

Office for
Students



Calculating student numbers

Consultation response

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Summary

1. The Office for Students (OfS) has completed a consultation on the principles guiding how we count student numbers for regulatory purposes.
2. These regulatory purposes include:
 - to assess applications by higher education providers for degree awarding powers and university title
 - to determine mandatory participation by registered providers in the Teaching Excellence and Student Outcomes Framework (TEF) for ongoing condition of registration B6
 - to determine the fee band a provider is in for registration fees.
3. This document sets out the findings from the feedback provided during the course of the consultation and outlines our response to addressing the feedback in our approach to counting students. This approach to counting students will be set out in the detailed technical specification and will be based on the following principles:
 - a. It will be based only on registered students.
 - b. It will be based on intensity of study rather than mode. A full-time student will typically be reported as one full-time equivalent and a part-time student will normally be reported with a lower full-time equivalent.
 - c. Initially, students studying wholly outside the UK will not be included. This is a temporary situation, however, and we aim to include these students, once reliable data becomes available.
 - d. We will include all students aiming for credit or qualification at or above Level 4 of the 'Framework for higher education qualifications' or at an equivalent level. This will include higher education provision that the OfS will not generally fund, such as provision listed on the Office of Qualifications and Examinations Regulation (Ofqual) Register of regulated qualifications.
 - e. We will use existing datasets wherever possible.
 - f. The same method will be used across our regulatory activities. There may be circumstances when we take a different approach but we will be clear with providers when we do so.
4. These new principles will begin to be used for regulatory activities as follows:
 - for all new applications for degree awarding powers

- for all applications for university title received on or after 1 April 2019¹
- to determine mandatory participation by registered providers in the (TEF from 2019
- to determine the fee band a provider is in for registration fees for 2019-20.

¹ For applications received under the new arrangements set out in the OfS Regulatory framework (OfS 2018.01).

Introduction

5. The OfS is the regulator for the higher education sector in England. It was created on 1 January 2018 by the Higher Education and Research Act 2017. Among other functions it registers providers, grants funds and encourages providers to improve access to courses for more disadvantaged members of society.
6. The OfS aims to be an intelligent data-led regulator, one that uses data to deliver its regulatory objectives in a low-burden and risk-based manner. One of the pieces of data we rely on to deliver these regulatory objectives is the number of students registered at each provider (referred to as 'student number data').
7. Calculating student numbers is a key part of our regulatory activities. We do this in order to:
 - assess applications for degree awarding powers and university title²
 - determine whether participation in the TEF is mandatory (under ongoing condition of registration B6)
 - determine the fee band a provider is in for registration fees.
8. The Department for Education carried out two earlier consultations which looked into aspects of how students are counted for some of OfS's regulatory purposes:
 - 'Simplifying access to the market: degree awarding powers and university title'³
 - 'Office for Students: registration fees (stage 2)'⁴.
9. In September 2018, the OfS published 'Calculating student numbers: Consultation on the principles guiding how we will calculate student numbers for regulatory purposes' (2018.32)⁵. This consultation built on the principles set out in the government's consultations and focused on the other principles guiding how we count students for regulatory purposes and seeking views on the overall approach. These principles are guided by the scope of our work under the Higher Education and Research Act 2017 and ensuring a consistent approach to all providers across the higher education landscape.

Next steps

10. We are finalising the student numbers technical specification, taking account of the feedback received through the consultation. We expect to publish the technical specification, setting out the broad principles for counting students alongside the technical specification, in November

² For applications received under the new arrangements set out in the OfS Regulatory framework.

³ Available at <https://www.gov.uk/government/consultations/market-access-degree-awarding-powers-and-university-title>.

⁴ Available at <https://www.gov.uk/government/consultations/office-for-students-registration-fees-stage-2>.

⁵ See www.officeforstudents.org.uk/publications/calculating-student-numbers-consultation-on-the-principles-guiding-how-we-will-calculate-student-numbers-for-regulatory-purposes/.

2018. The consultation feedback will also inform work on our data strategy, which is due to be published in November 2018.

Main findings

Characteristics of respondents

11. The consultation ran for four weeks from 7 September 2018 to 5 October 2018. We received 77 respondents in total, 75 of which were complete responses. Of the 77 respondents, 74 stated that they were replying on behalf of their institutions and two were not. One did not respond to the question. Table 1 shows the groups of respondents and the numbers of responses we received from each group.

Table 1: Respondents⁶

Type of respondent	Number of respondents
Higher education provider ^a	58
Further education college or sixth form college ^b	10
Private company	2
Representative organisation, business or trade body	4
University mission group	1
Chartered professional body	1
Not specified	1
Total	77

a. One of these was also a private company, one was both a private company and a further education college, and one was also a charity.

b. This included one further education college and one university centre.

12. The consultation was publicised on the OfS website. Emails promoting the consultation were sent to all providers that provided contact details to the OfS as part of the registration process. These emails were also sent to GuildHE, the Association for Colleges, Independent HE, Universities UK and the Association of Heads of University Administration.

13. This section includes an overview of the main findings and common themes from the consultation and our response to these.

Intensity of study rather than mode

14. Our proposed methodology of using intensity of study was widely supported as a more accurate and flexible method to capture the diverse range of students. Respondents also strongly welcomed the idea that the proposed methodology would be based on a well-established reporting field (STULOAD) in the student return to the Higher Education Statistics Agency (HESA). A small number of providers raised concerns about the additional burden that might emerge if further precision on the STULOAD field was required.

⁶ Respondents were counted only once. Respondents were allocated to a group based on the first box they ticked within this question. Where they identified with more than one group, this is indicated in the table notes.

Response: We will calculate student numbers based on intensity of study rather than mode. We will use the STULOAD field of HESA and Individualised Learner Record (ILR) data to do this. STULOAD is a data field already returned to HESA by providers and no additional data will be required⁷. We will also develop the technical specification, ensuring it is clear how we will use STULOAD.

We recognise that a small amount of extra data may need to be returned by providers that submit their data returns, via the ILR to the Education and Skills Funding Agency (ESFA), as we plan to eventually require the return of STULOAD for all higher education students. We will work with the ESFA to ensure that the burden imposed is proportionate to the benefits. For some regulatory purposes we also need to count further education students recorded in the ILR data. For such students we will not require STULOAD to be returned, but will instead estimate student activity from existing fields returned by the provider or held on the Learning Aims Reference System (LARS) or the Ofqual register.

Inclusion of overseas activity

15. There was broad support for our proposal to include a provider's overseas activity in the student number calculation once reliable data becomes available. A number of respondents emphasised that this approach would increase transparency and consistency, as it would provide a much more accurate reflection of a provider's true level of engagement and would thus lead to a more equitable banding structure. However, a number of respondents expressed concerns about the comparability of data across different countries.

Response: Students studying wholly outside the UK will be included once reliable data becomes available. This is in line with the regulatory framework (OFS 2018.01 paragraph 88) which states that the OfS will regulate providers' overseas activity on the basis that the obligations of the registered provider extend to students for whom it is the awarding body, wherever and however they study. Initially overseas students will not be included because reliable data is not available.

We recognise the concerns raised about the quality and comparability of overseas data. We are committed to ensuring the data and statistics we use are of a high quality, meaning that they fit their intended uses, are based on appropriate data and methods, and are not materially misleading. Further information about our approach to data requirements, including overseas data, will be included in the OfS's data strategy, due to be published in November 2018.

All higher education provision

16. Respondents were broadly supportive in principle of our proposed methodology to include all higher education provision. Among those who agreed, by far the most common benefit cited was that this would provide a more accurate reflection of the true number of higher education

⁷ More information on STULOAD, including data requirements and definitions, is provided by HESA at <https://www.hesa.ac.uk/collection/c17051/a/stuload>.

students. Consistency across the sector was also mentioned as a benefit of this approach, along with improved accuracy of registration fee banding, and a better approach to assessing eligibility for degree awarding powers.

17. However, a small number of respondents mentioned that higher regulatory fees could disadvantage further education colleges by requiring those providers to pay higher fees while offering provision that attracts significantly lower tuition fees than other higher education provision. We also received a diverse range of other comments and proposals in response to this question. For example, a number of respondents mentioned the burden on providers from double regulation, or issues relating to having a different population for determining participation in TEF from the population used for the TEF metrics.

Response: We will include all students aiming for credit or qualification at Level 4 or above on the 'Framework for higher education qualifications', or equivalent to that level, in line with the definition of 'higher education' in the Higher Education and Research Act 2017. This will include higher education provision that the OfS will not generally fund, such as provision listed on the Ofqual Register of Regulated Qualifications. We will consider whether more detail is required in the technical annex or guidance relating to TEF, registration fees, degree awarding powers or university title to address the comments raised.

Based on existing data

18. We received a high level of support for our proposed approach to use existing data. By far the most common theme was that providers would welcome the reduction in burden this would produce. Respondents also welcomed consistency and trustworthiness of data.
19. There are some concerns relating to the quality of data, its timeliness and its reliability. We also received some comments from respondents that smaller providers may be disproportionately affected if new data is to be collected, as they tend to lack the reporting systems, training and capability of larger providers, and may not be able to provide consistently accurate data.

Response: We will rely on existing data where possible to calculate student numbers, as we agree that it will help to reduce burdens on providers. It is a condition of registration that all providers registered with the OfS provide the designated data body, HESA, with such information as it requires in the manner and form it specifies. We will work with HESA and ESFA to ensure the data they collect and we receive and use to calculate student numbers is of a high quality and timely, and that a disproportionate burden is not placed on providers. As part of our data futures work we are continually working to ensure that the burden is proportionate to the benefits.

In the consultation we stated that 'The OfS will use the data as originally submitted and signed off by a provider's accountable officer and will only exceptionally take into account

subsequent amendments to the data.’ A couple of respondents asked about the exceptional amendment process and we have published more information on this process⁸.

Consistent approach

20. Respondents were supportive of our methodology to use the same approach to count student activity across all of our regulatory activities. The main benefits identified were that it was consistent, sensible and transparent. Additionally, respondents believed that it would reduce burden, was efficient and would represent value for money.
21. We received some feedback to the effect that our proposed methodology might inadvertently impact colleges negatively, especially small colleges that wished to expand. This is because the inclusion of wider types of high education may lead to a provider moving into a higher fee band, which could then deter providers from increasing student numbers and improving retention.

Response: The same method will be used across our regulatory activities. There may be circumstances when we take a different approach but we will be clear with providers when we do so. We will consider the concerns raised about the potential for the definition of higher education we intend to use for these purposes to disproportionately affect registration fees for some types of providers.

Overall views on the principles

22. On the whole, respondents were positive about our proposed method. We received some specific points about areas for clarification: for example, more detail on the methodology for capturing and reporting this data with particular reference to STULOAD and full-time equivalent calculations.

Response: We will finalise the student numbers technical specification, taking account of the feedback received through the consultation and based on the principles set out in the consultation, which were broadly supported. We expect to publish the technical specification, setting out the broad principles for counting students alongside the technical specification, in November 2018. The consultation feedback will also be fed into work on the data strategy, which is due to be published in November 2018, and where appropriate will be reflected in guidance prepared for our regulatory activities.

⁸ Available on the OfS website at www.officeforstudents.org.uk/data-and-analysis/amendments-to-data/.



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www.nationalarchives.gov.uk/doc/open-government-licence/version/3/