



Department
for Business
Innovation & Skills

**ALTERNATIVE HIGHER EDUCATION
PROVIDERS: STUDENT NUMBER
CONTROLS**

Final Guidance for 2014/15

DECEMBER 2013

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Introduction

Who Should Read this guidance?

Existing and prospective alternative providers of higher education courses specifically designated for student support purposes. Providers with no specifically designated courses are not covered by the requirements set out in this guidance.

The guidance should be read in conjunction with the Specific Course Designation Criteria and Conditions Guidance¹ published by the Department for Business, Innovation and Skills in June 2013. It sets out detailed information on the new specific course designation system, the new criteria for granting designation and the conditions that may be applied to providers with specifically designated courses, how student number controls will be applied, and the application process and timetable.

The guidance on student number controls was previously issued in draft for comment. This final version has been amended in places to clarify how the system will operate.

Student Number Controls at both national and provider level are reviewed annually and are subject to change. Unless otherwise stated this guidance refers to the system that will apply in the 2014/15 academic year. Further guidance will be issued for 2015/16 and subsequent years. This will take into account the announcement on student numbers made by the Chancellor on 5 December 2013.

A list of definitions is provided at Annex A.

This guidance has been approved by the Department for Business, Innovation and Skills (the 'Department'), following consultation with stakeholders.

¹ <https://www.gov.uk/government/publications/alternative-providers-specific-course-designation-guidance-for-applicants>

What do I need to do and when?

December 2013	Read and consider the final guidance
December 2013	Consider whether you want to request a higher number control based on previously planned growth (see chapter 2) in advance of receiving your provisional allocation in January. If so complete the form at Annex B
January 2014	Receive your provisional student number control for the 2014/15 academic year (This is the same timing as for HEFCE-funded providers)
January – February 2014	Consider whether you want to request a higher number control than the provisional allocation on the basis of previously planned growth (see chapter 2) if so complete the form at Annex B The deadline for submitting these requests is 7 February 2014
March 2014	Receive the final student number control for 2014/15 (This is the same timing as for HEFCE-funded providers)
Spring 2015	Engage with the Higher Education Statistics Agency (HESA) during 2014/15 in order to contract by Spring 2015, ready for the Institution Profile data collection due for submission in May 2015. This will be followed by the Student Record data collection due for submission in September 2015 for students enrolled from 1 st August 2014.

Background and Key Principles

We are reforming the system known as ‘course designation’ for alternative higher education providers that wish their students to be able to access loans and grants from the Student Loans Company. This includes applying controls on the number of students alternative providers can recruit on to designated courses. However, we want to do this in a way which provides as much flexibility as possible.

Following the consultation on ‘Applying Student Number Controls to Alternative Providers with Designated Courses’ the Government announced that student number controls will be introduced for alternative providers from academic year 2014/15². We are doing this because although much of the student support package is in the form of repayable loans there is still a considerable cost to Government. This arises from non-repayable grants paid to students and around a third of the value of loans which we estimate will not be repaid and will need to be written off at the end of the fixed repayment period.

Although the number of students at alternative providers claiming student support is small, the numbers have risen rapidly in recent years. As such the Government has a duty to the tax payer to ensure these costs remain affordable. This will be done by imposing controls on the number of students that are eligible for support that alternative providers can recruit each year. By having courses designated, providers are signing up to all the terms and conditions of designation including the system of student number controls as set out in this guidance and any other notices issued by the Department.

Autumn Statement Announcement

The Chancellor of the Exchequer announced, in his Autumn Statement of 5 December, that the Government will provide an additional 30,000 student places in 2014/15 and remove all student number controls in 2015/16 for institutions funded by the Higher Education Funding Council for England (HEFCE).

For alternative providers’ number controls will continue in 2014/15 as planned. From 2015/16 student numbers at high quality alternative providers will be freed from student number controls in a similar manner as for HEFCE-funded providers. However number controls will be retained for high risk alternative providers. Further guidance will be issued for 2015/16 and subsequent years.

Application of Number Controls in 2014/15

For the 2014/15 academic year the student number control for alternative providers will be based on the number of UK and EU students starting full-time undergraduate and PGCE (Postgraduate or Professional Graduate Diplomas in Education or Postgraduate / Professional Certificates in Education delivered by non-school providers) study on specifically designated courses in academic year 2012/13. A higher number control may

² The consultation and the response are available at <https://www.gov.uk/government/consultations/applying-student-number-controls-to-alternative-providers-with-designated-courses>

apply in exceptional cases (see Chapter 2). Equally we reserve the right to take action on grounds of affordability against providers who have undergone very significant expansion in 2013/14 in advance of formal number controls being introduced.

As announced in the Government's Response to the Consultation the control will apply with certain exceptions to students who are eligible for publicly funded student support, regardless of whether or not they have in fact accessed publicly-funded student support.

The number control will operate on the basis of the following assumptions:

- The student number control will be a single limit per provider and will apply to all of the provider's courses which have been specifically designated for student support purposes and all the provider's campuses. This means that the provider must decide how to apportion their numbers to designated courses and gives flexibility for providers to move numbers from one designated course to another.
- Where a provider with designated courses is linked to another provider with designated courses then both providers will be subject to the student number control and associated reporting, irrespective of their size. The Department will make the judgement on whether there is a link between providers, but in essence this will occur when there is common ownership and/or control of the organisations.
- The student number control will not apply to non-designated courses, which gives the provider freedom to increase numbers on non-designated courses without pressure on the public purse, as students studying on non-designated courses will not be eligible for publicly-subsidised grants and loans.
- As with HEFCE-funded providers, the student number control will not apply to non-EU students, as they are not eligible for publicly-funded grants and loans. In addition full time students who cannot access student support because they are aiming for an Equivalent or Lower Qualification (ELQ) will not be subject to number controls.
- As with HEFCE-funded providers, we do not currently apply the student number control to part-time students or to any postgraduate students aside from those on PGCE (Postgraduate or Professional Graduate Diplomas in Education or Postgraduate/Professional Certificates in Education delivered by non-school providers).
- As with HEFCE-funded providers, the number control will only apply to certain students starting full-time study, rather than to those in all years of study at a provider.
- Providers with small numbers of students accessing student support will not be subject to number controls as long as they remain below the set threshold (see Chapter 2)

Chapter 1: What are Student Number Controls and how are they applied

Introduction

Students who access the student support package carry with them a significant cost to Government. HEFCE-funded providers have for many years been subject to limits on the number of students (subject to certain exceptions and flexibilities) they can recruit in each academic year. The control applies to entrants rather than the total number studying at the institution. We will be implementing a system of controls for alternative providers in academic year 2014/15. Further guidance will be issued for 2015/16 and subsequent years.

Method of Control – ‘The Annual Cycle’

The student number control for a provider will be based on the number of UK and EU students starting full-time study on designated courses in the year the control is applied. This will cover students who are eligible to apply for loans and grants from the Student Loans Company, regardless of whether or not the eligible students do in fact access publicly-funded student support.

Providers are required to supply data to HEFCE, in the form of an aggregate survey of actual and forecast student numbers. It will be known as the Higher Education Alternative Provider Early Statistics (HEAPES). This will be required in the autumn of each academic year, and will focus on the number of full-time students eligible for student support who begin a designated course in that academic year. Further information will also be required through this survey to cover exempted students in particular to operate the high grade policy (ABB+ at A Level and certain other qualifications in 2014/15 - See chapter 2). Providers will be required to identify separately the number of full-time eligible students beginning designated courses who have the relevant high-grade entry qualifications.

The control will be flexible enough to recognise that some providers run courses outside of the traditional academic year cycle, such as courses starting in January. The data provided in HEAPES would be subject to credibility checks by HEFCE staff, including comparison with data from the Student Loans Company. Returning this data to HEFCE is a condition of course designation. **Providers will be disadvantaged if the data submitted is not accurate or incomplete and could ultimately lead to de-designation for student support purposes.**

HEFCE have published detailed guidance on completing HEAPES, including on which students are covered³. Providers may also wish to read the guidance⁴ for the Higher

³ http://www.hefce.ac.uk/media/hefce/content/pubs/2013/201324/HEFCE_2013_24.pdf

Education Students Early Statistics (HESES) survey which HEFCE requires from institutions it funds. The HESES survey as a whole is much more complex than that which will be put in place for alternative providers. However, it will give an understanding of HEFCE's approach to monitoring student numbers. Table 6 in Annex C of the HESES document gives the data HEFCE collects from HEFCE-funded institutions to monitor recruitment against the student number control. Particular associated guidance can be found in Annexes D and H of the HESES document.

In January 2014 providers will be informed of their provisional number control for 2014/15, in the same way and time as HEFCE-funded institutions. This will be based on recruitment levels in 2012/13 as notified through HEAPES. There will be a process to request a higher number as set out in Chapter 2. The overall context for funding the higher education sector will be set out in HEFCE's Annual Grant Letter usually published in early January. It will include the Government's overall approach to student numbers which may affect the final number control notified to alternative providers in early March. This could include a change (plus or minus x%) to the total number of students we can afford to fund which will have consequences for each individual provider's number control allocation.

This annual cycle for setting number controls is exactly the same as for HEFCE-funded providers.

Monitoring

HEFCE will monitor the actual number of students recruited through the HEAPES survey and through data submitted to the Higher Education Statistics Agency (HESA) which providers must subscribe to unless exempted (see Chapter 2). They will also have access to data supplied to SLC on take up of student support at each designated provider.

HESA Returns

Those required to provide data to HESA will need to subscribe and agree to certain conditions, for example concerned with data protection and standard data provision. There will be a collection of data in June each year called the Institutional Profile Record⁵ about key aspects of the organisation and its location. This is followed in September by a collection of student⁶ data (details to be determined but it will be similar to the student data collected for the KIS/Unistats which some Alternative Providers are now engaging with). The Student Record data collection captures information about students from their enrolment, to the situation they are in at the end of the academic year. The data are available the following January each year.

⁴ <http://www.hefce.ac.uk/data/datacollection/heses-highereducationstudentsearlystatisticssurvey/>

⁵ http://www.hesa.ac.uk/index.php?option=com_studrec&Itemid=232&mnl=12041

⁶ http://www.hesa.ac.uk/index.php?option=com_studrec&Itemid=232&mnl=12051

Sanctions

If providers exceed their student number control allocation, they may be given the opportunity to repay to the Government a sum which reflects the actual costs associated with the excess students, as an alternative to the loss of designation for some or all courses. The amount per student to be repaid will be set by the Department and reassessed annually. It will be similar to the level of penalties currently applied to HEFCE-funded providers if they over recruit. For example, for over recruitment occurring in 2012/13 the amount was set out in the Department's 2013 Annual Letter to HEFCE. However, it will take account of the different fee loan regime for alternative providers, as tuition fee loans are capped at £6,000 per year rather than £9,000. Repayment will be required in the year following the over recruitment.

Non-repayment of the excess student support costs will be treated as a breach of the terms and conditions of specific course designation. The Department will therefore consider whether the courses should continue to be specifically designated. Possible action in response to this could include the issuing of an improvement notice, a freeze or a cut in student numbers, possible withdrawal of designation for a specific course, or the loss of designation for all courses.

In the event that an alternative provider breaches a control on student numbers the following procedure will apply:

- The provider will be asked to repay the Government a sum which reflects the estimated average costs to Government of providing fee loans and student support associated with the excess students in this year. This cost will be notified by the Department in due course.
- The provider will have 20 working days to appeal the request to repay the Government the sum reflecting the average costs associated with the excess students.
- Any appeal will be by written evidence only and will be considered by the Alternative Providers Student Number Controls Committee in BIS. The decisions of the Committee will be final.
- If the appeal is successful in whole or part the payment request to the provider will be reduced or revoked accordingly. If the appeal is unsuccessful or no appeal is made the provider will be asked to make payment within 20 working days
- If the provider has not paid the Government the appropriate sum within 20 working days of the conclusion of the appeals process the Alternative Providers Student Number Controls Committee in BIS will apply any combination of the following sanctions that it deems appropriate:
 - Revocation of course designation for all of the provider's courses
 - Revocation of all full-time course designations (but not for part time, post graduate, and distance learning courses)

- Revocation of course designation in relation to all students (new and continuing)
- Revocation of course designation in relation to new students – i.e. any new students on the course will not be able to receive student support
- Revocation applied at the start of the next academic year
- Immediate rejection of all new applications for course designation

If the provider subsequently pays the Government the appropriate sum, with any interest if the Government deems this appropriate in accordance with cross Government conventions, the sanctions will be removed as soon as practically possible.

Over-recruitment in any given year will have an impact on the student support budget not just in that year but in future years as students continue their studies. To recognise this, the Government will also require further payments in future years, for up to a further two years. The size of these further payments will depend on the Government's estimate of the average length of stay of students on designated full-time courses at the provider. These future repayments can be avoided by recruiting below the student number control allocation in these years, a process known as 'off-setting'. The Government will specify each year the amount of off-set, if any, required to avoid reductions related to over-recruitment in previous years.

Small providers with an 'allowance' of 50 full-time students (rather than a student number control allocation) will also be required to repay the Government to reflect the costs of excess students. However, over-recruitment in a given year will not lead to further repayments in future years provided that in these years the provider remains within its allowance. If a small provider exceeds its allowance, we will expect it to return to size within two years. If it does not, we will apply one or more of the appropriate sanctions listed above. However, depending on the Government's general approach to student numbers it may be possible for small providers to expand beyond the 50 threshold by taking advantage of any flexibilities that are available.

Chapter 2: Exemptions and Special Cases

High Grades

As part of the Government's objective to increase student choice and reduce the rigid application of number controls, HEFCE-funded providers are able to recruit as many students with certain qualifications above a specified grade threshold as they are able. These students are exempt from number controls. In academic year 2014/15 the threshold has been set at ABB or higher at A Level for HEFCE funded providers. HEFCE have also determined that certain other qualifications can be included in this exempt group.⁷

Alternative providers will also be able to recruit as many students with these high grades as they are able in 2014/15. It is recommended that providers collect details of pre-entry qualifications at registration and retain a record. This will help providers to complete the HEAPES and take advantage of the high grades policy. Data collected through HEAPES will be validated against data supplied by HESA in the Student Record data collection.

Previously Planned Growth

As explained in the Government Response to the Consultation on applying number controls, the baseline year for setting the student number control in 2014/15 will be based on recruitment in 2012/13. The HEAPES survey in October 2013 will be used to collect this data. However we are aware that some providers had in place significant plans to grow beyond the levels of recruitment in 2012/13. We therefore stated in the consultation response:

“To allow for new investment by providers (such as new campuses) where significant prior financial commitments to expansion have been made before the publication of the consultation response document, we will consider these on a case-by-case basis and in exceptional circumstances may increase the initial allocation of student numbers accordingly” (paragraph 10) (March 2013)

Providers who think they have an exceptional case for a higher number control for 2014/15 should complete the form at Annex B and send it to heapsnc@bis.gsi.gov.uk **after** they have received their provisional number control in January 2014. These applications will then be considered by the Department and providers notified of their final allocation including any increase in March 2014. Some providers may not be operating at full capacity in 2014/15 so the Department will also consider setting a higher number control in 2015/16 to reflect this. However, this will be subject to the overall level of funding available

⁷ Further details on ABB and other qualifications on the high grades list are available on the HEFCE website <http://www.hefce.ac.uk/whatwedo/lt/howfund/studentgrades/>

across the higher education sector for the 2015/16 academic year and the number control policy applying at the time.

Providers may wish to submit their evidence of previously planned growth in advance of receiving the provisional allocation in January. This does not mean your application will be treated any more advantageously or guarantee the numbers which will finally be confirmed in March but it may suit your business planning processes to submit the evidence early. If this is the case complete Annex B and send it to heapsnc@bis.gsi.gov.uk. The final deadline for requests under this mechanism is 7 February 2014. We cannot guarantee to meet the full extent of any request for additional numbers.

Criteria for assessing Previously Planned Growth requests

Our overriding concern in assessing requests for higher number control under the PPG procedure is that growth can be achieved in a sustainable way which protects the interests of both new and existing students. We will therefore require evidence which demonstrates that this can be achieved. In addition to Annex B therefore we will require the following supporting evidence (some of these elements are also required as part of the designation process):

- A successful QAA review
- A three year business plan
- A recruitment plan with robust evidence of demand
- Home Office Highly Trusted Status (if appropriate)
- Evidence of capacity to deliver including appointment of staff, physical space, equipment, contracts with service providers (examples could include a lease or purchase of a new building). Financial commitments should have been entered into before 27 March 2013 (This is the date in which the Government announced its intention to introduce number controls on alternative providers)
- A current validation agreement for the relevant designated courses
- Evidence of an ability to maintain operations if recruitment plans are not achieved

Small Providers

Providers which are judged, from their SLC data, to have 50 or fewer full-time students accessing student support in 2012/13 will be classified as 'small' and will be given the opportunity to opt out of some of the data requirements placed on other providers. This includes the requirement to submit student number data to HEFCE and the requirement to subscribe to HESA. However, all other conditions will still apply.

Small providers which choose to opt out must ensure that in any given year, the total number of full-time students at the provider receiving student support remains at 50, or

below. If this number is exceeded you will no longer be treated as a small provider and the additional conditions will apply. In particular you will then be subject to number controls.

Small providers can choose to participate in HEAPES if for example they anticipate growing above the threshold in the coming academic year by taking advantage of any flexibilities on offer such as previously planned growth.

Newly Designated Providers

Providers that are awarded specific course designation **for the first time** for 2013/14 or 2014/15 will be treated as small providers. This means that the total number of full-time students accessing student support will be limited to 50. This control applies to all students studying on full-time specifically designated courses with the provider, not just to students beginning their studies. Such providers will therefore need to decide how many new students to recruit each year (taking into account factors such as course length and retention rates) in order to ensure that the total number of full time students accessing student support does not exceed 50. Exceptionally, providers awarded course designation for the first time in 2013/14 or 2014/15 might be given a higher allocation, but this must be discussed with the Department in advance of recruitment. Providers will be asked about their student recruitment plans as part of the application process.

Providers who applied for designation for courses beginning in 2012/13 but were not notified in time to recruit in that year should use the 'previously planned growth' process to request a higher student number control. Cases should be made by completing Annex B.

Non-Designated Courses

Where providers have course level designation and run courses that are not designated for student support purposes those specific courses are not covered by number controls. Providers can recruit freely to these courses but the students will not be able to access any form of student support from the SLC.

Franchised or Validated Provision

Students on a course that meet our conditions to be treated under the franchised course exemption will be registered with the franchising institution (not the alternative provider) and will fall within the franchising institution's student number controls. All other arrangements are subject to the full specific designation arrangements and will, in most cases, need to meet the conditions in respect of Validated Courses (the exception will be where the alternative provider holds their own Degree Awarding Powers). Students on validated courses come under the number control of the alternative provider. Any alternative provider wishing to hold their own student number allocation for any course must meet the full criteria to be designated for student support purposes.

Further guidance clarifying the definition of franchised and validated courses will be issued by the Department shortly.

Full Time Distance Learning Courses

As for HEFCE funded providers students on distance learning courses which are treated as full time by the SLC are not subject to number controls. These students are eligible for fee loans but not for other elements of the student support package.

Part Time Courses

Student number controls are not currently applied to courses classified as part time. This policy will also apply to alternative providers.

Initial Teacher Training (ITT) in Schools

The Department has agreed a separate specific course designation arrangement with the National College for Teaching and Leadership (NCTL) in respect of providers that hold a current NCTL accreditation to deliver ITT courses. Student numbers will be monitored and controlled separately by the Department for Education.

Post Graduate Only Providers (Disabled Student Allowance)

Providers who only deliver post graduate courses and are designated for Disabled Student Allowance purposes are not part of the student number control system.

International Students

Students from outside the EU who are treated as international students are not eligible for support from the SLC and are therefore not subject to number controls.

Annex A: Definitions

The document uses a number of terms to describe and distinguish between different types of higher education provider, funding and quality assurance arrangements defined as follows:

Alternative provider means any provider of higher education courses which is not in direct receipt of recurrent funding from HEFCE or from equivalent funding bodies in the evolved Administrations; or does not receive direct recurrent public funding (for example, from a local authority, or the Secretary of State for Education); and is not a Further Education College.

ELQ Equivalent or lower Level Qualification (ELQ) rules are applied where a student has achieved a higher education qualification. Students with an honours degree are ineligible for fee and maintenance support to study for a qualification which is equivalent to or lower than their existing qualification. No qualification higher than a first degree is funded. It also means students with a lower level qualification for instance an HND are not funded to study for another qualification at the same level, but will receive limited funding to top up a lower qualification to an Honours Degree/Foundation Degree.

Further Education College (FEC) is a body corporate, established or designated under the Further and Higher Education Act 1992, for the purpose of establishing and conducting an educational institution, which may provide further and higher education for those who are over compulsory school age. FECs are eligible to receive funds from the Skills Funding Agency and HEFCE in the pursuit of their educational purposes.

HEAPES is the Higher Education Alternative Provider Early Statistics conducted by HEFCE. It measures the number of students studying at each provider unless they have been exempted under the small provider policy.

HEFCE is the Higher Education Funding Council for England, a Non-Departmental Public Body established under the Further and Higher Education Act 1992. www.hefce.ac.uk

Higher Education Institution (HEI) is defined as i) a university, or ii) an institution conducted by a higher education corporation, or iii) a institution designated as eligible to receive support from funds administered by HEFCE (aside from Further Education Colleges, which are defined above). At present, all English universities with the exceptions of the University of Buckingham and the University of Law receive support from funds administered by HEFCE and are listed here:

<http://www.hefce.ac.uk/whatwedo/invest/unicoll/highereducationinstitutions/>

Higher Education (HE) providers refer to any providers of higher education courses whether provided directly as a teaching body or indirectly as an awarding body.

HESA is the Higher Education Statistics Agency, the official agency for the collection, analysis and dissemination of quantitative information about UK higher education. It is a charitable limited company funded by subscription from UK Higher Education providers and is not a Government body. It was established in 1993 following the Further and Higher Education Act 1992, which sets out a duty to Higher Education Institutions to give

information to their respective Funding Councils across the UK (including HEFCE).
www.hesa.ac.uk

KIS Key Information Sets is a web based service the providers comparable sets of information about full- or part time undergraduate courses and are designed to meet the information needs of prospective students.

QAA is the Quality Assurance Agency for Higher Education, whose role is to safeguard quality and standards in UK universities and colleges, so that students have the best possible learning experience. The QAA is an independent body, a registered charity and a company limited by guarantee. It is funded through subscriptions from higher education institutions and through contracts and agreements with the major UK funding councils.
www.qaa.ac.uk

Specific course designation is the process by which the Secretary of State designates courses of higher education, which are not automatically designated under the regulations for the purposes of student support.

Student support is financial support for higher education students' tuition and living costs which can be in the form of grants and loans provided from Government funds.

Annex B: Application for Higher Student Number Control (in 2014/15) based on Previously Planned Growth

Note: You must submit your request and supporting evidence to heapsnc@bis.gsi.gov.uk by 7 February 2014. You can do this in any format but it must include all of the information set out below. Incomplete requests may prejudice your case. We cannot guarantee to meet the full extent of any request. Student numbers are reviewed annually.

PROVIDER DETAILS

Institution

Head of Organisation

Main Contact (if different)

Principle Address

Other Sites (in England)

Currently Designated Courses

STUDENT NUMBERS: STARTS

(Student Number Controls are based on the number of entrants in each academic year)

Planned Number of Full Time Students Starting on Designated Courses⁸

2012/13

⁸ Only include those F/T students eligible for student support (ie Fee Loan, Maintenance Grant or Loan) Do not include students on franchised courses (as these numbers are controlled separately)

2013/14

2014/15

2015/16

How many of these students have or do you predict to have A Level grades at ABB or above (or equivalent) ⁹

(Note: It is important to not overstate these figures as it will adversely affect future SNC levels)

2012/13

2013/14

2014/15

2015/16

STUDENT NUMBERS: TOTAL NUMBERS

(Although the Student Number Control is based on the number of entrants we also need total student numbers so that we can assess your overall growth plan)

Total Planned Number of Full Time Students on Designated Courses

2012/13

2013/14

2014/15

2015/16

INVESTMENT EVIDENCE (see chapter 2 for detailed criteria)

How do you plan to deliver your expansion (eg new campus/buildings, additional courses, expansion of existing courses)

Please attach evidence to support your expansion plans of significant financial commitments made before 27 March 2013 (e.g. a new or renewed tenancy agreement,

⁹ See HEFCE Guidance – <http://www.hefce.ac.uk/whatwedo/lt/howfund/studentgrades/>

title of ownership, signed partnership with a HEI, new or revised contract with a service provider)

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