

Explanatory Memorandum to:
The Education (Supply of Information about the School Workforce)
(Wales) Regulations 2017

This Explanatory Memorandum has been prepared by the Department for Education and Public Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Supply of Information about the School Workforce) (Wales) Regulations 2017. I am satisfied that the benefits justify the likely costs.

Kirsty Williams

Cabinet Secretary for Education

26 September 2017

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1. Description

- 1.1. These Regulations impose a duty on schools and local authorities to supply items of data about each member of the school workforce to the Welsh Government when requested to do so. They also specify which items of information should be provided, how they will be used and with whom they may be shared.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1. No specific matters identified.

3. Legislative background

- 3.1. This instrument outlines the information that schools and local authorities are expected to supply to the Welsh Government about individual members of the school workforce.
- 3.2. The instrument states how the data may be used and with whom the data may be shared.
- 3.3. The power to make the regulations is contained in section 114(1)(c),(2)(c), (3), (6) and (8) and 120(2) of the Education Act 2005. Those powers were conferred on the National Assembly for Wales but are now vested in the Welsh Ministers by virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006. The regulations will follow the negative procedure.
- 3.4. As the information requested in a school workforce census will be at individual level and include the collection of personal data (i.e. name, date of birth and National Insurance number) and personal sensitive data (e.g. ethnicity, disability, sickness absence records) the regulations and data requirements has undertaken a full Privacy Impact Assessment (PIA) to ensure that it complies with the Human Rights Act 1998, the Data Protection Act (DPA) 1998 and the General Data Protection Regulations (GDPR) which will replace the DPA in May 2018.
- 3.5. Welsh Government will issue a 'Privacy Notice' to all members of the school workforce covered by the implementation of the regulations and data collection. This will summarise what information is collected, the purposes for which the information will be processed, how it will be collected, why it is held and with whom it may be shared.
- 3.6. This statutory instrument is subject to annulment in pursuance of a resolution of the National Assembly for Wales (the negative procedure).

4. Purpose & intended effect of the legislation

- 4.1. The purpose of these regulations is to provide robust and accurate data that will inform workforce planning at both a national level and local level in schools. This will help ensure the provision of a skilled and motivated workforce that delivers excellence in teaching for the benefit of learners in Wales.

- 4.2. There is currently limited information available on the school workforce in Wales. What information is collected is done via various data collections and ad-hoc surveys.
- 4.3. The data collected through a School Workforce Data Collection will enhance the evidence base available to inform policy making, particularly around the recruitment, retention and turnover of the workforce, equality and diversity, workforce qualifications and the deployment of specialist teachers.
- 4.4. It will facilitate the provision of detailed analysis to inform succession planning and identify any recruitment or skills gaps in the workforce. This information should provide a comprehensive picture of the workforce in Wales and how it is deployed, aiding the development of better informed policies.
- 4.5. More detailed demographic and pay information of the education workforce would support the Welsh Government's Strategic Equality Plan objective to work with partners to identify and address the causes of the gender, ethnicity and disability pay and employment differences within the education sector.
- 4.6. The Welsh Government does not collect or hold any individual level information on the school workforce or any data on teachers' pay and conditions in Wales. Currently, some aggregated data is collected on teachers, support staff and recruitment and retention at school level through the Pupil Level Annual School Census (PLASC). Aggregated data on teacher sickness absence is collected separately, directly from local authorities.
- 4.7. Based on information from PLASC, as at January 2017, there were 23,910 FTE teachers and 23,559 FTE support staff employed in the school sector in Wales. The information collected does not provide a breakdown of the workforce by subjects or the key demographic characteristics necessary to inform workforce and succession planning as well as the development of new policies.
- 4.8. In addition, separate data collections on other aspects of the workforce to inform policy development or monitor progress against objectives are undertaken through ad hoc surveys or data collections requiring the involvement of schools and local authorities.
- 4.9. This approach to data collection is inefficient and has a significant impact on the workload of local authorities and schools. They are often asked to respond to requests for information at different times of the year and using different definitions. This piecemeal approach to the collection of information on the workforce is not sustainable in the long-term. A School Workforce Data Collection would help streamline the collection process in schools and local authorities, as well as providing significant improvements in the quality, timeliness and utility of school workforce statistics. This data collection also supports the aim to reduce bureaucracy in schools.

- 4.10. Following the successful introduction of the School Workforce Data Collection, the Welsh Government is committed to phasing out two existing collections on the school workforce. These collections are:
- The workforce elements of the Pupil Level Annual School Census (PLASC)¹;
 - The annual 'Teacher Sickness Absence Data Collection'.
- 4.11. In addition, the introduction of the data collection will also help reduce the need to undertake ad-hoc data collections and surveys on the school workforce to inform policy development or monitor progress against objectives.
- 4.12. No information is currently collected centrally on the pay and conditions of teachers in Wales. As a consequence, the Welsh Government is unable to accurately calculate the cost of changes in the workforce and the impact of new policies. This leads to a dependency on the Department for Education (DfE) to inform Welsh Government of future cost implications for the teaching workforce in Wales.
- 4.13. Evidence currently provided to the School Teachers Review Body (STRB) is based mainly on information regarding the workforce in England, with supporting evidence based on aggregated data derived from PLASC for Wales. With greater divergence in the pay and conditions of teachers between England and Wales it is vital that the decisions made are based on relevant and robust evidence which accurately reflect the composition and real needs of the workforce in Wales. An annual workforce collection will improve the quality and diversity of the evidence available, ensuring that the Welsh perspective is accurately reflected during wider deliberations.
- 4.14. Analysis using detailed and robust data from a workforce collection will help to inform the Welsh Government in developing future policies to meet the well-being goals in the Future Generations Act². For a more prosperous Wales, better workforce planning is needed in order to ensure that a skilled and well-educated population are fully utilised in employment, allowing people to take advantage of the wealth generated through securing decent work.
- 4.15. For a more equal Wales, the collection of demographic data will increase understanding of the workforce landscape and enable policy makers to monitor the extent to which the teaching population represents the diversity of the population it serves.
- 4.16. More detailed information and analysis of the Welsh language skills of the school workforce and its use will support the Welsh Government in working to achieve its goal of a 'Wales of vibrant culture and thriving Welsh language'.

¹ PLASC is a census of pupils in maintained school settings in Wales and is carried out by the Welsh Ministers under their powers in section 29 of the Education Act 1996.

² Well-being of Future Generations (Wales) Act 2015: <http://gov.wales/topics/people-and-communities/people/future-generations-act/?skip=1&lang=en>

- 4.17. The majority of data items to be collected by the Welsh Government are items which are already required to be held by local authorities or schools for their own purposes, for example the pay and contract details of individuals or information on the subjects taught for timetabling purposes. Information relating to individuals' Qualified Teacher Status (QTS) and relevant qualifications (if known) as well as specific demographic information are collected by the Education Workforce Council as part of the process for registering the school workforce under Education Workforce Council (Main Functions) (Wales) Regulations 2015.
- 4.18. A single school workforce data collection on an individual level basis will help relieve the burden currently placed on schools and local authorities to provide aggregate data in various ways and at different points in time. It will also enable a consistent approach to managing and reporting school workforce information across schools and local authorities.
- 4.19. Data will be collected for teachers and school support staff employed in the maintained sector. It will include information about pay, contracts, qualifications, curriculum, absences and recruitment and retention. The data set will include some personal details (i.e. name, date of birth, national insurance number) which are required for the purposes of checking and quality assurance of data and for linking data collected from different systems (i.e. school Management Information Systems (MIS) and local authority HR and payroll systems). This will also enable the linking of data over time to identify trends and changes in the school workforce.
- 4.20. The information collected by virtue of these regulations by the Welsh Government will be used solely for statistical analysis and research for purposes of planning and evaluation, and to support policy development in relation to the school workforce.
- 4.21. The necessary work to standardise data items and processes will also be valuable for schools and local authorities in the longer term, by ensuring that more complete and accurate information is maintained in their own systems, enabling more effective workforce management and planning at a local level.
- 4.22. The data collected may be shared with partner organisations whose responsibilities and permissions are set out in the regulations. This will include research relating to qualifying workers or qualifying trainees which may be expected to be of public benefit. This data sharing is a key element required to reduce the burden on schools, as it enables us to move towards the overarching aspiration of collecting data once and using it many times in line with the '[Code of Practice for Official Statistics](#)'³. However, each case will be determined on its merits and subject to approval. Data sharing agreements will be used to ensure that data is only shared where it is compliant with the legislation.

³ Code of Practice for Official Statistics: https://www.statisticsauthority.gov.uk/wp-content/uploads/2015/12/images-codeofpracticeforofficialstatisticsjanuary2009_tcm97-25306.pdf

5. Consultation

- 5.1. Details of the consultation undertaken are detailed in the Regulatory Impact Assessment at Part 2.

6. Regulatory Impact Assessment

- 6.1. A Regulatory Impact Assessment has been conducted, and is included in Part 2 of this document.

Part 2 – Regulatory Impact Assessment

7. Evidence Base

- 7.1. Following the publication of recommendations in the Silk Report in 2014, and the subsequent announcement by the First Minister as to the devolvement of teachers' pay and conditions to Wales, the need for a more detailed and robust data collection on the school workforce to support the new responsibilities has been emphasised.
- 7.2. The ['Qualified for Life: An Education Improvement Plan'](#)⁴ sets out the Welsh Government's vision for education '*...about creating a system where the learner is the main focus of everything we do, and to ensure they benefit from excellent teaching and learning.*'. To deliver this, the Welsh Government has set a strategic objective of an '*An excellent professional workforce with strong pedagogy based on an understanding of what works.*'
- 7.3. Professor Graham Donaldson's report, *Successful Futures*⁵, a comprehensive independent review of the curriculum and assessment arrangements in Wales was published in February 2015. The recommendations set-out in the report envisaged whole-scale system reform with an entirely new curriculum focused on four purposes and fresh approaches to professional learning, leadership and accountability.
- 7.4. In response, the Welsh Government published its plan '*A curriculum for Wales: a curriculum for life*'⁶ in October 2015. The collection of more detailed information on the school workforce will enable better workforce planning and help ensure the workforce receives the support it needs to develop the capacity and capability to deliver the new curriculum.
- 7.5. The Welsh Specific Equality Duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, cover engagement, equality and employment information, pay differences and procurement. More detailed demographic and pay information of the education workforce collected by virtue of these regulations will support the education sectors contribution to the Welsh Government's Strategic Equality Plan objective to work with partners to identify and address the causes of gender, ethnicity and disability pay and employment differences.
- 7.6. In it's '['Is Wales Fairer?'](#)'⁷ report the European Commission for Human Rights (ECHR) stated that '*it is clear that more comprehensive and better quality evidence is needed to enable us to assess progress*' on

⁴Qualified for Life: An Education Improvement Plan':

<http://gov.wales/topics/educationandskills/allsectorpolicies/qualified-for-life-an-educational-improvement-plan/?lang=en>

⁵ Successful futures -

Independent Review of Curriculum and Assessment Arrangements in Wales

⁶ 'A Curriculum for Wales: A Curriculum for Life':

<http://gov.wales/topics/educationandskills/schoolshome/curriculuminwales/curriculum-for-wales-curriculum-for-life/?lang=en>

⁷European Commission for Human Rights (ECHR) 'Is Wales Fairer?' report:

https://www.equalityhumanrights.com/sites/default/files/is_wales_fairer_2015_eng_web_32pager.pdf

the extent to which equality and human rights are improving. Furthermore, the report states that *‘the Welsh Government and Public authorities should take steps to improve the evidence collected’*. It sets the challenge to encourage fair recruitment, development and reward in employment.

- 7.7. The Welsh Government has set out a strategy on its long term vision of a million Welsh speakers by 2050⁸. One of the greatest priorities of the strategy is to increase the system’s capacity to meet the need to expand Welsh-medium education and training, and to meet the need to improve how Welsh is taught in English-medium schools. The collection of more detailed information on the Welsh language skills of the school workforce in Wales will enable more effective planning of the school workforce to ensure there are enough teachers to teach children through the medium of Welsh.
- 7.8. Currently, limited information relating to the size, shape and skills of the school workforce in Wales is collected by the Welsh Government at an aggregated level through the Pupil Level Annual School Census (PLASC). Additional information is collected separately as part of the annual Teacher Sickness Absence data collection, while various policy areas may undertake ad hoc data collections or surveys on specific aspects of the workforce in order to inform the development, implementation and monitoring of policies.
- 7.9. A School Workforce Census was introduced for England in 2010 as a means to help reduce the burden placed on schools and local authorities to provide information on teaching. The census which is based on an individual level collection of data on teachers and support staff provides comprehensive information on the school workforce in a single dataset. It has enabled more complex analyses on key areas including succession planning, teacher supply and pay bill modelling, demand for teachers, and wastage/turnover rates and provides an evidence basis for negotiations on teachers pay.
- 7.10. There is a general consensus across stakeholders⁹ with the principle of collecting a greater level of information on the school workforce in Wales to meet its intended purposes. It will provide information that is more streamlined, consistent and better managed as well as reported more effectively.
- 7.11. A single comprehensive source of information on the school workforce will provide high quality, credible, consistent and timely information to provide greater understanding of the workforce and better informed policies.
- 7.12. Five options have been considered for the development of a school workforce data collection and formed the basis of a formal consultation on these regulations.

⁸ Cymraeg 2050: Welsh Language Strategy: <http://gov.wales/topics/welshlanguage/welsh-language-strategy-and-policies/cymraeg-2050-welsh-language-strategy/?skip=1&lang=en>

⁹Include a selection of schools and local authorities; Welsh Local Government Association (WLGA); ESTYN; Education Workforce Unions; Data Unit - Wales.

- 7.13. The continuation of the current process for the management and collection of school workforce information is represented as 'Option 1 – do nothing' at section 8. Options 2 to 5 at section 8 present the different means for collecting the required information that have been considered.
- 7.14. Option 2, an individual level survey but sent to only a proportion of schools or local authorities, was not considered as a feasible option as it would not provide a complete view of the school workforce in Wales and would not provide the required level of information to carry out the intended purposes. Therefore, this option has not been considered further for the purposes of this document.
- 7.15. Enshrining the collection of individual level data in secondary legislation will enable the required level of information for understanding the size and characteristics of the school workforce and promote effective workforce and succession planning.
- 7.16. The development of a school workforce data collection for Wales will help address the issues associated with uncoordinated data collections. It will relieve data collection burdens and duplication of effort and deliver significant improvements in the quality, timeliness and utility of school workforce data.
- 7.17. This Regulatory Impact Assessment presents two options (options 4 and 5) in relation to the collection of individual level information. The second of these options looks at the potential to enhance the information collected as part of the data collection from schools and local authorities with information collected through other existing administrative data sources thus avoiding the duplication of information.

8. Options

8.1. Five options have been considered for the development of a school workforce data collection and formed the basis of the formal consultation on these regulations. The options considered were:

- Option 1 - Do nothing. Maintain existing processes for collecting school workforce information at an aggregated level from schools and local authorities.
- Option 2 – Bring regulations into force enabling the collection of data for an Individual level survey but sent to only a proportion of schools or local authorities.
- Option 3 – Bring regulations into force enabling the collection of data for a single aggregated level census collected by Welsh Government from schools and local authorities.
- Option 4 – Bring regulations into force enabling the collection of individual level school workforce information from all schools and local authorities.
- Option 5 – Bring regulations into force enabling the collection and linking of individual level information from all schools, local authorities and the EWC register.

8.2. In light of the consultation responses (see section 11) it was agreed that a derivative of options 4 and 5 should be considered as below and is presented as a revised version of option 5 for the remainder of this document.

8.3. *Option 5 - Bring regulations into force enabling the collection and linking of individual level information from schools and local authorities and supplemented by the use of other existing administrative data sources.*

8.4. Option 2, an individual level survey but sent to only a proportion of schools or local authorities, was not considered as a feasible option as it would not provide a complete view of the school workforce in Wales and provide the required level of information to carry out the intended purposes. Therefore, this option has not been considered further for the purposes of this document.

8.5. The advantages and disadvantages of each option is summarised briefly below.

Option 1 – Do nothing. Maintain existing processes for collecting school workforce information at an aggregated level from schools and local authorities.

8.6. This option will continue with existing processes whereby Welsh Government collect information on the school workforce in Wales at an aggregated level by various data collections and surveys. The teacher and support staff headcount and full-time equivalents (FTE) and recruitment and retention information will continue to be collected through the Pupil Level Annual School Census (PLASC) whilst teacher sickness absence data would continue to be collected through a separate annual data collection exercise. This option will allow for Welsh

Government and other organisations to continue to undertake ad-hoc surveys and data collections to gather specific information where no data is currently collected.

- 8.7. Maintaining the status quo is deemed to be unsustainable in the long term with no perceived benefits to workforce planning, schools, local authorities, Welsh Government and other users of school workforce statistics.

Advantages:

- This is the baseline option and as such there are no additional benefits associated with this option.
- Option 1 would incur no additional transitional or implementation costs as there would be no requirement for training or professional development associated with implementing new systems or processes.
- No requirement for development changes to information management systems and processes at school and local authority level.
- Familiarity with requirements and processes means that future data returns can be completed on same basis as previous returns.

Disadvantages:

- Information collected on the school workforce will continue to be collected on a piecemeal basis using inconsistent definitions and processes.
- The information collected would not allow for robust and accurate analysis of the whole school workforce and its associated costs.
- Welsh Government would not be able to accurately measure the costs of teachers in Wales and the impact of changes in the school workforce and pay arrangements on future pay costs.
- Welsh Government will not be able to accurately monitor the effectiveness of policies relating to school workforce.

Option 3 –Collection of data for a single aggregated level census collected from schools and local authorities

- 8.8. Option 3 would involve an annual collection of aggregated level data on the whole school workforce. This option would involve electronic data forms sent out to schools and local authorities requesting information on the number of individuals within pre-determined categories of information.

Advantages:

- Aggregated data could be submitted without the need to develop secure data transfer systems.
- Extending breadth of information collected would help fill certain knowledge gaps in school workforce information.
- Less internal resource requirements for the Welsh Government to analyse aggregated level data compared to individual level data.

Disadvantages:

- Information on the school workforce will continue to be collected and reported on an inconsistent basis.
- Significant burden placed on schools and local authorities in the analysis and aggregation of data reported to Welsh Government. This may lead to reluctance from schools and local authorities to complete returns leading to incomplete data.
- The collection of information at an aggregated level does not provide the same level of accuracy and granularity as an individual level collection required to carry out the complex analysis to meet the intended purposes.

Option 4 - Bring regulations into force enabling the collection of individual level school workforce information from all schools and local authorities

- 8.9. Under option 4, Regulations would provide a statutory basis for the collection of school workforce data from schools and local authorities. This will enable the collection of individual level school workforce information relating to pay and other information such as age profile, ethnicity, qualifications, Welsh language skills and curriculum taught, as well as information on recruitment and retention. The collection would require the inclusion of unique identifiers for each individual to ensure the accuracy and validation of information and to enable the development of measures such as progression rates, promotion rates and leaver rates over time.
- 8.10. The regulations will be made under section 114 of the Education Act 2005 which provides that the data collected may only be used for a qualifying purpose. As noted above section 114 provides that a qualifying purpose is one where the data is supplied to a person for use for in evaluation, planning, research or statistical purposes, or any other purpose prescribed in regulations.
- 8.11. The regulations also forbid the further disclosure of information.
- 8.12. This option would require the development of a secure data collection method to transfer the data from schools and local authorities to the Welsh Government. There would also be some developments required to school and local authority systems to enable the extraction of the data in a consistent and standardised format.

Advantages:

- This legislation would ensure information is collected from all schools and local authorities on the whole school workforce. This would provide a complete and comprehensive picture of the school workforce to enable effective workforce planning.
- The collection of individual level data will help minimise the existing burden placed on data providers by following the principle of 'collecting information once and using many times'.
- An individual level data collection would consolidate and streamline school workforce data collections. The data currently collected on the

school workforce via the PLASC and teacher sickness absence returns would be derived from the individual data collected on the school workforce data collection.

- The on-going maintenance of information within school and local authority systems would enable schools to use the data in their day-to-day business and enable more effective workforce planning at a local level.
- Individual level data would allow for linking of information over time to enable the measuring of trends and informing policy development, while precisely evaluating the implementation and impact of policies.
- Given existing school and local authority management system processes and governance requirements, significant detail about the school workforce is already held. Providing information on an individual level may provide less of a burden for schools and local authorities compared with providing information in aggregated form.
- Greater accuracy from collecting information from source, enabling analysis of information internally and ensuring data is aggregated and reported on consistently.

Disadvantages:

- There may be an initial resource effort required for data collection and recording of information within their systems. However, the resource required for on-going information maintenance is likely to be less than currently required for the various ad-hoc surveys and data requests.
- Greater internal resource would be required for the Welsh Government to analyse individual level data compared to aggregated data.
- Individuals' concerns about the collection and security of personal information and application of the Data Protection Act and GDPR which will apply from May 2018.

Option 5 – Bring regulations into force enabling the collection and linking of individual level information from schools and local authorities and supplemented by the use of other existing administrative data sources

- 8.13. Under option 5, Regulations would provide a statutory basis for the collection and linking of school workforce data from schools and local authorities.
- 8.14. This option differs to option 4 in that it would not require schools and local authorities to collate and record information on certain specific data items that are already collected as part of other administrative data sources (e.g. qualifications). This will avoid the duplication of existing data and help minimise the burden placed on schools and local authorities.
- 8.15. The regulations will be made under section 114 of the Education Act 2005 which provides that the data collected may only be used for a qualifying purpose. As noted section 114 provides that a qualifying purpose is one where the data is supplied to a person for use for

evaluation, planning, research or statistical purposes, or any other purpose prescribed in regulations.

- 8.16. It would replace some existing aggregated level data collections, such as the teacher and learner support staff headcount, and recruitment and retention data collected via the Pupil Level Annual School Census (PLASC) and the Teacher Sickness Absence data collection.
- 8.17. The information collected will require the inclusion of identifiable data including names, date of birth, teacher unique reference number and national insurance number which are held within local authority and school systems. This will enable information to be linked across the different systems to provide a comprehensive view of the school workforce and to ensure the accuracy and validity of the information held.
- 8.18. As option 4, this option would require the development of a secure data collection system to transfer the data to be submitted by schools and local authorities to the Welsh Government. There would also be some developments required to school and local authority systems to enable the extraction of the data in a consistent format.
- 8.19. Under option 5 Welsh Government will work closely with partners to identify other administrative data sources to enhance the information collected from schools and local authorities.

Advantages:

- This legislation would ensure that information is collected from all schools and local authorities on the whole school workforce. This would provide a complete and comprehensive picture of the school workforce to enable effective workforce planning and inform policy development.
- The collection of individual level data will help minimise the burden placed on data providers by following the principle of ‘collecting information once and using many times’.
- An individual level data collection would help consolidate and streamline existing school workforce data collections. The data currently collected on the school workforce via the PLASC and teacher sickness absence returns would be derived from the individual data loaded on the school workforce data collection.
- The on-going maintenance of information within school and local authority systems would enable schools to use the data in their day-to-day business and enable more effective workforce planning at a local level.
- Individual level data would allow for linking of information over time to enable the measuring of trends and precisely evaluating the impact of different decisions on the workforce.
- An advantage over option 4 is that it will utilise information from existing administrative sources which will remove the potential for duplication of data, and help minimise the burden placed on schools required to collate new information.

- Given existing school and local authority management system processes and governance requirements, significant detail about the school workforce is already held. Providing information on an individual level may provide less of a burden for schools and local authorities compared with providing information in aggregated form.
- Greater accuracy from collecting information from source, enabling analysis of information internally and ensuring data is aggregated and reported on consistently.

Disadvantages:

- There may be an initial resource effort required for data collection and recording of information within some school and local authority systems. However, the resource required for on-going information maintenance is likely to be less than currently required for various data requests.
- Greater internal resource requirements for the Welsh Government to analyse individual level data compared to aggregated data.
- Linking of data from across systems is potentially resource intensive.
- Individuals' concerns about the collection and security of personal information and application of the Data Protection Act and GDPR which will apply from May 2018.

9. Costs & benefits

- 9.1. It is difficult to quantify the costs associated with the development of information systems within schools and local authorities as they are negotiated on an individual basis. However, the following section identifies where direct costs and resource costs will be incurred. The consultation exercise highlighted that there may be potential resource costs for data providers however more detailed costs will be informed through continued engagement with relevant individuals and organisations.
- 9.2. All costs in this section are on an all-Wales basis and represent the best estimates based on available information.

Option 1 – Do nothing

Costs

- 9.3. As this option proposes no change it is considered that there are no immediate additional costs associated with this option. However, policy developments such as curriculum reform, ITE reform and the devolution of teachers' pay and conditions will lead to an increased requirement for relevant data and consequential "ad hoc" data returns from schools and local authorities to inform policy development and monitor their progress.

Benefits

- 9.4. The principle benefit of this option is the avoidance of any implementation and transitional costs of developments to existing system for the collection and reporting of data.

Option 3 – Bring regulations into force enabling the collection of data for a single aggregated level census collected from schools and local authorities

Costs

Schools:

- 9.5. The direct costs of an aggregated level collection to schools include the development of existing school management information systems (MIS) to record and report on the required information. Costs for the development of school MIS and license fees for the MIS are generally negotiated with software suppliers at a local authority or school level on a per pupil basis. The cost incurred by schools and local authorities for the development of their MIS for the transfer of data as part of existing pupil level data collections are currently covered through the local government revenue settlement.
- 9.6. The data items requested from schools for an aggregated level collection would be the same as for an individual level collection. Therefore, there are not considered to be any cost savings associated with the development of their MIS for an aggregated level collection compared to an individual level collection.
- 9.7. While the information to be provided by schools is required for the day-to-day management of the school workforce, different schools currently adopt different processes for recording the information. Some schools

maintain their information electronically whilst others keep certain workforce information in paper format. There will be an initial resource cost associated with the recording of new, missing or incomplete information into their systems.

- 9.8. There will be an on-going cost related to the maintenance of information as circumstances change. However, this would form part of the requirements that schools should be undertaking as part of their day-to-day business of maintaining their workforce data.
- 9.9. On census date, schools will be required to submit data to the Welsh Government and undertake necessary steps to ensure the completeness and accuracy of the information submitted. Schools would be required to analyse and aggregate the information to provide the required level of summary data.
- 9.10. The following resource costs to schools have been based on resource hours information submitted as part of the PLASC returns. The resource required for the initial PLASC collection was higher than for subsequent collections.
- 9.11. Initial cost of resources in first year of collection for the collation, recording, analysis and reporting of data are estimated to cost in total between £84k and £159k with costs for subsequent years estimated at between £34k and £64k.¹⁰
- 9.12. Staff members responsible for completion of the data collection may require training prior to implementation of the data collection. Training is generally provided through the relevant software houses.

Local authorities:

- 9.13. Costs would be incurred by local authorities to develop their HR and payroll systems to record and report on the required information in aggregated form. This would include the rationalisation and mapping of existing coding structures to streamline the data collection and ensure consistency in reporting.
- 9.14. Given that the information to be captured from local authorities are required for their existing pay and human resource processes it is likely that most of the information is already held, and therefore significant additional costs are unlikely to be accrued. However, there may be some initial resource cost in recording missing or incomplete records.
- 9.15. There would be an annual ongoing resource requirement for the updating of data where changes occur, but this should form part of their day-to-day business of maintaining their workforce data.
- 9.16. However, the volume and range of information to be collected under this legislation is extensive. The resource and effort required from local authorities in collecting, validating and aggregating the school and local

¹⁰ Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff and secondary education teaching professionals from the provisional 2016 Annual Survey of Hours and Earnings (ASHE) applied to the resource hours collected as part of the Pupil Level Annual School Census (PLASC). Completion hours have been pro-rated based on the staff count relative to the number of pupils from PLASC 2017.

authority data would be substantial and time consuming potentially leading to higher costs compared to an individual level collection.

- 9.17. Estimated costs based on staff resource time of between 10 to 20 minutes per record and the median gross hourly pay of local government administrative staff provides estimated costs for the initial data collection of between £114k and £228k in total.¹¹
- 9.18. There would be an annual ongoing resource requirement for the updating of data where changes occur, which would form part of their day-to-day business of maintaining their workforce data. There will be a resource cost associated with the validation of information from schools and in extracting and submitting information to the Welsh Government. The total on-going costs are estimated between £57k and £171k per annum.
- 9.19. Staff members responsible for completion of the data collection may require training prior to implementation of the data collection. Training is generally provided by the relevant software houses.

Welsh Government:

- 9.20. An aggregated level data collection would be completed electronically on pre-formatted templates using excel spreadsheets and submitted via existing data transfer systems. As no sensitive or personal information would be transferred, there would not be any associated costs for the development of a new secure data transfer system for this collection.
- 9.21. Existing WG data transfer systems used for the transfer of aggregated level data could be re-used for the purposes of transferring aggregated school workforce information.
- 9.22. An extended aggregate level data collection would be consolidated with the separate collections of school workforce information currently undertaken as part of the annual PLASC returns and the Teacher Sickness Absence returns. It would also remove the need to undertake additional ad-hoc requests for information administered by Welsh Government at different periods throughout the year. Responsibility for the collection of school workforce data will be transferred from the School Statistics team within Knowledge Analytical Services (KAS) to the School Workforce Data Team.
- 9.23. This option will require an increase in Welsh Government resource requirements for the collection, analysis, storage and reporting of information. However, this would represent less resource requirement for the Welsh Government in analysing aggregated data compared to individual level data.
- 9.24. There will be additional resource costs associated with dealing with queries regarding the data collection from data providers and in responding to requests for information and analysis on the school workforce information. These costs are expected to be higher in the

¹¹ Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff from the provisional 2016 Annual Survey of Hours and Earnings (ASHE)

initial year as data providers familiarise themselves with the requirements of a new collection and in resolving issues that may arise. On-going annual costs are expected to be lower as issues are resolved and a greater level of information on the school workforce is published by Welsh Government.

- 9.25. There would be an on-going annual resource cost associated with the drafting of data requirements, guidance documentation and data collection forms as well as the data collection process itself. There will be costs which will fall to the Knowledge Analytical Services (KAS) associated with the removal of school workforce information from existing data collections (i.e. PLASC).
- 9.26. The resource costs for these processes for the initial collection are estimated to cost approximately £25k. The on-going costs are estimated to be £16k in 2020-21 and £14k in subsequent years.

Table 1: Estimated cost of option 3 (a)

	Initial costs:	On-going costs:	
	2019-20	2020-21	2021-22
Schools			
Collation, recording, analysis and reporting information	£84k - £159k	£34k - £64k	£34k - £64k
Local authorities			
Collation, recording, analysis, validation and reporting information	£114k - £228k	£57k - £171k	£57k - £171k
Welsh Government			
Development of existing secure data transfer systems	N/A	N/A	N/A
Development of technical documentation (data validation, CBDS, guidance notes), storage, analysis and reporting	£25k	£16k	£14k
Development / system testing and User Acceptance Testing (UAT)	N/A	N/A	N/A
Total	£223k - £412k	£107k - £251k	£105k - £249k

(a) Totals may not equal sum of individual costs due to rounding.

Benefits

- 9.27. Local authorities and schools will be able to use the data in their day-to-day management of the school workforce enabling more effective workforce planning.
- 9.28. Expanding the breadth of information collected on the school workforce will enable better analysis to be undertaken and provide for a better evidence base to inform policy development on school workforce related matters. However, aggregated data would not provide the required level of data to accurately model their impact on teacher pay costs.

- 9.29. This would enable a more co-ordinated approach to the analysis of school workforce information and free up resource within KAS to undertake work on other areas of school statistics.

Option 4 - Bring regulations into force enabling the collection of individual level school workforce information from all schools and local authorities

Costs

Schools:

- 9.30. The direct costs of an individual level survey include the development of existing school management information systems (MIS) to record and report on the required information. Costs for the development of school MIS and license fees for the MIS are generally negotiated with software suppliers at a local authority or school level on a per pupil basis. The cost incurred by schools and local authorities for the development of their MIS for the transfer of data as part of existing pupil level data collections are currently covered through the local government revenue settlement.
- 9.31. The data items requested from schools for an individual level collection would be the same as an aggregated level collection. Therefore, there would not be higher costs incurred for the development of their MIS for an individual level collection compared to an aggregated level collection.
- 9.32. While the information to be provided by schools is required for the day-to-day management of the school workforce, different schools currently adopt different processes for recording the information. Some schools maintain their information electronically whilst others keep certain workforce information in paper format (e.g. sickness absence). There will be an initial resource cost associated with the recording of new, missing or incomplete information into their systems.
- 9.33. There will be an on-going cost related to the maintenance of information as circumstances change. However, this would form part of the requirements that schools should be undertaking as part of their day-to-day business of maintaining their workforce data.
- 9.34. On census date, schools will be required to submit data to the Welsh Government and undertake necessary steps to ensure the completeness and accuracy of the information submitted. Information is collected by WG on the completion of existing data collections. The information supplied as part of the PLASC returns provides information on the role of the individual completing the return and the time taken.
- 9.35. In the majority of cases the returns are completed by administrative staff. However, in some cases the returns are completed by business managers, teaching staff or head teachers.

- 9.36. The following resource costs to schools have been based on resource hours information submitted as part of the PLASC returns. The resource required for the initial PLASC collection was higher than for subsequent collections.
- 9.37. Initial cost of resources in first year of collection for the collation, recording and reporting of data are estimated to cost between £84k and £159k in total with costs for subsequent years estimated at between £34k and £64k.¹²
- 9.38. Staff members responsible for completion of the data collection may require training prior to implementation of the data collection. Training is generally provided through the relevant software houses.

Local authorities:

- 9.39. Costs would be incurred by local authorities to develop their HR and payroll systems to record and report on the required information. This would include the rationalisation and mapping of existing coding structures to streamline the data collection and ensure consistency in reporting.
- 9.40. Given that the information to be captured from local authorities are required for their existing pay and human resource processes it is likely that most of the information is already held, and therefore significant additional costs are unlikely to be accrued. However, there may be some initial resource cost in recording missing or incomplete records and validating information prior to submission.
- 9.41. Indicative resource staff time of between 7 to 15 minutes per record based on the median gross hourly pay of local government administrative staff provides estimated total costs for the initial data collection of between £80k and £171k.¹³
- 9.42. There would be an annual ongoing resource requirement for the updating of data where changes occur, which would form part of their day-to-day business of maintaining their workforce data. There will be a resource cost associated with the validation of information from schools and in extracting and submitting information to the Welsh Government. The on-going costs are estimated between £57k and £114k per annum in total.
- 9.43. Staff members responsible for completion of the data collection may require training prior to implementation of the data collection. Training is generally provided by the relevant software houses.

Welsh Government:

- 9.44. There would be an initial cost to develop and implement the process and technical infrastructure for the secure transfer of individual level data

¹² Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff and secondary education teaching professionals from the provisional 2016 Annual Survey of Hours and Earnings (ASHE) applied to the resource hours collected as part of the Pupil Level Annual School Census (PLASC). Completion hours have been pro-rated based on the staff count relative to the number of pupils from PLASC 2017.

¹³ Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff from the provisional 2016 Annual Survey of Hours and Earnings (ASHE)

from schools and local authorities to Welsh Government. The intention is to develop on existing systems currently used for the transfer of pupil level data.

- 9.45. Based on costs for existing pupil level data collections the development and re-use of existing systems are estimated to cost up to £120k. This includes the development of 'xslt' for transferring data from school and local authority systems, development of system interface for schools and local authorities and the transfer of data into WG data systems. On-going maintenance and support costs for a secure data transfer system are estimated at £40k per annum.
- 9.46. The development of an entirely new secure data transfer system would cost significantly more, up to £400k. On-going maintenance and support costs would be the same as through using existing systems.
- 9.47. A full individual level data collection would replace the annual PLASC returns and the Teacher Sickness Absence returns. It would also remove the need to undertake additional ad-hoc requests for information administered by Welsh Government at different periods throughout the year. Responsibility for the collection of school workforce data would be transferred from the School Statistics team within Knowledge Analytical Services (KAS) to the School Workforce Data Team.
- 9.48. An individual level data collection would require a greater amount of validation and analysis internally compared with an aggregated data collection or a survey of a proportion of schools. There would be an on-going annual resource cost associated with the drafting of data requirements, technical specifications and guidance documentation as well as the data collection process.
- 9.49. This option will require an increase in Welsh Government resource requirements for the collection, analysis, storage and reporting of information.
- 9.50. There will be additional resource costs associated with dealing with queries regarding the data collection from data providers and in responding to requests for information and analysis on the school workforce information. These costs are expected to be higher in the initial year as data providers familiarise themselves with the requirements of a new collection and in resolving issues that may arise. On-going annual costs are expected to be lower as issues are resolved and a greater level of information on the school workforce is published by Welsh Government.
- 9.51. There will be additional resource costs associated with the development testing, system testing and User Acceptance Testing (UAT) of the data collection and data transfer system.
- 9.52. The internal resource costs for the initial collection are estimated to cost approximately £40k with on-going maintenance and service costs of £23k in 2020-21 and £22k in subsequent years.

Table 2: Estimated cost of option 4 (a) (b)

	Initial costs:	On-going costs:	
	2019-20	2020-21	2021-22
Schools			
Collation, recording, analysis and reporting information	£84k - £159k	£34k - £64k	£34k - £64k
Local authorities			
Collation, recording, analysis, validation and reporting information	£80k - £171k	£57k - £114k	£57k - £114k
Welsh Government			
Development of existing secure data transfer systems	up to £120k	up to £40k	up to £40k
Development of technical documentation (data validation, CBDS, guidance notes), testing, storage, analysis and reporting	£40k	£23k	£22k
Total	£302k - £490k	£131k - £230k	£130k - £228k

(b) All costs based on the re-use of existing secure data transfer system.

(c) Totals may not equal sum of individual costs due to rounding.

Benefits

- 9.53. While the initial collation and load of data into school and local authority systems would have a cost, improved processes for the management of school workforce data can be seen as a benefit in the longer-term with less resource and effort required compared with collecting and analysing information for specific data requests throughout the year.
- 9.54. Local authorities and schools will be able to use the data in their day-to-day management of the school workforce enabling more effective workforce planning.
- 9.55. Capturing information at source provides more accurate data (i.e. school data transmitted to local authorities who can validate the data before transferring to Welsh Government for analysis). This would ensure that any analysis, aggregation and reporting of data is undertaken on a consistent basis, ensuring the accuracy and comparability of information.
- 9.56. More robust information will enable more powerful analysis to be undertaken.
- 9.57. The collection of individual level information for the school workforce would result in more accurate and robust data to inform workforce and succession planning and for the development, implementation and monitoring of policies.
- 9.58. It will also provide greater accuracy in calculating teacher pay costs and modelling the impact of changes in pay and conditions and different pay policies on the school workforce and the total pay bill.

Option 5 - Bring regulations into force enabling the collection and linking of individual level information from schools and local authorities and supplemented by the use of other existing administrative data sources

Costs

- 9.59. The costs for option 5 are based on the same activities as undertaken for option 4. However, this option involves the collection of fewer data items from schools and re-using existing administrative data sources in an effort to minimise the burden placed on schools. This is expected to result in lower resource costs for schools and local authorities than option 4, as reflected below.
- 9.60. Under this option Welsh Government will work with other organisations that collect administrative data on the school workforce in Wales to identify and agree on information that could be used to enhance the information collected from schools and local authorities. This will also help minimise the burden placed on schools and local authorities by reducing the number of data items they are required to capture, validate and report.

Schools:

- 9.61. The direct costs of an individual level collection include the development of existing school management information systems (MIS) to record and report on the required information. Costs for the development of school MIS and license fees for the MIS are generally negotiated with software suppliers at a local authority or school level on a per pupil basis. The cost incurred by schools and local authorities for the development of their MIS for the transfer of data as part of existing pupil level data collections are currently covered through the local government revenue settlement.
- 9.62. The data items requested from schools for an individual level collection would be the same as an aggregated level collection. Therefore, there would not be higher costs incurred for the development of their MIS for an individual level collection compared to an aggregated level collection.
- 9.63. While the information to be provided by schools is required for the day-to-day management of the school workforce, different schools currently adopt different processes for recording the information. Some schools maintain their information electronically whilst others keep certain workforce information in paper format. There will be an initial resource cost associated with the recording of new, missing or incomplete information into their systems.
- 9.64. There will be an on-going cost related to the maintenance of information as circumstances change. However, this would form part of the requirements that schools should be undertaking as part of their day-to-day business of maintaining their workforce data.
- 9.65. On census date, schools will be required to submit data to the Welsh Government and undertake necessary steps to ensure the completeness and accuracy of the information submitted. Information is collected by WG on the completion of existing data collections. The information

supplied as part of the PLASC returns provides information on the role of the individual completing the return and the time taken.

- 9.66. In the majority of cases the returns are completed by administrative staff. However, in some cases the returns are completed by business managers, teaching staff or head teachers.
- 9.67. The following resource costs to schools have been based on resource hours information submitted as part of the PLASC returns. The resource required for the initial PLASC collection was higher than for subsequent collections.
- 9.68. Initial cost of resources in first year of collection for the collation, recording and reporting of data is estimated to cost between £67k and £127k in total with on-going costs for subsequent years estimated at between £27k and £51k.¹⁴
- 9.69. These costs will be partly offset by the removal of the school workforce element of the Pupil Level Annual School Census (PLASC). Therefore, it is anticipated that this will have minimal impact on school budgets and will be unfunded.
- 9.70. Staff members responsible for completion of the data collection may require training prior to implementation of the data collection. Training is generally provided through the relevant software houses.

Local authorities:

- 9.71. Costs would be incurred by local authorities to develop their HR and payroll systems to record and report on the required information. This would include the rationalisation and mapping of existing coding structures to streamline the data collection and ensure consistency in reporting.
- 9.72. Given that the information to be captured from local authorities is required for their existing pay and human resource processes it is likely that most of the information required is already held, and therefore significant additional costs are unlikely to be accrued. However, there may be some initial resource cost in recording missing or incomplete records and validating information prior to submission.
- 9.73. Indicative resource staff time of between 5 to 12 minutes per record based on the median gross hourly pay of local government administrative staff provides estimated total costs for the initial data collection of between £57k and £137k.¹⁵
- 9.74. There would be an annual ongoing resource requirement for the updating of data where changes occur, which should form part of their day-to-day business of maintaining their workforce data. There will be a resource cost associated with the validation of information from schools

¹⁴ Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff and secondary education teaching professionals from the provisional 2016 Annual Survey of Hours and Earnings (ASHE) applied to the resource hours collected as part of the Pupil Level Annual School Census (PLASC). Completion hours have been estimated as 80% the resources required under option 4.

¹⁵ Estimated resource costs for schools have been calculated using hourly pay for local government administrative staff from the provisional 2016 Annual Survey of Hours and Earnings (ASHE)

and in extracting and submitting information to the Welsh Government. However, these costs are deemed to be less than that required for an aggregated level collection. The on-going costs are estimated between £34k and £80k per annum in total.

- 9.75. These costs will be partly offset by the removal of the school workforce element of the Pupil Level Annual School Census (PLASC) and Teacher Sickness Absence Data Collection. Therefore, it is anticipated that this will have minimal impact on local authority budgets and will be unfunded.

Welsh Government:

- 9.76. There would be an initial cost to develop and implement the process and technical infrastructure for the secure transfer of individual level data from schools and local authorities to Welsh Government. The intention is to develop on existing systems currently used for the transfer of pupil level data.
- 9.77. Based on costs for existing pupil level data collections the development and re-use of existing systems are estimated to cost up to £120k. This includes the development of 'xslt' for transferring data from school and local authority systems, development of system interface for schools and local authorities and the transfer of data into WG data systems. On-going maintenance and support costs for a secure data transfer system are estimated at £40k per annum.
- 9.78. The development of an entirely new secure data transfer system would cost significantly more, up to £400k.
- 9.79. A full individual level data collection would replace the annual PLASC returns and the Teacher Sickness Absence returns. It would also remove the need to undertake additional ad-hoc requests for information administered by Welsh Government at different periods throughout the year. Responsibility for the collection of school workforce data would be transferred from the School Statistics team within Knowledge Analytical Services (KAS) to the School Workforce Data Team.
- 9.80. An individual level data collection would require a greater amount of validation and analysis internally compared with an aggregated data collection or a survey of a proportion of schools. There would be an on-going annual resource cost associated with the drafting of data requirements, technical specifications and guidance documentation as well as the data collection process itself.
- 9.81. There will be additional resource costs associated with dealing with queries regarding the data collection from data providers and in responding to requests for information and analysis on the school workforce information. These costs are expected to be higher in the initial year as data providers familiarise themselves with the requirements of a new collection and in resolving issues that may arise. On-going annual costs are expected to be lower as issues are resolved and a greater level of information on the school workforce is published by Welsh Government.

- 9.82. There will be additional resource costs associated with the development testing, system testing and User Acceptance Testing (UAT) of the data collection and data transfer system.
- 9.83. The internal resource costs for the initial collection are estimated to cost approximately £40k with on-going maintenance and service costs of £23k in 2020-21 and £22k in subsequent years
- 9.84. Additionally, individual record level linkage to other administrative data sources can be a resource intensive procedure. The linking process could be contracted to an external supplier which would involve costs up to £40k.

Other administrative data sources:

- 9.85. Welsh Government will work with organisations that hold administrative data relating to the school workforce to identify information to enrich and enhance the data collected and provide greater intelligence on the school workforce. As this would involve information already held by other organisations the associated costs are deemed to be negligible.

Table 3: Estimated cost of option 5 (a) (b)

	Initial costs:	On-going costs:	
	2019-20	2020-21	2021-22
Schools			
Collation, recording, analysis and reporting information	£67k - £127k	£27k - £51k	£27k - £51k
Local authorities			
Collation, recording, analysis, validation and reporting information	£57k - £137k	£34k - £80k	£34k - £80k
Welsh Government			
Development of exiting secure data transfer systems	up to £120k	up to £40k	up to £40k
Development of technical documentation (data validation, CBDS, guidance notes), testing, storage, analysis and reporting	£40k	£23k	£22k
Data linking to other administrative data sources	up to £40k	up to £40k	up to £40k
Total	£285k - £424k	£125k - £194k	£123k - £193k

(d) All costs based on the re-use of existing secure data transfer system.

(e) Totals may not equal sum of individual costs due to rounding.

Benefits

- 9.86. While the initial collation and load of data into school and local authority systems would have a cost, improved processes for the management of school workforce data can be seen as a benefit in the longer term with less resource and effort required compared with collecting and analysing information for specific data requests throughout the year.

- 9.87. Local authorities and schools will be able to use the data in their day-to-day management of the school workforce enabling more effective workforce planning.
- 9.88. Capturing information at source provides more accurate data (i.e. school data transmitted to local authorities who can validate the data before transferring to Welsh Government for analysis). This would ensure that any analysis, aggregation and reporting is undertaken on a consistent basis, ensuring the accuracy and comparability of information.
- 9.89. More robust information will enable more powerful analysis to be undertaken, providing a better evidence base to inform and accurately model the costs of policies related to the school workforce.
- 9.90. The use of existing administrative data on the school workforce would minimise the burden placed on schools and local authorities by reducing the number of data items they are required to capture, verify and report.

Conclusion

- 9.91. **Option 5** to bring regulations into force enabling the collection and linking of individual level information from schools and local authorities and supplemented by the use of other existing administrative data sources is considered as the preferred method for collection. Information from other sources will only be used where do so is compliant with the DPA and the GDPR.
- 9.92. An individual level data collection is vital in providing the level of detail necessary to ensure the quality and accuracy of information submitted to support the development, implementation and monitoring of policies relating to the school workforce. The information collected will enable the required complex analysis to be undertaken on issues such as workforce and succession planning, teacher supply and demand, pay costs, recruitment and retention.
- 9.93. The collection of more comprehensive information will also support Welsh Ministers duties under section 11 of the Education Act 1996 to exercise their education functions to improve standards, encourage diversity and increase opportunities for choice.
- 9.94. There may be an initial impact placed on some schools and local authorities to populate systems with missing or incomplete information and in ensuring consistency in how information is recorded. However, there are potential long-term benefits as the resource requirements for on-going maintenance of information will be reduced compared to that required for meeting the variety of information requests currently serviced.
- 9.95. Exploring the potential use of other existing administrative data on the school workforce would help minimise the burden placed on schools and local authorities by reducing the number of data items they are required to capture, verify and report.

10. Specific Impact Assessments

Schools and Local Government:

- 10.1. There will be development requirements to school management information systems and local authority payroll and HR systems for the collection and reporting contained in the regulations. There will be a requirement for local authorities to ensure that existing systems are developed to report information to Welsh Government consistently across local authorities.
- 10.2. However, the majority of the information to be collected is necessary for the current day-to-day management of the workforce and should already be held by local authorities and therefore it is unlikely that significant additional costs will be incurred. There will be a requirement for schools and local authorities to ensure the accuracy and completeness of information provided to Welsh Government on the school workforce

Individuals of the school workforce:

- 10.3. These regulations enable the collection of individual level information on the school workforce in Wales. The information includes identifiable data items including name, date of birth, teacher reference number and national insurance number.
- 10.4. The collection of more comprehensive information will support Welsh Ministers duties under section 11 of the Education Act 1996 to exercise their education functions to improve standards, encourage diversity and increase opportunities for choice.
- 10.5. The collection of more detailed information on pay related issues will ensure that decisions made are based on relevant and robust evidence which accurately reflect the composition and real needs of the workforce in Wales. An annual workforce collection will improve the quality and diversity of the evidence available, ensuring that the Welsh perspective is accurately reflected during wider deliberations to ensure fair and equitable treatment for the workforce.
- 10.6. Information on disability and ethnicity will also be collected to help to identify and address the causes of the ethnicity and disability pay and employment differences.
- 10.7. Under the GDPR (which will apply from 25 May 2018), ethnicity and disability information is classified as special category data. This category of data can only be processed if it falls within one of the exceptions set out in Article 9 of the GDPR. One such exception is where processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on EU or UK law which must be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
- 10.8. For effective workforce planning of the future workforce in terms of addressing diversity in the school workforce and having a workforce that reflects communities of Wales, data on protected characteristics,

including ethnicity needs to be linked to progression, recruitment and retention information collected from school MIS systems.

- 10.9. The information collected by virtue of these regulations will be used solely for statistical analysis and research for purposes of planning and evaluation, and to support policy development in relation to the school workforce. In line with EU GDPR recital 162¹⁶, the personal data collected will not be used in support of measures or decisions regarding any particular individual.
- 10.10. Welsh Government will issue a 'Privacy Notice' to all members of the school workforce covered by the regulations and data collection. This will summarise what information is collected, the purposes for which the information will be processed, how it will be collected, why it is held and with whom it may be shared with as stated in law.
- 10.11. The 'Privacy Notice' will provide details of individual's rights under the GDPR including their rights to access to the information held about them and their rights to rectification if the information held is inaccurate or incomplete.
- 10.12. A full Privacy Impact Assessment (PIA) has been undertaken to analyse how personal information will be collected, stored, protected, shared and managed. The PIA addresses the risk posed to individuals from the processing of individuals information and the measures in place to address these risks including the security of information in transit and within internal systems.

Policy Impact Assessments:

Equality of opportunities

- 10.13. This legislation and the information to be collected will help the Welsh Government meet the Welsh Specific Equality Duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 which cover engagement, equality and employment information, pay differences and procurement. Greater detail on the demographic characteristics and pay information of the school workforce from this collection will support the education sectors contribution to the Welsh Government's Strategic Equality Plan objective to work with partners to identify and address the causes of the gender, ethnicity and disability pay and employment differences. Therefore, it is considered that this legislation will have a positive impact on the relevant protected characteristics in the school workforce.

The Welsh language

- 10.14. The collection of information on the ability of the workforce to teach Welsh, and the provision of teaching through the medium of Welsh, will provide supportive analysis for the Welsh Language Strategy's aim of one million Welsh speakers by 2050. In order to achieve this aim, there needs to be a significant increase in the number of people receiving Welsh-medium education and who have Welsh language skills, as it is

¹⁶EU GDPR recital 162: <http://www.privacy-regulation.eu/en/r162.htm>

only through enabling more people to learn Welsh that this aim will be achieved. Ensuring there is a workforce that meets these criteria enables an increase in the delivery of Welsh-medium education. The information collected will support Welsh Government in meeting its strategic aims of ensuring a sufficient workforce for Welsh-medium education and the targeting of appropriate training to deliver the Welsh language curriculum.

The Tackling Poverty Agenda

10.15. The introduction of a workforce collection will not have a direct impact on the Welsh Government's statutory requirements in relation to the Tackling Poverty Agenda. Data from this collection may provide additional supportive evidence to the Welsh Government commitment to work with education unions, employers and other stakeholders to explore ways of ensuring a living wage for every worker in Wales.

Equality and Human Rights

10.16. The Welsh Specific Equality Duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, cover engagement, equality and employment information, pay differences and procurement. More detailed demographic and pay information of the education workforce from this collection will support the education sectors contribution to the Welsh Government's Strategic Equality Plan objective to work with partners to identify and address the causes of gender, ethnicity and disability pay and employment differences. Therefore, any impacts on equality issues are expected to be positive.

10.17. It is intended to collect individual data on ethnicity and disability which is considered to carry some risk of criticism and challenge in terms of compliance with article 8 of the European Convention of human Rights (ECHR). The Welsh Specific Equality Duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, cover engagement, equality and employment information, pay differences and procurement.

10.18. Under the terms of the GDPR – which will come into force in May 2018 - ethnicity and disability information is regarded as 'special category' data. The GDPR is based on the concept of 'privacy by default' which requires that controllers implement appropriate technical and organisational measures to ensure that, by default, only personal data which are necessary for each specific purpose of the processing are processed.

11. Consultation

- 11.1. Prior to the formal consultation process, various interested organisations were consulted to discuss the implementation of a data collection and review the potential data items identified within the collection. Organisations and individuals engaged included:
- A selection of schools and local authorities;
 - Welsh Local Government Association (WLGA);
 - ESTYN;
 - Education Workforce Council (EWC); and
 - Education Workforce unions.
- 11.2. These initial discussions proved positive, with a general consensus that greater intelligence on the school workforce in Wales needs to be developed. These discussions confirmed that the majority of the information identified is already available, although it is held across various information management, HR and payroll systems.
- 11.3. Policy colleagues within Welsh Government have been consulted with regard to their data and policy requirements, and to identify any other data collections or surveys on the school workforce currently undertaken or planned for consideration in the project.
- 11.4. A formal consultation on the draft regulations took place from 13 January to 3 March 2017. A total of 34 responses were received, with four respondents requesting to remain anonymous. The breakdown of respondents was as follows:

Table 4: Number of responses to consultation

Organisation	Number of responses	% of responses
Local authorities	8	24%
School workforce unions	7	21%
Charities and other organisations	6	18%
Independent bodies	5	15%
Education professionals	3	9%
Individuals	3	9%
Regional consortia	2	6%

- 11.5. The need for a comprehensive data collection on the school workforce was welcomed by the majority of respondents. It was acknowledged that an individual level data collection was the most appropriate means of collecting the necessary information to meet the intended purposes. However, some aspects of the proposal, such as the use of EWC registrant data, were questioned as well as some seeking further assurance regarding the privacy and confidentiality of such a data collection.

11.6. Following the consultation, the draft regulations were reviewed in light of responses and some amendments made which are reflected in the options presented at section 8.

11.7. A full summary of the responses to the formal consultation undertaken is available at:

<https://consultations.gov.wales/consultations/school-workforce-data-collection>

12. Competition Assessment

- 12.1. A competition assessment has been undertaken and it is deemed that there would not be any adverse effects on competition from the introduction of this legislation as this would not impose additional costs on businesses. For this reason, there is no requirement to undertake a full competition assessment of this proposal.

13. Post implementation review

- 13.1. The school workforce data collection will be subject to post implementation review in years one and three after implementation. The reviews will consider how far the anticipated benefits have been realised.
- 13.2. Feedback will be sought from local authority and school representatives to assess the benefits delivered in terms of reduced burden and provision of better quality information. The views of Welsh Government colleagues will be sought on the impact of the collection on the development and evaluation of policies.
- 13.3. All data items included within the school workforce data collection will be reviewed for each cycle of the annual data collection to ensure its continued justification.