

Data Amendment Panel: Terms of Reference

Contents

A. Role and purpose	1
B. Responsibility of panel members and others involved in the amendment process	3
C. Official Statistics	5
D. Appeals	5
E. Membership	5
F. Aims	6

A. Role and purpose

1. To make rigorous, consistent decisions, in line with published guidance, on whether providers' data should be amended to correct errors that are identified after final submission of the data and determine how amended data is used. Within scope will be the various data sources that are used by the Office for Students (OfS) and by Research England. The panel will also consider overrides when data amendment is not appropriate. The OfS and Research England require data to be of sufficient quality for the following uses:

- Establish and monitor a set of indicators to understand provider performance and regulate in a proportionate and risk-based way.
- Target, evaluate and improve access and participation, and equality and diversity activities.
- Monitor the sector as a whole, to understand trends and emerging risks at a sector level and work with the sector to address them.
- Ensure students can access reliable and appropriate information to inform their decisions about whether to study for a higher education qualification and, if so, identify which provider and course are most likely to meet their needs and aspirations.
- Work with employers and with regional and national industry representatives to ensure that student choices are aligned with current and future needs for higher level skills.
- Operate the Teaching Excellence and Student Outcomes Framework (TEF).
- Operate the Knowledge Exchange Framework and Research Excellence Framework.
- Support registered higher education providers in meeting their transparency conditions.

- Support the Department for Education (DfE) to fulfil its overall responsibility for the policy and funding framework in which the sector operates, and other public bodies such as UK Research and Innovation (UKRI) in the delivery of their prescribed functions.
 - Support the distribution of funding by Research England and the OfS.
2. Decisions on whether amendments for a data collection should be made will be agreed by assessing whether the following criteria are met:
- a. Errors are widespread. With individual-level data, this will normally involve a change to the lower of either 5 per cent of records or 100 records. This requirement may be waived for aggregate data if the nature of the error is not widespread but results in a disproportionate effect.
 - b. Errors are significant. An error will normally be considered significant if the change in the data item results in substantive difference to that previously indicated. This includes, but is not limited to, differences that are:
 - A date change of greater than two months, or one that results in movement across reporting periods
 - A change to a value of more than 10 per cent if the field is a scalar field
 - A change to the categorisation (if the field is categorical).
 - c. Amendments relate to clear evidence of data error rather than re-interpretation of data (such as re-categorisation).
 - d. Errors are likely to have a material impact on one or more uses of the data by the OfS or Research England. Therefore, each process that consumes data that can be amended should have thresholds that the OfS or Research England believes represent material change, and the actions that will be undertaken if amended data breaches these thresholds. In some cases, this may require judgement rather than fixed thresholds where the uses are themselves judgement based.
3. A provider where we have failed to gain assurance over the quality of data will be required to submit corrected data as the audit opinion of 'not assured' relating to data quality will reflect that we have identified significant and widespread data error. We will not usually reconsider a request for amendment unless there has been a material change to the size or nature of the error or the uses of the data have changed such that decisions about materiality are likely to change.
4. Decisions will be clearly recorded and communicated in a timely manner to providers.
5. The OfS's Scheme of Delegation¹ will apply to decisions about the use of data for specified purposes by the OfS. Research England's equivalent processes will apply for the use of data for their specified processes.

¹ Available at www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/.

B. Responsibility of panel members and others involved in the amendment process

6. Panel members will jointly use their expertise to make clear and consistent decisions on whether amendments meet the criteria and therefore whether to allow or require providers to submit amended data with specified errors corrected.
7. The panel will receive advice on possible impact and significance from experts when making its decision. The panel will be presented with a recommendation and a justification. The recommendations will be one of the below:
 - a. Accept and recalculate outputs relevant to the data and current regulatory activity, with required time frame for this to happen.
 - b. Accept, recalculate current outputs and suppress until this amendment is received, signed off and processed. A required time frame for this to happen will also be necessary.
 - c. Reject.
8. The panel will delegate some initial decision making to nominated representatives to ensure that the OfS is an efficient and effective regulator. This will be as follows:
 - a. Pre-rejected – When a supplied error summary clearly and unequivocally **fails** to meet the requirements in paragraph 2 above for the data error being widespread and significant, a nominated representative (either the Head of Data Infrastructure or Director of Data, Foresight and Analysis (DFA)) will decide that continuing the process further has no value and reject the amendment request.
 - b. Pre-accepted – When a supplied error summary clearly and unequivocally **meets** all the requirements in paragraph 2 above following recommendations from experts, the nominated representative (the Director of DFA) will decide to approve the amendment before the panel and enable it to proceed.
9. A summary of any nominated representatives' pre-reject or pre-accept decisions will be supplied to the panel at each meeting, to enable the panel to ensure all decisions about data amendments are clear and consistent. The panel may provide advice to the nominated representatives about interpretation of the criteria.
10. Once an amendment has been accepted, signed off by the provider and made available internally, the amended data will be used for all onward uses. Depending on the nature of the data amendment, it is possible that an amendment will be accepted with no outputs needing recalculation, but with the intention of using the amended data for all onward uses.
11. The panel will be asked to come to a decision on the following:
 - a. If an amendment relates to clear evidence of data error rather than reinterpretation of data.
 - b. Whether to approve the recommendations presented.

- c. The deadline by which the amendment needs to be submitted.
- d. If the data quality is so low as to recommend to the relevant persons that the data be suppressed until an amendment is supplied.

Providers will be expected to respond to amendment requirements in a timely manner.

12. In some cases decisions may be needed at short notice, especially in relation to criterion d. The panel may delegate interim decision making to a nominated representative (usually the Director of DFA). Any delegated decision made will be referred to the next panel for confirmation.
13. The panel will also work in collaboration with the Head of Data Assurance to consider whether issues are raised during the amendment process that may be relevant to judgements about a provider's risk of breaching conditions of registration, in particular F3, F4, or E2, and will bring cases to the attention of the OfS Monitoring and Intervention team accordingly.
14. Each process that uses data should ensure:
 - a. It can identify if an amendment is material for its purpose.
 - b. A process is in place to allow for data suppression, including if amended data is not submitted and signed off in the expected timeframes.
 - It is anticipated that publications (e.g. Discover Uni) will remove data until amended data is available.
 - For regulatory decisions, it is anticipated the decision will be delayed until amended data is available.
 - c. A process is in place to re-run analysis with amended data.
 - It is anticipated regulatory decisions and outcomes will not be revisited until the amended data is available and an informed judgement can be made.
 - d. A process to incorporate amendments into future iterations.
15. The panel will be given periodic opportunity to review and comment on the above to ensure consistency between processes.
16. For amendments that are required, providers will subsequently submit the amended data. In some cases, differences occur between the changes described in the pre-panel summary and the changes arising from the data submitted. These changes may be trivial or a consequence of the described corrections; others may be more substantial and affect the extent to which amendments meet the criteria. A member of the panel (usually the Head of Data Infrastructure) will have authority to determine whether amendments made to submitted data are substantively the same as those considered by the panel. In the event that they are not, the panel will reconsider the acceptability of the proposed amendments against the original criteria and make a further recommendation. This may be done via correspondence. A summary of the nominated representatives' decisions will be supplied to the panel at each meeting.

C. Official Statistics

17. The OfS is a producer of Official Statistics and adheres to the Code of Practice for Statistics² and its overarching pillars: trustworthiness, quality and value. Our statistical policy statement on revisions³ sets out how we will comply with the Code of Practice for Statistics when making scheduled revisions or unscheduled corrections to statistics and data. Where unscheduled corrections result in material changes to statistics and data, we will update the data as soon as possible and notify users of the change through our website to ensure that our users understand the scale, nature, cause and impact of the changes.

D. Appeals

18. There will be processes for providers to appeal against decisions made by the panel on grounds of procedural irregularity. Many processes will have their own guidance for this. For amendments to processes that do not have separate guidance, appeals will be considered by an OfS director who was not involved in the original decision. Appeals against decisions made by the OfS Chief Executive will be considered by the OfS Chair.

E. Membership

19. Membership consists of representatives from the following teams:

- a. OfS Directors' group
- b. OfS Data, Foresight and Analysis Directorate
- c. OfS Compliance and Student Protection Directorate
- d. OfS Directorate for Access, Inclusion and Skills
- e. OfS External Relations Directorate
- f. OfS Resources and Finance Directorate
- g. Research England representative
- h. External expert(s)

20. The panel is chaired by the OfS Director representative and serviced by the Funding team within the Resources, Finance and Transformation Directorate, and supported by the Data and Infrastructure team within the Data, Foresight and Analysis Directorate, including provision of contextual data and advice on implications and uses of data.

² See <https://www.statisticsauthority.gov.uk/code-of-practice/>.

³ Available on our website, at <https://www.officeforstudents.org.uk/media/78ac0965-3487-495c-9c85-68e289331753/ofs-statistical-policy-statement-on-revisions.pdf> [PDF].

F. Aims

21. The aims of the data amendment process are to:

- a. Improve data quality, by promoting to providers the concept that their final submitted data is the version used, consistent with published data. Post-submission amendments are exceptional and explicitly justified.
- b. Ensure the most accurate available data is used across the OfS and Research England.
- c. Reduce the administrative burden of processing all amendments.
- d. Identify amendments that the OfS and Research England require and ensure that providers make these amendments.
- e. Ensure that consistent, defensible decisions are made about the use of amendments across the OfS and across Research England.
- f. Apply policy that is communicated clearly externally and internally.
- g. Make decisions once for all purposes for the data, for each error. Decisions or recommendations against the criteria will be made separately for each purpose for which the data is used.
- h. Make amended data available across the OfS and Research England and ensure that it is used for future purposes as appropriate.