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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Pwnc / Subject:</b>	<b>Post-16 achievement consistent measures - Programme transfers</b>

**Background information about Estyn**

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, all age schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Senedd on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

Estyn welcomes the review of how programme transfers are currently treated in the programme achievement measures and is generally supportive of the proposed changes. It is particularly useful that the proposed approaches are carefully targeted to address the seven key issues which are outlined clearly and in detail as part of the proposals. This provides a clear rationale to underpin each of the specific proposals including alternatives where appropriate. The inclusion of supporting data to illustrate the context and/or likely impact of each of the specific proposals is also welcomed.

As with any changes to the way in which achievement and performance measures are calculated, it is important to recognise the potential for unintended consequences. It is particularly important to guard against the possibility of any revised calculation method driving undesirable behaviours that aim to manage performance measures in a way that maximise indicators rather than truly adding value to learners' outcomes. To guard against this, it may be useful to indicate for each measure the number of records affected by each specific change to calculation methods, for example by providing contextual data similar to that provided against each of the proposed changes within the informal consultation paper.

We look forward to receiving final details of the way in which transfers will be treated and note that changes will not be implemented until at least the 2022/23 performance cycle.

In conclusion:

- Overall, we are generally supportive of these proposals.
- We urge careful monitoring of any distortion introduced to the achievement measures caused by the removal of learners who would otherwise be recorded as non-completers, non-achievers, or achievers with poor grade outcomes
- We encourage, wherever it is possible to do so, the provision of appropriate supporting contextual data that indicates the number of records affected by each of the proposals

## Consultation questions

**Q1.** Do you agree that the 21 day rule for transfers to another provider as set out in the post-16 data management principles is a reasonable timescale? If not why not?

We support the overall approach to deciding whether individual transfers are valid and believe that the 21-day window is appropriate.

We particularly welcome the clarity given by section 8 of the informal consultation document in terms of the conditions under which a transferring learner should be discounted from the original provider's measures. We would encourage Welsh Government and all providers to ensure that relevant staff members involved in the management of transfers are fully aware of these.

**Q2.** Do you agree that we should remove a transfer from the original provider's measures if they meet the criteria set out in paragraph 8? If not, why not? Do you have any alternative suggestions to address [Issue 1](#)?

We generally agree with the proposed approach to remove a transfer from the original provider's measures if they meet the criteria set out in paragraph 8. We support the proposal as we recognise that the removal of such learners from the original provider's measures will incentivise providers to help learners that are withdrawing to find alternative education or training routes rather than disengaging with education altogether. The conditions set out in paragraph 8 will help to mitigate against inappropriate transfers and any inappropriate recording of withdrawals as transfers. We note the wording in paragraph 8 'transferred to a programme of an appropriate level'. We trust that 'appropriate level' refers to a programme at the same or higher level as the original programme.

However, the conditions as set-out are not currently clear in terms of any restrictions on the weighting, or the planned end date of the new programme for a transferring learner. It is important to mitigate against possible abuse of this transfer route, for example, by transferring a learner late-on during their programme to a new programme of the same level but with a later planned end date or a smaller weighting. We appreciate that the proposal to take no action in response to issue 7 will help to put limits on valid end dates. Consideration should perhaps be given to setting a window within which a transfer can legitimately be instigated, for example, during the first half of the planned duration of the original programme. This would help guard against transfers being used by providers to avoid withdrawals or unsuccessful completions being recorded after the learner has undertaken a significant amount of their original programme of study.

**Q3.** Do you agree that transfers between providers between the AS and A2 years should be counted as non-continuations for the original provider and not counted for the final provider? If not, why not? Can you identify any problems if the proposal for [Issue 2](#) was implemented? Do you have any alternative suggestions?

We agree that the proposal as set out is the most suitable compromise, provided that a new table to show A2 programme results where no matching AS was found at that provider is included as proposed.

The alternative as set out in paragraph 17 could, in some circumstances, risk incentivising providers to not support their learners if they achieve weak AS results. As a result, we feel that this alternative should not be implemented, although we do acknowledge that where learners genuinely move home between the AS and A2 years, this could unfairly impact providers' achievement measures. The data provided showing that most learners in question do not move home by a significant distance further supports the proposal that this alternative should not be adopted. The alternative option in paragraph 18 risks disincentivising providers from taking on any learners with relatively weak AS grades who do move to their localities.

**Q4.** Do you agree that transfers to a lower level qualification outside of the first 8 weeks should be recorded as non-completions? If not, why not? Can you identify any problems if the proposal for [Issue 3](#) was implemented? Do you have any alternative suggestions?

We support the proposal to continue to count transfers to lower level qualifications outside of the first 8 weeks as non-completions. We feel that the current eight-week early dropout period is reasonable and aligns well with existing practices of many providers to review the suitability and match of learning programmes at or before the end of this eight-week period.

**Q5.** Do you agree that the current method of picking one programme per learner by choosing any that extend beyond the 8 week early dropout point, then the programme with the latest start date is the correct way of identifying the learner's "final" programme? Can you identify any problems if the proposal for [Issue 4](#) was implemented? Do you have any alternative suggestions?

We agree that the filtering approach of the current method should be discontinued in light of the issue identified in paragraph 24 of the informal consultation paper. We support the proposal outlined in paragraph 22 as the replacement method for the current approach given that a programme listed as 'transferred' is unlikely to be a learner's final programme if they have another programme that they are either continuing or have completed after the transfer date.

In terms of the choice between the proposed and alternative methods the difference appears marginal, however it seems sensible and reasonable to prioritise the outcome of the programme over the latest actual end date when deciding the order of prioritisation.

**Q6.** Do you agree no within-provider transfers should be used in the calculations for the measures (as long as that programme is the same level or higher)? Can you identify any problems if the proposal for [Issue 5](#) was implemented? Do you have any alternative suggestions?

We recognise that the issue of transfers between general education and vocational programmes can at times be complex. Transfers between general education AS/A level and applied general programmes such as vocational diplomas are likely to be at the same level. However, in a few cases, it may be reasonable for a learner to transfer from AS/A level or higher-level diploma to a technical vocational qualification at a lower level. An example of this might be a transfer from a level 3 diploma in health and social care or childcare to a vocational qualification in hairdressing.

Nevertheless, despite relatively rare examples such as outlined above, in the interests of simplicity and consistency, it seems reasonable to proceed with the proposal given that the number of learners making such transfers is likely to be low (as shown in the table under paragraph 27 of the paper). Inspectors will consider such exceptional circumstances where the provider provides appropriate supporting contextual information relating to individual learners.

We would suggest that the proviso at the end of paragraph 27, stating that the programme should be at the same level or higher, be extended to specify the weighting/size of the programme to identify transfers onto smaller programmes of the same level.

**Q7.** Do you agree that transfers to Work Based Learning programmes and Level 4 programmes (which are not included in our measures) should be allowed (as long as the programme is the same level or higher)? If not, why not? Do you have any alternative suggestions to address [Issue 6](#)?

We cautiously support the proposal to allow transfers to work-based learning programmes and level 4 programmes (which are not included in the measures) provided that the programme is at the same level or higher, as this will result in better alignment with the current business rules. However, the proposals do not state clearly whether a transfer from a full-time programme to an apprenticeship programme would be classed as a valid transfer.

We generally support the aim of avoiding a negative outcome for a provider if a learner transfers to a more suitable programme, which in some cases, could be a work based learning (WBL) programme. However, care must be taken so as not to introduce a loophole that enables providers to avoid legitimate unsuccessful outcomes. The number of learners on full-time courses being transferred to WBL courses with later expected end dates and/or have lower weighting or part-time programmes should be carefully monitored.

As outcomes measures for WBL courses are different, with different national comparators, careful consideration needs to be given as to whether this proposal will incentivise providers to exit learners at-risk of withdrawing, failing, or achieving poor grades on full-time FE provision via transfer to WBL. One way of mitigating against this would be to review the robustness of WBL outcomes/achievement measures, although we recognise that this would be a significant additional undertaking.

We agree with the detail clearly stated within the proposal and identified as Issue 6 that it is appropriate to continue to treat transfers to other programmes (not included in the measures) as non-completions. As with other issues affecting learner outcomes, providers are encouraged to provide additional contextual information as part of their evidence for consideration as part of the inspection process where they feel it is appropriate to do so. An example of this could be where they feel their raw data does not tell the full story for individual or specific cohorts of learners.

**Q8.** Do you agree that no action should be taken in relation to programmes that are transferred across academic years (as set out in paragraph 31)? If not, why not?

We agree that it is appropriate to continue the current approach by taking no action in respect of programmes transferred across academic years being treated as non-completions. The stated reasoning that is the expectation that most learners will achieve their qualifications in the expected time period is reasonable, as is the clarification that current recording requirements for vocational programmes that span across two years should mean there is no need to record a transfer across years.

We recognise that there may be instances where learners stay on after the end of the academic year in which they are due to achieve so that they are able to complete outstanding activities. Therefore, the additional information and guidance contained in paragraph 32 is both clear and useful.

It is particularly important that there is as much transparency as possible in data reporting in relation to any learners who continue beyond their expected end date given the impact of such continuations on performance measures. For example, it is important to avoid creating a situation where such data could be manipulated to inflate current performance by deferring recording non-completers beyond that which is included in the data sets.

**Q9. Are there any other comments or queries you wish to raise?**

We wish to reiterate that with any changes to the way in which achievement and performance measures are calculated it is important to recognise the potential for unintended consequences. It is particularly important to guard against the possibility of any revised calculation method driving undesirable behaviours that aim to manage performance measures in a way that maximise indicators rather than truly adding value to learners' outcomes.

We appreciate that Welsh Government officials are best placed to assess the risks of any unintended consequences that result from the proposed changes. We urge that full consideration be given to any distortion that could be introduced by the removal of any learners, who would otherwise be included as non-completers, non-achievers, or achievers with poor grade outcomes, from outcomes measures.

To guard against this, it may be useful to indicate for each measure the number of records affected by each specific change to calculation methods, for example by providing contextual data similar to that provided against each of the proposed changes within the informal consultation paper.

We hope that you find our comments, feedback and suggestions useful and we look forward to receiving final details of your proposals regarding programme transfers as part of the post-16 achievement consistent measures.

**Please send this response form and any other feedback to [post16quality@gov.wales](mailto:post16quality@gov.wales) by Friday 16 December 2022.**