



Department
for Business
Innovation & Skills

ADULT FURTHER EDUCATION

**Draft Equality Impact
Assessment for Outcome Based
Success Measures – The Next
Stage**

SEPTEMBER 2015

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Equality Impact Assessment for Outcome Based Success Measures – the Next Stage

Introduction

1. Under the Equality Act 2010, Government Departments and all public bodies must demonstrate they are making decisions in a fair, transparent and accountable way; that they are considering the needs and rights of different members of their community; and that they are having due regard for equality issues in the decision making process. This is achieved through assessing the impact that new policies, procedures and practices could have on differing groups in society.
2. The Department for Business, Innovation and Skills (BIS), as a public authority, is legally obliged to have due regard to equality issues, when making policy decisions (the public sector equality duty, also called the general equality duty). BIS must have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
3. Analysing the effects on equality of this policy proposal through developing an equality impact assessment is one method of ensuring that thinking about equality issues is built into the policy process, and informs Ministers' decision making. Assessing the impact of new policies in this way also offers a positive opportunity to ensure we make better decisions based on the available evidence. Our consultation on outcome based success measures explores how the data can help all users.
www.gov.uk/government/consultations/adult-further-education-measuring-success-detailed-proposals

Scope of this Equality Impact Assessment (EIA)

4. The general equality duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The impact on families should also be considered. It should be noted that in further education, no data is available for gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation.
5. In terms of those groups for which data is unavailable, the absence of any particular issues raised in the last public consultation may provide some reassurance that the new policy will not have a significant impact but we will monitor the potential impact after the current consultation and in future years if data becomes available.

6. We have assessed the potential impact of this new policy on protected and disadvantaged groups, where we were able to, and considered the three parts of the public sector equality duty in relation to minimising disadvantages suffered by people due to their protected characteristics, meeting the needs of people with protected characteristics and encouraging people with protected characteristics to participate in education if their participation is low.
7. As the policy is still being developed and consulted on, this EIA is a draft. It will be updated to take account of consultation responses and any changes to the policy following consultation. A final version will be published in due course.
8. Any queries about this EIA should be addressed to the Outcome Based Success Measures mailbox at FESuccessmeasures@bis.gsi.gov.uk.

Description of the policy

9. The Government recognises that the UK needs high quality post-19 education and training to help create growth and succeed in the global race. To deliver this, the FE sector must be responsive to the needs of learners and employers and provide:
 - skills that employers and business value,
 - skills individuals need and value to gain employment and succeed in society,
 - strategically important skills the UK needs (where businesses and individuals might under invest).
10. We want to ensure that we measure the impact of learning effectively and hold training providers to account for delivering it. We are therefore developing new outcome based success measures. These will provide a better way to measure learner outcomes, give a more rounded picture of provider performance and offer new information for prospective learners about post-19 education and training. The measures will help all learners to make more informed choices, thereby improving their life chances.
11. The measures cover three areas:
 - learner destination (into employment or further learning),
 - progression within learning,
 - earnings.
12. The measures are produced by matching data that the Government already collects so there is no burden on providers or others in producing it. At the moment the data is experimental; it is intended to be used for illustrative purposes until the policy is fully developed. You can see the data [here](#).
13. It is intended that they will be used alongside existing measures of achievement to inform learner choice, to help providers' own self-improvement and curriculum planning and as part of the Government's performance management of the post-19 education and skills sector. The new outcome measures will be part of a new more broadly based

Minimum Standards framework, alongside qualification achievement rates. We intend to use the measures as part of the new Minimum Standards framework from summer 2017 with a period of shadow running from summer 2016 to help us refine the methodology. At the same time we will also publish them for prospective learners and their parents, employers and other users, to inform choice.

14. The intended benefits of the success measures are:

- Better public information for all learners and employers on the performance of colleges and other providers and on the impact of different qualification routes, enabling them to make informed choices of provider, course and career. More informed choices will benefit all learners, regardless of ability or situation. [Estimated Labour Market Returns to qualifications gained in English Further Education](#) indicate that learners successfully achieving an FE course at all levels gain significant increases in wages and improved employment chances. Having more information on what and where to study will help learners make the most of this benefit from studying in FE.
- Better data for government on sector and individual provider performance to inform intervention decisions.
- Better data for colleges on their own performance, compared to similar providers across the post-19 skills sector to help in self-improvement and curriculum planning.
- Better incentives for providers to put students onto stretching courses which enables them to progress into work or further learning, not just courses that students are likely to pass. It is important in further education that all learners have the opportunity and support to make progress into or within employment or into or within further learning.

The Measures

15. The measures will cover all adult learners (19+ at the start of the relevant start of the academic year) who are funded by the Skills Funding Agency (SFA) through the Adult Skills Budget (ASB) or 24+ Advanced Learning Loans, and all post-16 Apprenticeships. The data can be broken down to show splits by gender, age, level of study, apprenticeships, disability and ethnicity (at national level only).
16. It remains an ambition to publish information on outcomes for those funded through the Community Learning budget. National objectives focus this funding on disadvantaged learners so that adults of all ages and backgrounds can take part in informal learning, with individuals contributing to the costs according to their means.

Measure 1: Destinations

17. The headline measure will show the proportion of adult learners and 16+ apprentices moving into sustained employment and/or sustained learning. It is intended that there will be three breakdowns of the measure:

- i. **Sustained employment:** The proportion of adult learners who remain or move into employment.
- ii. **Sustained learning:** The proportion of adult learners who are in training regardless of whether they are in employment or other economic activity.
- iii. **Sustained employment for benefit learners:** The proportion of adult learners in sustained employment that were claiming Job Seeker's Allowance or Employment Support Allowance in the Work Related Activity Group the day before the start of their training.

Measure 2: Progression

18. We are intending to measure the proportion of learners that progress to a qualification at a higher level but this measure is still in development. This new measure will give a broader reflection of progression in FE and so a clearer picture for learners.

Measure 3: Earnings

19. This measure will compare the earning of all learners achieving a Full Level 2 and Level 3 course one year after completing the course. The expectation is that this measure will be more useful for informing choice than for provider accountability.

The evidence base

20. The findings in this analysis have been informed by the following evidence sources:

- The Individualised Learner Record (ILR)¹
- Further Education Statistical First Release 15 July 2015² - this report gives learner participation, outcomes and level of highest qualification held: Autumn 2014
- Matched Data Earnings Analysis August 2014³ - this report analyses participation and success rates of adult learners and all-age apprentices by ethnicity, gender, learning difficulties and/or disabilities and age, using data from ILR
- Literature reviews of relevant published research
- Equality and Diversity Report 2014⁴
- Consideration of published findings of qualification reforms.
- Outcome Based Success Measures Government Response⁵

¹ www.gov.uk/government/collections/individualised-learner-record-ilr

² www.gov.uk/search?q=++https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fstatistics%2Flearner-participation-outcomes-and-level-of-highest-qualification-held

³ <http://dera.ioe.ac.uk/20699/1/bis-14-1003-adult-further-education-learners-matched-data-earnings-analysis-executive-summary.pdf>

⁴ www.gov.uk/government/uploads/system/uploads/attachment_data/file/330643/Equality_and_Diversity_Data_Report_15Jul2014.pdf

⁵ www.gov.uk/government/consultations/adult-further-education-how-do-we-measure-success

Legislation

21. The following legislation is relevant:

- The Education Act 2011⁶
- Small Business Act 2015⁷

Involvement and Consultation

22. We're working with and consulting a number of bodies:

- Department for Education (DfE)
- Ofsted
- Skills Funding Agency (SFA)
- National Careers Service
- UKCES
- FE Sector representative bodies
- FE colleges and training providers
- Student groups
- Jisc
- LEPs
- Employer representative bodies

First consultation in 2014

23. We consulted publically in August 2014⁸ on the proposal to introduce outcome measures to better capture learner outcomes in post 19 education. The consultation ran for 10 weeks. We held a series of consultation events with representative groups, employers and learners, and received 88 written responses. A list of respondents is included in the government response in December 2014⁹.

24. The majority of consultation respondents across providers, learners and employers thought the headline measures were sensible and would help providers to plan future provision. There were some concerns about the details of the measures, whether providers were being measured on factors beyond their control and about how the measures would be used for accountability purposes. However overall responses to the consultation highlighted that outcome measures would provide a useful addition to information available.

⁶ www.legislation.gov.uk/ukpga/2011/21/contents/enacted

⁷ www.legislation.gov.uk/ukpga/2015/26/contents/enacted

⁸ www.gov.uk/government/uploads/system/uploads/attachment_data/file/342871/bis-14-543-consultation-outcome-based-success-measures-for-adult-further-education-v15.pdf

⁹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/384225/bis-14-1196-adult-further-education-outcome-based-success-measures-consultation-government-response.pdf

Second consultation in 2015

25. The current consultation sets out proposals for using the measures as part of central Government's Minimum Standards framework which is designed to identify the worst provision and provide a basis for intervention.
26. The standards are a minimum. We would expect to set them below the level that a good or average provider is achieving. They are an indicator of significantly poor performance rather than performance that is not quite up an average or norm. Most providers therefore will continue to be well above Minimum Standards. Falling below Minimum Standards would not always result in intervention action; consideration would be given to the scale of the provision affected in relation to the provider's overall provision and to a very small number of other factors.
27. We recognise the importance of ensuring that using the destination measures as part of the Minimum Standards framework does not unfairly penalise providers that offer opportunities to particular groups of learners. We do not want to discourage provision to the unemployed or to learners with learning difficulties and disabilities because of a concern that those learners might adversely affect the provider's destination scores. At the same time, we do not want to accept poor outcomes for those learners
28. We have explored the impact of including unemployed learners and learners with learning difficulties and disabilities together with other learners in each type of learning in the proposed framework or showing outcomes for those learners separately.
29. Our modelling indicates that unemployed learners as a group fare significantly worse on sustained positive destinations than other learners (more so on sustained employment than on sustained learning). Including these learners in the provider's sustained positive destination score would reduce the score and could discourage it from offering provision to the unemployed. Therefore we are proposing to give separate scores for benefit learners, treating learning for the unemployed as a "type of learning" in the framework with its own positive destination score where we are able to identify it. This would also be more informative for users as it would enable providers and others to benchmark performance in delivering sustained destinations for the unemployed.
30. The picture is different for learners with learning difficulties and disabilities. Their destination scores differ less from providers' overall scores. Currently, the Skills Funding Agency does not make any special allowance for those learners in the Minimum Standards framework. Providers must assess the needs of their learners and plan learning to take any special needs into account through the choice and level of aim or framework, the additional learning support provided and any learning aids or assistance provided during exams or assessments. The achievement rates of learners with learning difficulties and disabilities are not noticeably different from the average. If lower achievement rates are observed for these learners, this should signify that providers are not planning learning to meet the needs of the learners.
31. We should also expect the proportion of positive destinations for those learners to be similar to those for other learners, given that any special needs have already been accounted for in the teaching and learning or assessment support provided. We will explore further whether this is indeed the case, or if there are differences whether they are significant in terms of sustained positive destination scores and the level at which

the Minimum Standards are set. Our inclination at this time is that no allowance needs to be made in respect of sustained learning or sustained employment for learners in a new Minimum Standards framework.

32. For the current consultation, we have asked if the proposals would have a positive or negative impact on any group, including those who are disadvantaged or those with protected characteristics. We will take comments into account in shaping the final form of the new measures and the way they are used.
33. The consultation also sets out proposals for presenting and publishing the measures so that prospective learners and other users can use them to inform choice. One proposal is to include the outcome measures on providers' own websites in a consistent presentation. We know that providers' websites are a key source of information for prospective learners. Another proposal is an FE performance table. We also hope that third parties will re-use the data and tailor its presentation to particular groups.

Key Facts

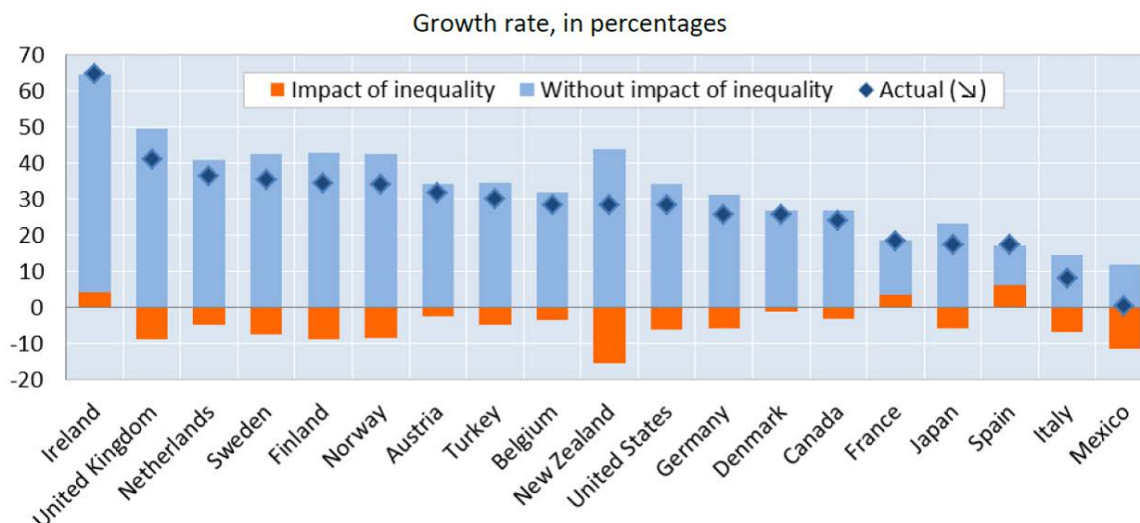
34. Engagement in learning is not evenly distributed across society. In the NIACE 2013 Survey¹⁰ socio-economic class remains a key predictor of participation in learning. There is evidence available in the 2013 National Minimum Wage Report which indicated that women, disabled people and minority ethnic groups are more likely to be represented in lower income groups.¹¹
35. The Organisation for Economic Co-operation and Development (OECD)¹² has concluded that there is strong evidence for the theory that income inequality hinders education and human capital accumulation and hence economic growth. They have found that the gap between rich and poor is at its highest level in 30 years. This has significantly curbed economic growth – they estimate it has knocked off 9 percentage points in the UK from 1990-2010 (see chart below).

¹⁰ http://shop.niace.org.uk/media/catalog/product/2/0/2013participationsurveyheadline-web_1.pdf

¹¹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/226822/National_minimum_wage_Low_Pay_Commission_report_2013.pdf

¹² www.oecd.org/els/soc/Focus-Inequality-and-Growth-2014.pdf

2. Estimated consequences of changes in inequality (1985-2005) on subsequent cumulative growth (1990-2010)



36. Annex A shows the Demographic Summary of FE and Skills Participation (2013-14) table.

37. Annex B shows Learner volumes for community learning, neighbourhood learning in deprived areas, maths and English and achievement rates for these groups.

38. BIS conducted research 'Evaluating of the Impact of Learning Below Level 2' published in October 2013 ([BIS Research Paper 150](#)) to find the extent of students who are studying below Level 2. The research included a quantitative sample survey which showed that for learners below Level 2:

- 36% of learners have caring responsibilities, chiefly for children. This increases to 47% of female learners and 53% of those aged between 25 and 39.
- One in eight learners have a long term health problem or disability (13%) and the same proportion have a learning difficulty (both self-classified). Overall, 23% of learners self-classify as learners with learning difficulties and disabilities.

39. In terms of the 'Family Test', outcome based success measures will give parents more information about outcomes to help them identify the best learning, both for themselves and for their children. If their goal is employment or further learning, the outcome measures, along with the other information available, will help them choose the most appropriate career, qualification route or provider to enable them to achieve their goal.

40. Figure 10, below, from the FE Trends Data, shows the total equality and diversity programmes in FE and skills for minority ethnic groups and gender.

Figure 10: Adult (19+) Equality and Diversity by Programmes, 2013/14¹³

	Black, Asian or Minority Ethnic Groups (BAME)	Female
Total FE and Skills	19.1%	56.6%
Apprenticeships	11.1%	56.0%
Workplace Learning	18.2%	35.9%
Education and Training	24.1%	53.6%
Community Learning	20.2%	85.0%
Offender Learning	25.1%	7.8%
Traineeships	18.8%	45.5%
Adult (19-64) English Population	12.5%	50.5%

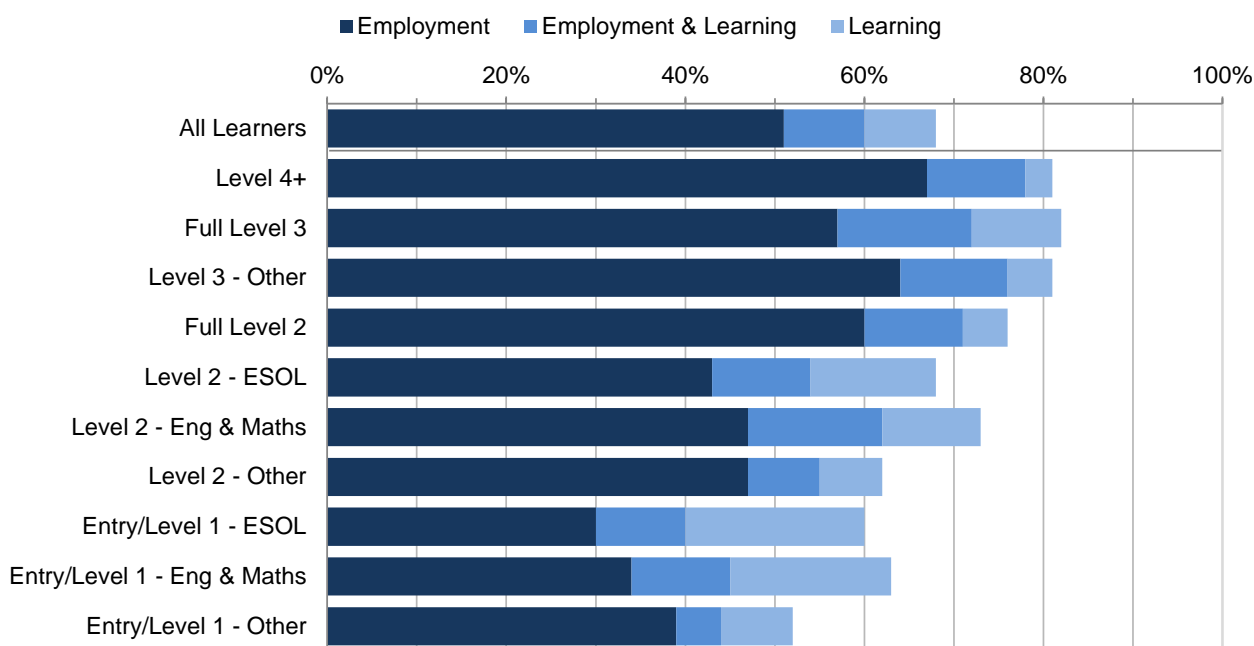
Source: Individualised Learner Record and Quarter 4 2012 Labour Force Survey, ages 19 to 64, England

There is no comparison for learners with Learning Difficulties and/or Disabilities for the English Population

Please see the general footnotes for further information on these tables.

41. Focusing on promoting skills and learning across people's lives will allow all learners to develop skills through job-related training and education throughout their lives, and so increase their opportunities to better themselves and contribute more to the economy. More information about outcomes will help learners identify and make the most of opportunities, maximising their chances of achieving their goals; this is particularly important for disadvantaged learners.
42. Participating in higher level learning has even greater potential to help people better themselves. The chart below shows that sustained employment destinations are more likely for learners completing higher level qualifications (2012/13 completers)

¹³ www.gov.uk/government/statistical-data-sets/fe-data-library-other-statistics-and-research



43. The breakdowns show the variation that exists beneath the headline rates, in particular for highest qualification level. As shown learners completing Entry/Level 1 courses as their highest qualification were more likely to have been in sustained learning, compared to learners completing Full Level 2 and 3 courses that were more likely to have been in sustained employment.

Conclusion

44. Ministers are keen to look harder at the effectiveness of FE provision and at the impact learning has on learning outcomes for all students. We do not believe that the introduction of outcome based success measures will have any detrimental impact on disadvantaged learners. Instead it will help learners and their parents to make informed career choices about vocational qualifications and about the performance of colleges and other providers. This will enable them to consider a wider range of opportunities and thus has greater potential for improving their life chances.

45. We will keep the policy under review as and when refreshed annual data becomes available to ascertain if it is fair, rigorous and responsive to the needs of learners and employers.

Annex A

Table 2: Adult (19+) Demographic Summary of FE and Skills Participation (2013/14) – Learner Volumes

	Funded Learners									
	All FE and Skills Participation					Level 2	Level 3	Level 4+	Total FE and Skills	%
	Below Level 2 (excluding English and Maths)	English and Maths	English	Maths	ESOL					
Total Learners	759,900	951,800	707,500	667,900	139,200	1,131,100	488,100	36,400	2,929,600	100.0%
Age		of which								
19-24	170,500	292,700	231,500	228,800	19,000	358,800	224,500	10,300	748,400	25.5%
25-49	431,000	558,400	402,000	372,800	103,700	620,000	226,200	21,700	1,589,200	54.2%
50+	158,300	100,700	74,000	66,200	16,500	152,300	37,300	4,300	588,400	20.1%
Unknown	100	-	-	-	-	-	-	-	3,700	*
Gender										
Female	336,200	557,600	403,100	388,200	92,600	596,100	292,500	22,100	1,656,900	56.6%
Male	423,700	394,200	304,400	279,600	46,600	535,000	195,500	14,300	1,272,600	43.4%
Learners with Learning Difficulties and/or Disabilities										
Learning Difficulty/Disability	173,400	127,800	96,700	88,700	9,800	134,900	47,600	2,500	438,400	15.0%
No Learning Difficulty/Disability	549,400	792,300	591,700	562,800	120,600	957,300	425,200	31,400	2,341,700	79.9%
Not Known	37,000	31,800	19,100	16,400	8,900	38,900	15,200	2,400	149,600	5.1%
Ethnicity										
Asian/ Asian British	66,500	99,100	56,800	47,200	36,700	76,100	25,500	1,800	233,700	8.0%
Black/ African/ Caribbean/ Black British	66,800	78,100	51,100	47,400	19,000	74,800	26,900	1,500	194,700	6.6%
Mixed/ Multiple Ethnic Group	23,300	25,200	17,400	16,400	5,000	28,400	11,700	600	71,300	2.4%
White	560,800	700,500	555,600	535,700	58,100	915,300	411,700	31,100	2,294,900	78.3%
Other Ethnic Group	19,500	31,100	14,700	10,900	16,400	17,100	4,900	400	62,200	2.1%
Not Known/Not Provided	23,100	17,800	11,900	10,200	4,000	19,400	7,300	1,000	72,800	2.5%

Notes

1) These tables include Apprenticeships, Workplace Learning, Community Learning and Education and Training provision (including the Offenders' Learning and Skills Service) taken at General Further Education Colleges (including Tertiary), Sixth Form Colleges, Special Colleges (Agricultural and Horticultural Colleges and Art and Design Colleges), Specialist Colleges and External Institutions.

2) Figures for English and maths (previously Skills for Life) include GCSEs, Functional Skills, Adult Basic Skills Certificates including ESOL Certificates, and Qualifications and Credit Framework Certificates and Awards in English and maths.

3) Figures include 120 learners with an unknown gender.

4) Please see the general footnotes and the FE and Skills Demographics footnotes sections for further information on these tables.

Annex B

Table 9: Community Learning Participation and Achievement by Type (2009/10 to 2013/14) – Learner Volumes

Measure	Provision Type	Funded Learners								
		2009/10		2010/11	2011/12		2012/13		2013/14	
		Full Year	Full Year	% change 09/10 to 10/11	Full Year	% change 10/11 to 11/12	Full Year	% change 11/12 to 12/13	Full Year	% change 12/13 to 13/14
Participation	Total Learners	752,800	699,400	-7.1%	683,300	-2.3%	684,700	*	657,200	-4.0%
	of which Personal and Community Development Learning	579,200	534,100	-7.8%	518,600	-2.9%	513,800	-0.9%	497,300	-3.2%
	of which Neighbourhood Learning in Deprived Communities	43,700	46,600	6.5%	55,700	19.8%	65,600	17.7%	63,800	-2.7%
	of which Family English, Maths and Language	71,300	65,400	-8.3%	58,700	-10.4%	52,600	-10.4%	49,100	-6.6%
	of which Wider Family Learning	79,600	75,400	-5.3%	72,800	-3.4%	74,400	2.2%	69,700	-6.4%
Achievement	Total Learners	663,000	608,200	-8.3%	594,500	-2.3%	608,100	2.3%	584,900	-3.8%
	of which Personal and Community Development Learning	505,900	458,600	-9.3%	445,400	-2.9%	450,900	1.2%	436,600	-3.2%
	of which Neighbourhood Learning in Deprived Communities	39,800	41,300	3.7%	50,100	21.4%	60,600	21.1%	58,700	-3.3%
	of which Family English, Maths and Language	62,700	57,000	-9.0%	50,900	-10.8%	46,000	-9.6%	43,600	-5.2%
	of which Wider Family Learning	72,600	70,100	-3.4%	67,500	-3.8%	69,500	2.9%	65,800	-5.2%

Notes

1) Figures for 2011/12 onwards are not directly comparable to earlier years as a Single Individualised Learner Record (ILR) data collection system has been introduced. More information on the Single ILR is available at

http://webarchive.nationalarchives.gov.uk/20140107201041/http://www.thedataservice.org.uk/NR/rdoonlyres/C05DCDD5-67EE-4AD0-88B9-BEBC8F7F3300/0/SILR_Effects_SFR_Learners_June12.pdf

2) Data for earlier years is available in the Community Learning Supplementary Tables:

www.gov.uk/government/statistical-data-sets/fe-data-library-community-learning

3) Please see the general footnotes and the Community Learning footnotes sections for further information on this table.



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BIS/15/505