

19 June 2020

Dear [Accountable Officer]

Update on the OfS's approach to regulation and information about deadlines for data returns

I wrote to you on 25 March 2020 setting out changes to our regulatory requirements in response to the coronavirus (COVID-19) pandemic. These changes reflected our decision to reduce our requirements and suspend the majority of our data collections, to allow you to focus on your response to the pandemic.

We recognise the positive way so many providers have responded to the challenges of the pandemic and continue to do so as the next academic year approaches.

As the country gradually lifts the lockdown, like many organisations we are planning a phased approach to resuming our normal regulatory role that takes account of the changed environment. This letter sets out our two-phased approach.

Phase 1: Deadlines for data returns

Notwithstanding these uncertain times, having accurate data is more important than ever and we now need to take steps to collect, in particular, a number of essential student data records to enable us to support quality of provision for students. In doing this, we are seeking to give you as much notice as possible of our requirements.

As in previous years, we will be requiring you to make the data returns listed in Annex A to this letter. At this point we are confirming the timings and detailed requirements for those student data returns which would normally be due in the summer and early autumn as the need to plan for these is most pressing. A notice requiring submission is included at Annex B.

We recognise that the effects of the pandemic will vary across the sector and that in many providers the teams who provide data may be facing exceptional pressures at this time. This may mean that a provider is behind with the normal schedule of work needed to meet submission deadlines. Where a provider is unable to meet the deadline set out in Annex B for a return, and this is due to disruption caused by the coronavirus pandemic, we will consider agreeing an extension. Please contact us, before the relevant deadline, on regulation@officeforstudents.org.uk if you wish to request an extension.

We also recognise that much of the data we collect from providers will be affected by the pandemic. We will issue updated guidance on each return to help providers return consistent data. In issuing guidance, we will seek to minimise the burden on you and ensure as far as possible that data remains comparable across years. If you have specific questions or concerns about returning data affected by the pandemic, please contact dfaservicedesk@officeforstudents.org.uk or liaison@hesa.ac.uk.

We will confirm requirements and deadlines for the remaining routine data returns in July 2020. You should work on the basis that we will ask you to submit these as new deadlines fall due.

You can check our website for the latest up-to-date information about dates and deadlines at www.officeforstudents.org.uk/advice-and-guidance/deadlines/.

Phase 2: Reinstating our normal regulatory approach

Beyond reintroducing deadlines for data returns, we are planning a phased approach to resuming our regulatory role that takes account of the changed environment. We want to take the opportunity to explain better our regulatory approach and requirements, and the reasons for these. In doing this, we will draw on lessons we have learned over our first two years to ensure that the way we implement our requirements achieves our objectives in as targeted and efficient way as possible. Our initial focus will be on two areas: the way we regulate quality, and the steps necessary to get providers' access and participation plans back on track following the disruption caused by the pandemic. We will write to you with more information about this work in July 2020.

Please contact us at regulation@officeforstudents.org.uk or on 0117 931 7305 if you have any questions about this letter, or the information contained in its annexes.

Yours sincerely

Susan Lapworth

Director of Competition and Registration

Annex A: summary of status of data returns and deadlines

The existing deadlines for the following data returns have remained in place during the pandemic – see Annex B for deadlines:

- Unistats, HESA
- Graduate Outcomes Survey, HESA
- Annual Financial Return, OfS
- Individual Learner Record (ILR), ESFA

We have now set deadlines for the following data returns – see Annex B for deadlines:

- Provider profile, HESA
- Student record, HESA
- Student Alternative record, HESA

Annex B

To: The governing body, xxxx xxxxxxxx (the “Provider”)

Notice under general ongoing condition of registration F3: Provision of information to the Office for Students (“OfS”) and general ongoing condition of registration F4: Provision of information to the Designated Data Body

Whereas:

(A) The Provider was registered by the OfS in accordance with section 3 of the Higher Education and Research Act 2017 (HERA) on the register of English Higher Education Providers.

(B) For the purpose of assisting the OfS in performing any function, or exercising any power, conferred under any legislation, the OfS has the power under general ongoing condition F3(i) (and by virtue of section 8(1)(b) of HERA) to compel the governing body of a registered English higher education provider to provide the OfS, or a person nominated by the OfS, with such information as the OfS specifies at the time manner and form specified.

(C) For the purposes of the Designated Data Body’s duties under sections 64(1) and 65(1) of HERA, the provider must provide the Designated Data Body with such information as the Designated Data Body specifies at the time and in the manner and form specified by the Designated Data Body.

Therefore:

Pursuant to general ongoing condition of registration F3 and F4, the Provider is required to provide the Specified Information at the Specified Time and in the Specified Manner.

Definitions

“Designated Data Body” means the designated body as defined in section 66 of HERA and refers to the Higher Education Statistics Agency (HESA).

“Specified Information” means:

The Notice (Schedule 1) sets out the requirements for the provision of information to the designated data body (Condition F4) or to the OfS, or an external provider nominated by the OfS (Condition F3).

“Specified Manner” means the Specified Information must:

- i. be provided to the Designated Data Body via the HESA data collection system¹; the OfS via the OfS Portal or an external provider nominated by the OfS using their specified systems for each data return requirement.
- ii. comply fully with guidance issued by the Designated Data Body, the OfS or an external provider nominated by the OfS for each data return requirement.
- iii. adhere fully to the Supply-Side Code of Practice for higher education data; and
- iv. be signed off by the specified provider contact given in the specified data collection guidance.

“Specified Time” means the relevant date as set out in the relevant guidance (as specified in Schedule 1) for each collection by the Designated Data Body, the OfS or an external provider nominated by the OfS.

“The Supply-Side Code of Practice” means:

The Code published on the HESA website which outlines the principles that apply to all data preparation and collection by higher education providers²

Signed on behalf of the OfS and authorised for that purpose

Susan Lapworth

Director of Competition and Registration

Date: 19 June 2020

¹ <https://datacollection.hesa.ac.uk>

² <https://www.hesa.ac.uk/innovation/data-landscape/Codes-of-practice/Supply-side>

Schedule 1 – Data returns

1. The table below sets out the data returns that providers are required to submit. There are different requirements for providers registered in the Approved and Approved (fee cap) categories – these are shown in columns 4 and 5 of the table below.
2. There are different requirements for further education colleges and sixth form colleges (collectively referred to as FECs) – these are shown in column 6 of the table below.
3. The collection organisation will issue detailed guidance on the time, format and coverage of the individual data returns.
4. In some cases, a provider may not have any reportable activity within the coverage of a return and so is required to make a nil return. For example, a new provider may not have any qualifying students within the coverage of the Graduate Outcomes return.

1 Data return	2 Collection organisation	3 Further information and purpose of collection	4 Required for Approved category	5 Required for Approved (fee cap) category	6 Required for category of providers	7 Submission deadline
Unistats	HESA	A provider will need to submit information about courses that it will offer to its students. This helps prospective higher education students to make decisions about what and where to study. Further information: https://www.hesa.ac.uk/collection/	✓	✓	All	18 August 2020
Provider profile	HESA	A provider will need to submit information about the location of its campuses and its internal organisation. This data allows the OfS and others to understand the geographic distribution of higher education. Further information: https://www.hesa.ac.uk/collection/	✓	✓	All excluding FECs	13 July 2020

1 Data return	2 Collection organisation	3 Further information and purpose of collection	4 Required for Approved category	5 Required for Approved (fee cap) category	6 Required for category of providers	7 Submission deadline
Graduate Outcomes survey	HESA	<p>A provider will need to submit and check the contact details for students who have completed their studies, who will then be surveyed by HESA. For FECs initial contact details will be sourced from the ILR but will still need checking.</p> <p>The Graduate Outcomes survey is used to understand student progression and outcomes including to inform student choice.</p> <p>Further information: https://www.hesa.ac.uk/collection</p>	✓	✓	All	21 August 2020
Student record ³	HESA	<p>A provider will need to submit details of individual students and the courses they are studying.</p> <p>The data collected underpins the OfS's regulatory approach including metrics used to monitor condition B3 (student outcomes).</p> <p>Further information: https://www.hesa.ac.uk/collection</p>	✓	✓	All excluding FECs	6 November 2020

³ Providers that returned a HESA student return in 2017-18 are required to continue to make a HESA student return; providers that have not previously made a HESA student return, or have previously made an Student Alternative return, may choose to make either a HESA student return or an Student Alternative return.

1 Data return	2 Collection organisation	3 Further information and purpose of collection	4 Required for Approved category	5 Required for Approved (fee cap) category	6 Required for category of providers	7 Submission deadline
Student Alternative record ⁴	HESA	A provider will need to submit details of individual students and the courses they are studying. The data collected underpins the OfS's regulatory approach including metrics used to monitor condition B3 (student outcomes). Further information: https://www.hesa.ac.uk/collection	✓	✓	All excluding FECs	16 November 2020
Individual Learner Record (ILR)	ESFA	A provider will need to submit details of individual students and the courses they are studying. The data collected underpins the OfS's regulatory approach including metrics used to monitor condition B3 (student outcomes). Further information: https://www.gov.uk/government/collections/individualised-learner-record-ilr			FECs	22 October 2020

⁴ Providers that returned a HESA student return in 2017-18 are required to continue to make a HESA student return; providers that have not previously made a HESA student return, or have previously made a Student Alternative return, may choose to make either a HESA student return or an Student Alternative return.

1 Data return	2 Collection organisation	3 Further information and purpose of collection	4 Required for Approved category	5 Required for Approved (fee cap) category	6 Required for category of providers	7 Submission deadline
Annual financial return	OfS	<p>A provider will need to submit financial data consistent with its latest audited financial statements, forecast financial and student number data, and other relevant contextual information.</p> <p>Used to monitor the financial health of providers in particular in considering compliance with condition D (financial viability and sustainability).</p>	✓	✓	All excluding FECs	Within five months of a provider's financial year end (exact dates will be issued to providers)