

POLICY NOTE

THE YOUNG PEOPLE'S INVOLVEMENT IN EDUCATION AND TRAINING (PROVISION OF INFORMATION) (SCOTLAND) ORDER 2014

SSI 2014/xxx

Powers under which instrument is made

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 20(1), (3) and (8) of the Post-16 Education (Scotland) Act 2013 (“the 2013 Act”).

Parliamentary procedure

2. This Scottish Statutory Instrument is subject to the affirmative procedure at the Scottish Parliament.

Summary of policy proposals

3. The Scottish Government has made an explicit commitment under Opportunities for All to offer a place in learning or training to every 16 to 19 year old who is not currently in employment, education or training. This commitment may be extended to 20 to 24 year olds where appropriate, and for young people with additional support needs within that age group in the first instance, as indicated in the Programme for Government.

4. For this ambition to be met it is necessary to identify, track and monitor young people's involvement in education and training so that young people can be properly supported.

5. The purpose of this Order is to make provision under section 20(1) of the 2013 Act, which gives Scottish Ministers the power to require specified persons to provide information that they hold about young people to The Skills Development Scotland Co. Ltd (“Skills Development Scotland”). The objective is that those young people who are at risk of disengaging from learning or training will be identified from this information and appropriately supported. The Order also makes provision under section 20(3) of the 2013 Act which gives Scottish Ministers the power to require Skills Development Scotland to provide information it holds about young people to persons who provide education or training to young people.

6. This Order specifies the “persons” who are required to provide information, the information that is to be provided and the form and manner in which the information is to be provided.

7. The persons that are required to provide information to Skills Development Scotland under article 2 of the Order are education authorities in Scotland, colleges in Scotland, the Scottish Further and Higher Education Funding Council and the Scottish Ministers (in practice the Student Awards Agency for Scotland will provide the information). By

virtue of section 20(1) of the 2013 Act, the information is being provided for the purposes of enabling or assisting Skills Development Scotland to monitor a young person's involvement in education or training, to provide advice or support as regards a young person's education or training or to exercise any of its other functions in relation to a young person.

8. Schedule 1 to the Order sets out the type of information that each of these persons should provide in relation to young people that they hold information on. For example, among the information colleges are required to provide is information about any programme of learning or course of education that the young person is undertaking, has withdrawn from or has completed. Education authorities are required to provide information on the young person's school leaving date and on their intended participation in education, training or work on leaving school.

9. The information provided will enable Skills Development Scotland to know which 16 to 25 year olds are in receipt of services or support from each of the persons. In this way Skills Development Scotland will be able to identify which of those 16 to 25 year olds are not currently engaged in learning or training, and enable it to provide advice and support to these young persons. Each person will provide this information to Skills Development Scotland electronically through a secure route, and Skills Development Scotland will store and maintain that information in what is known as the 'Data Hub'. The Order requires that the information should be provided to Skills Development Scotland at least on a monthly basis.

10. No young person will have an electronic record created about them as a result of the provisions of this Order. The majority of those records are created elsewhere, by education authorities, and added to the Data Hub under separate arrangements. A small number of records are created when young persons register directly with SDS. This Order will ensure that the records that Skills Development Scotland holds about young people by virtue of these other arrangements is supplemented by consistent and up-to-date information that will assist Skills Development Scotland in providing support and advice to young people.

11. Article 3 of, and Schedule 2 to, the Order require Skills Development Scotland to provide information to colleges and education authorities in Scotland. The information will enable colleges, among other things, to identify more robustly which students may require additional support successfully to complete their course of learning. Education authorities will be able to use this information to ensure the proper support is being provided to young people before and during the process of leaving school and to understand better the learning and training outcomes young people achieve when they leave. The Scottish Government anticipates that, in addition to this, each organisation will use the information to improve and tailor the support and services they provide to 16 to 25 year olds.

12. Skills Development Scotland will provide the information to colleges and education authorities by making it available electronically through the Data Hub. The information will be available to each partner to access as regularly as they require. In this way colleges and education authorities will be able to access the most up to date information available.

13. The Data Hub is a secure portal that ensures colleges and education authorities

accessing information from Skills Development Scotland can only access information that relates to an individual who has directly received services or support from them. In this way, no college can access information about a young person at another college, unless they had previously had them on the college roll. Likewise no education authority can access information about a young person who had received support from another education authority unless the young person had also been registered with that authority. This approach significantly restricts the accessibility of the information being shared.

Consultation

14. The proposal for the Scottish Ministers to make an order requiring the sharing of information was consulted on in two parts.

15. Firstly, the Scottish Ministers consulted directly with each person who was to be subject to requirements to provide information under the proposed order. Consultations about information sharing and how it supports the NEET group (those young people not in employment, education or training) have taken place throughout the development of the 16+ Learning Choices and Opportunities for All policy. Section 20 of the 2013 Act, giving Scottish Ministers the power to make orders on data sharing, has resulted from this consultation and is based on data sharing agreements currently in place between SDS and a number of the organisations subject to the requirements of this Order.

16. Secondly, the Scottish Ministers consulted more widely with stakeholders and partners on the specific information that should be shared through the consultation “Developing a ‘Participation’ Measure for Post 16 Learning, Training and Work 2013”. The consultation report will be published in March 2014. The proposed measure will improve Scottish Ministers’ ability to measure 16 to 19 year olds’ participation in learning, training and work.

17. The consultation focussed on which available information should be included in the measure and the manner and frequency with which it should be published. The consultation was sent to those on the SCOTSTAT register and those who were identified as having an interest/expertise in the policy area and the production and quality assurance of statistics. The consultation received 56 responses and the report, along with the recommendations and the list of those who were consulted, will be published by Scottish Government.

Impact Assessments

18. An Equality Impact Assessment (EQIA) has been completed for the Post-16 Education Scotland Bill and is accessible through the following link: <http://www.scotland.gov.uk/Topics/Education/post16reform/bill/EQIAResultSumm>. Data sharing featured as part of that assessment.

19. The EQIA recognised there would be no impact on those over the age of 25, compared to a positive impact on those aged 16 to 24 years. It is recognised that periods of disengagement from learning or work by individuals within the 16 to 24 years age group has adverse effects on future employment. Improving the system supporting this age group helps to mitigate this risk. As there is no reduction in service for those over the age of 25 years it was decided no further action was necessary.

20. A Privacy Impact Assessment (PIA) was completed when the Data Hub, which is the mechanism for exchanging information securely for the purposes of this Order, was created. As the mechanism does not change and the legislation ensures regular use of it as a means to exchange information, no additional PIA was carried out. The PIA is available on request from Skills Development Scotland.

European Convention on Human Rights

21. While it is accepted that, to the extent personal information is required to be provided, this Order will engage article 8(1) of the European Convention on Human Rights, the provision of information is in pursuit of a legitimate aim as it enables Skills Development Scotland and the organisations named in the Order to identify and fully support young people to remain in or engage with learning and training. It also enables the organisations sharing the information to improve their service delivery and inform young people of training and employment opportunities. This increases the employment prospects of those young people, helps to better meet the needs of employers and accordingly contributes to the economic well-being of the country and the goal of sustainable employment.

22. The requirements imposed by this Order are necessary to ensure consistent data is obtained from all the relevant organisations in order to meet the policy aim of assisting young people who are in need of advice or support. Lack of consistent data would prevent this policy from operating effectively.

23. The information being provided to Skills Development Scotland can only be used for the purposes stated in section 20(2) of the 2013 Act. In relation to the information provided by Skills Development Scotland, the information can be accessed by colleges and education authorities only if they are currently or have in the past been directly involved in the education of the young person. The information that is provided to each organisation is limited to information that is relevant to the services they are providing or have provided to the individual.

Financial Effects

24. The impact of this policy on business is to formalise and improve the information sharing taking place between partners and as such has no regulatory impact. This confirms no BRIA is necessary as the instrument has no financial effects on the Scottish Government.

25. Information relating to the cost of developing technical aspects of the policy is contained in the Financial Memorandum for the 2013 Act.