in 2011-12 and are currently estimated to be around £5 million per year, plus any investment in adding new sources of existing data to the MIAP service.

6. Small Firms Impact Test

MIAP services will impact on businesses in a positive way by giving access to a range of trusted information on learning provision through the UKRLP and information about individual learner achievements, subject to the learner requesting that.

Throughout the development of the MIAP programme, there has been work with stakeholders to consult on the scope and content of the programme and understand the potential impacts on and benefits to private training providers, awarding bodies and employers, all of which include small firms.

Regular stakeholder group meetings have been held. Stakeholders who represent the views of small businesses have been represented at these meetings e.g. the Association of Learning Providers, and the Federation of Small Businesses was informally consulted in considering user requirements for the MIAP service. All the feedback has been positive. Learning Providers will benefit from MIAP through reduce administration costs and the ability to improve and personalise their services. Employers more widely benefit from MIAP by having access to trusted information about learning providers through a single route. The regulations being put in place will also enable, subject to the learner requesting it, that an employer can access trusted information about that individual's participation and attainment in learning. This will help support recruitment and internal company training and development.

7. Competition assessment

MIAP will not affect the competitive business environment other than through procurement activity for a design, build and operate prime contractor. This has already been undertaken following OGC process requirements, including competitive dialogue with short-listed suppliers. The contract will run for a five year period from 2007-12, with re-procurement action commencing in 2011.

8. Enforcement, sanctions and monitoring

For learner data purposes, MIAP will be using data from databases that already exist and as such will not require new information. However, funding bodies such as the LSC will be adopting changes in their data collection, storage and sharing capabilities to ensure that the data can support MIAP needs. Registration of a learning provider on the UKRLP will sometimes be a requirement of a funding body, such as the LSC, but with this exception registration is a voluntary process.

Any funding bodies having requirements driven by MIAP will be responsible for monitoring, enforcement and sanctions within their own areas of responsibility to ensure that data is compatible with their own requirements.

9. Implementation and delivery plan

The MIAP infrastructure and service will be implemented in the following initial phases:

Phase 1a – Target delivery September 2007

Phase 1a will primarily comprise of the development of the Learner Registration Service (LRS) and its linked Unique Learner Number (ULN) and ongoing delivery of the UK Register of Learning Providers (UKRLP) on an 'as is' basis. Deliverables are:
*   The MIAP Role Based Access security infrastructure
*   UKRLP will continue as at present. No additional functionality will be scheduled for release between the date of Contract award and Phase 1 go live
*   Initial MIAP Learning Interface (MLI) Portal prototype
*   Learner Registration Service (LRS) available for use and ULN Learner register populated with the initial load from the National Pupil Database (NPD) and the ULN prototype
*   Common data definitions (CDD) in use by Partners changing their systems, providing Data Sources & potentially in central transformation service
*   Metadata Catalogue available and in use
*   Connections and data query trials of the DCSF (NPD) and LSC (ILR) Data Sources
*   Users: DIUS and DCSF, DIUS and DCSF Agencies, Learning Provider trials
*   Support: Full Service (End User Helpdesk, Technical Support)

Phase 1b – Target delivery October 2007

Phase 1b will comprise of the expansion of the LRS to include the provision of functionality for learner registration within learning providers and awarding bodies own registration and administration systems (modified accordingly). In Phase 1 such bodies will use the Web forms of the ULNs to find the Learner details and then manually update their own systems

Phase 2 – Target delivery March 2008 for major operational use by September 2008

Phase 2 will build upon Phases 1a and 1b in that a larger number of users of the LRS are expected. The following functional changes will also be included in the release:

*   The data sources from DCSF National Pupil Database and the Learning and Skills Council's Individualised Learner Record (ILR) will be made live. This may entail changes to the contents of the sources following the tests and trials in Phase 1, under change control.
*   UKRLP will be enhanced for functional changes under change control. The portal is also likely to need changes to improve integration of all MIAP components.
*   Support for 14-19 diplomas, including full range of reforms and achievement data, will be developed under change control.

- Support for Skills Accounts.

10. Post-implementation review

Two early audit studies have already been completed on the operation of the UK Register of Learning Providers, both showing positive and improving outcomes. Also a small study has been completed to attempt to benchmark the likely impact of common data definitions (CDD) but this had inconclusive results and has now been subsumed under wider scale activity to refine CDD across the education and skills sector.

Evaluation of tests and trials of the Learner Registration Service (LRS) and Unique Learner Number (ULN) are due to report in August 2007. This work will help establish benchmarks against which the MIAP service will be judged.

Work to establish benefits realisation estimates and metrics for the MIAP programme has been completed and will be subject to further fine tuning. Evaluation activity will partially rely on the ongoing measurement of these metrics and plans, which are at an early stage. This will be supplemented by evaluation studies on a longitudinal basis. These studies will involve some focus group activity. It should be noted that these plans are at a relatively early stage and that evaluation activity is likely to commence in late 2008-09 when the full range of MIAP services are operational.

11. Summary and recommendation

The Government recommends that Option 3 of this RIA is adopted, which is underpinned by the Education (Individual Pupil Information) (Prescribed Persons) (Amendment) Regulations 2007 that are intended to make necessary amendments to the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999 (SI 1999/903).

Option 3 has been carefully compared with the other options set out and the Government strongly believes offers the overall outcome wanted by a wide range of stakeholders at a cost which offers good value for money and least risk to partners, who will be able to take on board changes as part of their normal business cycles.

Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed …*Jim Knight……………………….*

Date: 17th July 2007

Jim Knight, Minister of State for Schools, Department for Children, Schools and Families

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