

6 June 2023

Dear

ATISN 17478 - Educational Data Information Request

Information requested

Thank you for your original request, which I received on 04 May and your subsequent email providing clarification, which I received on 12 May. You asked for the following data related to GCSE and A level outcomes for academic year 2021/2022 for Years 10 & 11 learners and Years 12 & 13 or age 16-18 learners for each school in Wales, specifically:

- The percentage of students achieving grades A*-C at GCSE
- Data on qualifications that are equivalent to GCSEs and A levels such as BTEC's, the Welsh Baccalaureate etc.
- Percentage of students achieving 3 or more A levels at grades A*-C.

Our response

I have decided that the information described above is exempt from disclosure under section **36(2) (c) of the Freedom of Information Act** as it would otherwise prejudice the effective conduct of public affairs.

The reasons for applying these exemptions are set out in full at **Annex 1** to this letter.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

I have decided to withhold the following information:

GCSE and A level outcomes for academic year 2021/2022 for Years 10 & 11 learners and Years 12 & 13 or age 16-18 learners for each school in Wales, specifically:

- The percentage of students achieving grades A*-C at GCSE
- Data on qualifications that are equivalent to GCSEs and A levels such as BTEC's, the Welsh Baccalaureate etc.
- Percentage of students achieving 3 or more A levels at grades A*-C.

The information is being withheld under **Section 36(2) (c) of the Freedom of Information Act** as it would otherwise prejudice the effective conduct of public affairs.

This Annex sets out the reasons for the engagement of **section 36(2) (c)** of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Public Interest Test

Section 36 is a public interest tested exemption. This means that, in order to withhold information under it, the public interest in withholding must outweigh that in releasing.

Public interest arguments in favour of disclosure

The Welsh Government acknowledges the general public interest in openness and transparency that release of information engenders and recognises that the requested GCSE and A Level sub-national results data would ordinarily, in the absence of the specific circumstances affecting results affected by the COVID-19 pandemic, be pro-actively published or released on request.

The Welsh Government also appreciates the specific public interest in understanding the impact of the pandemic on the results of learners and ensuring fairness in the approach to awarding grades for these years.

Public interest arguments in favour of withholding

Qualifications outcomes data has not been published at a school, local authority or regional educational consortia level, since 2018/19. For each of the intervening years, due to ongoing impacts of the Coronavirus pandemic, the Welsh Ministers suspended Key Stage 4 performance measures and confirmed that qualification awards data for these years would not be used to report on attainment outcomes at a school, local authority or regional consortium level and must not be used to hold schools to account for their learners' outcomes.

The priority for these years was to find the fairest approach to awarding grades to learners to enable them to progress to further education, apprenticeships or employment.

Learners returned to formal examinations in 2021/22, with adaptations to GCSE and A level course content to give learners extra support and address the loss of teaching and learning time. The approach to grading ensured that results broadly reflected a midway point between 2021 and 2019, the last year that exams were sat.

There is strong public interest in maintaining the confidence of parents, pupils and employers in these results and avoiding allowing the data to be used in any way that might suggest these results are in any way of less value than in previous years. In view of the very different assessment approaches and varying impacts of the pandemic, it would not be appropriate for results from these years to be compared as like for like with previous years or used as part of normal school performance and accountability arrangements that are currently in place.

The Welsh Government will return to the publication of sub-national qualifications outcomes data in relation to 2022/23 later this year, which has already been announced by the Minister for Education and Welsh Language. This means that latest examination results information will again be publicly available, alongside a range of appropriate contextual information, that are more in line with pre-pandemic outcomes and comparably less impacted by COVID-19.

In addition, releasing 2021/22 school level results, contrary to assurances provided by the Minister for Education and Welsh Language to the education sector could undermine the trust between the sector and Welsh Ministers and could hinder any future co-operation, the kind that was essential in responding to the pandemic for the benefit of all learners.

In the absence of sub-national qualifications outcomes data over the last few years, the Welsh Government has continued to publish [Official Statistics](#) on qualifications awarded, but at a national level only and not based on performance measures. In addition, Qualifications Wales produced a series of reports on for the previous two years' results, including analysis of equalities in [2022](#) along with school and local authority level [variation in results](#), but in an anonymised way. These steps have ensured continued public access to appropriate information that does not undermine the development/implementation of government policy in response to the continuing impact of the coronavirus pandemic.

Balance of public interest test

After careful consideration of the public interest arguments in favour of disclosing and withholding the requested information, I consider that the public interest arguments to withhold outweigh the public interest arguments to release the information.