

Annex F: The HEIFES14 student population

This annex explains which students should, or should not, be included in HEIFES14 student population. (Annex H contains guidance on how to count students in the HEIFES14 population.) This annex also explains how to treat provision delivered through connected undertakings and collaborative arrangements in HEIFES14.

1. HEIFES14 records counts of students (regardless of age and whether or not the year of programme of study is being repeated) aiming for recognised higher education (HE) qualifications (defined in Annex G). These students are called the 'HEIFES14 student population', and this includes students who are repeating a year of programme of study. Paragraphs 3 and 4 of this annex define which students should be included in the HEIFES14 student population. Some students within this population may not be countable within HEIFES14, as their activity will be counted in a previous or future HEIFES survey (see Annex H for when to count activity). All students counted in HEIFES14 must be in this population. How and when students are counted varies between the tables (see Annex H).
2. For the purposes of HEIFES, 'college' means the college including its connected undertakings as defined in paragraphs 6 and 7, unless such connected undertakings are subject to a separate funding agreement directly with HEFCE.
3. Students meeting **all** the following criteria should be included in the HEIFES14 student population.
 - a. They are registered and actively pursuing studies with the college for at least part of the academic year (1 August 2014 to 31 July 2015). This includes outgoing, but not incoming, exchange students.
 - b. They are studying towards a recognised HE qualification, as defined in Annex G.
 - c. They are not being returned on any other institution's HEIFES, Higher Education Students Early Statistics (HESES) or Higher Education in Alternative Providers Early Statistics (HEAPES) survey return for that year of programme of study.
4. Students in **any** of the following categories should **not** be included in the HEIFES14 student population.
 - a. Students not studying towards a recognised HE qualification as defined in Annex G.
 - b. Students whose sole qualification aim is a National Vocational Qualification. However, students should be included if their programme of study leads to both a recognised HE qualification (as defined in Annex G) and a National Vocational Qualification.
 - c. Incoming exchange students.

- d. Students franchised in from another institution. See paragraphs 8 to 17 of this annex.
- e. Students spending more than half their active study time for the whole programme of study outside the UK (including distance learners outside the UK), unless any of the following apply:
 - i. There is a clear academic reason for studying abroad rather than in the UK. Even where such a reason exists, we must specifically sanction the course as eligible.
 - ii. The student is temporarily and unavoidably abroad and remains liable to UK tax on their earnings, or is a dependant of such a person. This includes members of HM Forces and their dependants.
 - iii. The student is in receipt of UK student support from the Student Loans Company (SLC) for the year.

Sandwich students working abroad and language students on a year abroad should normally be included in the HEIFES14 student population, as the year abroad will not constitute most of their programme of study.

- f. Students who do not actively pursue studies with the college in the academic year 2014-15.
 - g. Students who are on school-centred initial teacher training programmes.
 - h. Students who are being returned on any other institution's HEIFES, HESES or HEAPES return, for that programme of study.
5. All students included in the HEIFES14 student population must be included in the college's individualised learner record (ILR), even if this is not normally compulsory under the coverage of the record.

Connected undertakings

6. An 'undertaking' includes a body corporate, a partnership, an unincorporated association or a trust. An undertaking will be regarded as a connected undertaking of the college if:
- a. The college controls that undertaking.
 - b. The college and another undertaking or other undertakings connected with the college together control that undertaking.
 - c. Another undertaking or other undertakings connected with the college control that undertaking.
 - d. That undertaking is recognised by us as a connected institution as defined by section 27 of the Teaching and Higher Education Act 1998. Or
 - e. We consider that the sole purpose, or one of the main purposes, of registering students at that undertaking is to avoid those students being included within the college's student number control allocation.

7. For the purpose of paragraph 6, an undertaking is under the 'control' of another if any of the following apply:
- a. That other holds a majority of the shares in the undertaking.
 - b. That other holds a majority of the voting rights in the undertaking¹.
 - c. That other has the right to appoint or remove a majority of the board of directors¹ or other governing body of the undertaking.
 - d. That other has the right to exercise dominant influence¹ over the undertaking by virtue of provisions contained in the undertaking's articles of association or any other constitution, control contract¹, memorandum of understanding or other document regulating the undertaking or any other undertaking.
 - e. That other has the right to a share of more than half the assets, or of more than half the income, of the undertaking.
 - f. Both are managed on a uniform basis.
 - g. That other has the power, by any other means, to secure that the affairs of the undertaking are conducted in accordance with its wishes.

Students taught under partnership, collaborative or similar arrangements

8. Colleges should note that a student is considered to be 'registered' on the student record at the college that collects the fee for the student.
9. Many students are taught under a variety of collaborative arrangements. For the purposes of HEIFES14, a year of programme of study that is taught under a partnership arrangement by a publicly funded institution other than the one the student is registered with is treated as franchised. Such franchise arrangements are different from validation-only arrangements:
- a. Under a validation-only arrangement, a higher education institution (HEI) provides assurance about the standards of an HE qualification or award, but the student is, for all purposes, a student of the institution that provides the teaching and with whom they will be registered. The teaching institution, rather than the validating institution, is responsible for the quality of the teaching and for including the student as appropriate in data returns, including HEIFES.
 - b. Under a franchise arrangement, a student is taught under a sub-contractual arrangement by an institution other than the one they are registered with. Often, the franchiser will also be the validating institution, but this may not always be the case: for example, where one further education college (FEC) franchises provision to another, but where the validating body is a university or Pearson Education Ltd. Irrespective of which organisation is the validating body, under a franchise arrangement, the student is treated as a student of the registering institution (the

¹ The expressions 'voting rights in an undertaking', 'right to appoint or remove a majority of the directors', 'right to exercise a dominant influence' and 'control contract' have the meanings given in schedule 7 to the Companies Act 2006.

franchiser), rather than the teaching institution, and the franchiser is responsible for teaching quality and any data returns relating to the student. Industrial placements, work experience and language years abroad should not normally be regarded as franchised out for the purposes of HEIFES.

10. For the purposes of HEIFES14, years of programme of study that are taught under a partnership arrangement by an alternative provider (one that is not in direct receipt of public funding) on behalf of a HEFCE-funded institution will be treated as franchised only where the HEFCE-funded institution (the franchiser) retains overall control of the programme's content, delivery, assessment and quality assurance arrangements. To qualify as franchised provision, all the following conditions must be met².

- a. A legally binding written agreement is in place between the franchiser and the provider which sets out the terms of the franchising agreement.
- b. Where the course is registered on the SLC HEI course database, this is in the name of the franchiser and the fee loan is paid to the franchiser.
- c. The student is a student of the franchiser, is included within its HEIFES, ILR and other data returns and, where appropriate, counts against that institution's student number control allocation.
- d. The student has a contractual relationship with the franchiser for delivering the course;
- e. The terms of the franchise agreement meet the expectations set out in the UK Quality Code for Higher Education in respect of managing higher education provision with others.

11. Colleges must ensure that no student is included on more than one institution's return to HEFCE for a single programme of study. Where a partnership arrangement (other than a validation-only arrangement) includes an HEI, the students are usually returned to us by the HEI. Such students should also be returned on the Higher Education Statistics Agency (HESA) return of the HEI and not on the college's ILR returns. Where a franchise involves two FECs, only the college that returns the student on its HEIFES return should include the student on its ILR return.

12. Paragraphs 13 to 17 of this annex explain who should return franchised activity to us. The 'HEFCE survey' referred to will be either:

- HEIFES14 for FECs
- HESES14 for HEIs, or
- HEAPES14 for alternative providers.

13. Where one institution collects a tuition fee for a student, but the student undertakes all or part of their study at another institution, only the institution that receives the fee

² In line with 'Alternative providers: specific course designation – Guidance for providers: Supplementary guidance to criteria and conditions' paragraph 18, available at <https://www.gov.uk/government/publications/alternative-higher-education-providers-specific-course-designation-criteria-and-conditions>

should include the student in its HEFCE survey student population. This will mean that all students on courses which an institution has informed the SLC are being run on its behalf will be included in its HEFCE survey student population and, where appropriate, will count against its student number control. Such a student is regarded as franchised out by the institution collecting the fee.

14. If a course is run jointly by more than one institution, only the institution that receives the fee should include the student in its HEFCE survey student population.

15. If two institutions receive a fee from a student for a given year of a programme of study, the institution that receives the largest portion should include the student in its HEFCE survey student population. If both institutions receive the same amount, the institutions must ensure that only one of them includes the student in its HEFCE survey student population.

16. In some collaborative arrangements between publicly funded institutions, the institution teaching the student may collect the fee on behalf of another institution. In such cases, if the fee is transferred directly to another institution, the latter should include the student in its HEFCE survey student population. If the fee itself is not transferred but is used to offset payments between two institutions in respect of the student, then this should be treated as if the fee had been transferred.

17. In each of the above cases, the student is a student of the franchiser. Where a college includes the student in its HEIFES14 student population it must also return a record on the ILR. Its Key Information Set and quality assessments will take account of activity relating to that student as appropriate.

Good practice

Franchise arrangements

18. It is the responsibility of the registering institution to ensure the quality of all the data it returns, including those relating to activity at its franchise partner institutions.

19. It is essential that exchanges of information and communications between partners are frequent, timely, open and effective. In particular, we highlight the importance of a registering institution being told promptly by its partner institutions about any withdrawing students. This may require clear protocols among franchise partner institutions regarding the exchange of information.

20. The different roles of each partner in collecting and managing data will vary. The principle applied at audit is that student data should be managed with equal professionalism at all partner institutions. When entering into franchise partnership arrangements, the systems in operation and the exchange of information should form part of the negotiations and final agreement.

21. It is also important that students are returned on the HEFCE survey and the Higher Education Statistics Agency (HESA) student record or the ILR by the registering institution only. A registering institution's student record system may contain all franchised students' records in the same way as it does its 'own' students. However, institutions' student record systems should clearly identify the students registered by them, and should ensure that those not eligible are excluded from the HEFCE survey.

This will help to ensure that franchised students are correctly returned in HEIFES, and that an audit trail for such students is available.

22. Use of the registering institution's standard processes by partner colleges is strongly encouraged – for example for enrolment, module registration, interruption of studies, change of module, change of programme and withdrawal. This helps to identify clearly which institution a student belongs to, and is especially important where an institution deals with more than one partner college. It also ensures that the registering institution is collecting all the data it requires for its own purposes.

Registration of students by the census date

23. Students who have not fully registered, and of whose activity there is no evidence by the census date, should not be included in Column 1 of Tables 1 to 3 of the return. Students who have not fully registered by the census date, but of whose activity there is evidence, may be included in Column 1 Tables 1 to 3 of the return. However, efforts should be made to ensure that all eligible students are fully registered by the census date.

Completion of enrolment forms and agreements by students to pay tuition fees

24. Current standard practice for colleges involves enrolment forms and (either included within the enrolment form or separately) agreements to pay tuition fees. This may change in the light of technological developments, but as long as this remains the standard basis for contracts between colleges and students, it is important to keep accurate and completed forms for all students, signed by the student and preferably also by a representative of the college. This means that should a dispute emerge in the future, a document signed by both parties is available.