

Office for  
Students



# Expansion of the student record

Analysis of consultation  
responses and decision

**Reference** OfS 2024.04

**Enquiries to** [regulation@officeforstudents.org.uk](mailto:regulation@officeforstudents.org.uk)

**Publication date** 1 February 2024

# Contents

<b>Summary</b>	<b>2</b>
Introduction and background	2
Summary of decisions	3
<b>Timing of decisions and implementation</b>	<b>4</b>
Proposals set out in the consultation	4
Consultation responses about the timing of implementation	4
The OfS's response	5
Alternatives we considered	7
<b>Expanding the student record for UK-based partnerships</b>	<b>8</b>
Proposals set out in the consultation	8
Consultation responses about proposals to expand the student record	9
The OfS's response	11
Alternatives we considered	16
<b>Definitions</b>	<b>17</b>
Proposals set out in the consultation	17
Consultation responses about definitions	17
The OfS's response	17
Alternatives we considered	19
<b>Changes and additions to specific areas of the student data model</b>	<b>21</b>
Outcomes from the consultation about changes and additions	21
The OfS's response	21
<b>Matters to which we have had regard in our decision-making</b>	<b>23</b>

# Summary

## Introduction and background

1. In May 2023, a consultation on the expansion of the student record was published.<sup>1</sup> The consultation was administered by Jisc and proposed changes to the collection of two main areas of student data:<sup>2</sup>
  - **An expanded collection of data from higher education providers in England and Wales about partnership arrangements.** This aims to fill the current gap in knowledge about students studying in the UK who are taught by the reporting provider or studying for an award of the reporting provider, but are not registered by the reporting provider nor any other provider that is required to report student data either in Higher Education Statistics Agency (HESA) returns or to the Education Skills Funding Agency (ESFA) in the Individualised Learner Record (ILR).
  - **A major review of the Aggregate Offshore record (AOR) and consultation on the collection of data from higher education providers in England and Wales about transnational education (TNE) students.**<sup>3</sup> This aims to fill the current gaps in our knowledge about these students; for example, in relation to the subjects that they study, the qualifications that they aim for and achieve, their patterns of study, and the identities and locations of organisations involved in the registration and delivery of these courses and corresponding awards.
2. The consultation covered higher education student data in England and Wales, with a separate consultation published to cover different proposals for Scotland and Northern Ireland.
3. Responses to the consultation were submitted to Jisc, and closed on 24 August 2023. Jisc has subsequently completed its analysis of responses and has provided details of this to the OfS. As part of the information duties set out in section 64 of Higher Education and Research Act 2017 (HERA), the OfS is required to make the relevant decisions about implementation of data collection changes following consultation with higher education providers in England.<sup>4</sup>
4. This paper summarises the analysis of responses provided by Jisc and the related decisions made by the OfS.

---

<sup>1</sup> See [AOR major review and Student record expansion England and Wales | HESA](#).

<sup>2</sup> See [Jisc](#).

<sup>3</sup> See [Aggregate Offshore record 2022/23 | HESA](#).

<sup>4</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](#).

## Summary of decisions

5. Having carefully considered all the responses received to this consultation, we have decided to proceed as follows.

### Timing of decisions

We have decided to split our decision-making into two phases:

- Phase one decisions (related to UK-based teaching partnerships) are included in this paper for implementation in the 2025-26 data collections.
- Phase two decisions (related to TNE and awarding-only partnerships, refinement of information to be collected for UK-based teaching partnerships) are to be published in summer 2024.

### Proposal One: Expansion of the student record relating to UK-based teaching partnerships

We have decided to continue with the proposed expansion of the student record for UK-based teaching partnerships. However, we have decided on a narrower definition for the partnerships to be included in the scope of collection than the one described in the consultation.

# Timing of decisions and implementation

## Proposals set out in the consultation

6. The published consultation proposed that the expansion of the student record for both UK-based partnership students and TNE students would be implemented for the 2025-26 data collection.
7. To enable providers to implement the required changes, data specifications would need to be published in the Jisc notification of changes in early 2024 and the coding manual publication in quarter one of 2024.

## Consultation responses about the timing of implementation

8. In reaching our decision on the timing of implementation, we have considered the responses to the consultation as set out in the analysis compiled by Jisc.<sup>5</sup>
9. The timescales for implementation of the proposals were one of the most common response themes. 39 per cent of the English and Welsh responses raised concerns about timing, with most respondents considering the 2025-26 proposal to be too early and suggesting a delay of one year.
10. Reasons given by respondents for suggesting a delay in implementation were predominantly focused on changes to the TNE data collection. Points raised included:
  - The additional complexity associated with collecting data from overseas partners. This includes the additional resources and co-ordination with partners that would be required and the need for contractual changes to collect additional data items.
  - The regulatory burden for providers because of the simultaneous activity required to implement Data Futures.<sup>6</sup> Respondents noted the significant volume of change already underway in relation to data returns and expressed concern about the resourcing required to deliver these changes. A small number of respondents also commented on the capacity of the OfS and Jisc to confirm data specifications and definitions in time.
  - The proposed timing of implementation would be likely to result in risks to data quality. For example, one respondent suggested that the additional burden of including TNE data could affect the quality of UK-based teaching partnership data, and felt that UK-based provision should be prioritised. The respondent did not provide further details, but we have understood this to mean that the respondent is anticipating an increased risk of data errors as a result of additional workload for relevant staff at providers.

---

<sup>5</sup> See <https://www.hesa.ac.uk/innovation/records/reviews/consultations-data-experiments/student-record-expansion-england-wales-analysis>

<sup>6</sup> For more information on Data Futures, see [Data Futures | HESA](#).

11. Other respondents considered that the 2025-26 timing was achievable, but was dependent on sufficient detail about the changes to data specifications being published as close to January 2024, and in as much detail, as possible.
12. A smaller number of respondents commented on the proposed timing of implementation and its impact on UK-based teaching partnerships. Points raised were similar to those raised about TNE data collection and included:
  - The associated burden and workload that would arise from the need to make changes to contractual arrangements, and from the need to establish data collection and sharing arrangements with some partners.
  - The regulatory burden associated with further changes in data collection while changes related to Data Futures are still in progress, and the potential impact on data quality.
13. However, there were a number of respondents who considered that they were not impacted by any changes to UK-based teaching partnership data, either because they already collected all the proposed data or because they did not have any relevant partnerships. Of 68 respondents who assessed the level of burden of the set-up of partnership data changes, 12 (18 per cent) rated the level of burden as '0', and a further 15 (22 per cent) rated it as '1-3'. In comparison, none of the 69 respondents who assessed the level of burden of the set-up of TNE data changes rated the level of burden as '0', and 11 (16 per cent) rated it as '1-3'. We have interpreted this data to mean that the level of burden, and therefore level of concerns about the timing of implementation, are more applicable to TNE data changes than to UK-based partnership arrangements.

## The OfS's response

14. We have considered the consultation responses about the timing of implementation. We have particularly noted the concerns of respondents about the resourcing requirements involved in delivering these changes alongside ongoing work to deliver Data Futures and in-year data returns. While the extent of activity will vary between providers, we recognise that this would be challenging for some providers.
15. We have particularly noted comments emphasising the importance of ensuring that definitions and data specifications are published in early 2024 if providers are to implement the required changes for the 2025-26 data collection. We have reviewed the level of activity the OfS would need to complete to meet the publication timeline, and agree that there is a substantial risk that we would not be able to deliver this activity with an appropriate level of consideration.
16. Therefore, we have decided to split the decision-making activity arising from the consultation into two phases:
  - **Phase one:** Decisions on the implementation of further data collection on UK-based teaching partnerships, to allow for first collection in the 2025-26 data collection. By UK-based teaching partnerships we mean any partnership where the students are studying in the UK and an OfS-registered provider is involved in either registering or teaching the students.

- **Phase two:** Decisions on the implementation of further data collection for 2026-27 of:

- Individualised records for TNE students.
- Potential refinement of information to be collected on UK-based teaching partnerships. This relates to the percentage of delivery between partners in a partnership, and to UK-based 'awarding-only' partnership activity (where a provider that is registered with the OfS provides a qualification(s) that is awarded to students but has no role in registering or teaching those students, and those students would not otherwise be reported in HESA returns or to the ESFA in the ILR by another provider). This is subject to further consideration and decision.

17. Ahead of making the decision to split our decision-making into two phases, we have discussed it with other stakeholders in this consultation, including Jisc, Higher Education Funding Council Wales (HEFCW) and Department for Education. We did not identify any significant concerns in taking this approach from these discussions. Our decision to split the decision-making into two phases was publicised by Jisc in its weekly update, and on its [website](#) on 23 November 2023.

18. We think this approach is appropriate because:

- Responses to the consultation have suggested there is less concern about the burden of making updates to UK-based teaching partnership data than there is about the collection of TNE data. Respondents' ratings of set-up burden were lower for UK-based teaching partnership data than for TNE data, and the majority of comments concerned about the timing of implementation were focused on TNE data.
- Our own evaluation of the extent of changes has suggested it would be feasible to deliver changes in UK-based teaching partnership data within the proposed timeline.
- Partnership provision within the UK is an area of increasing regulatory concern for the OfS. The availability of improved data for this aspect of the sector supports our ability to regulate against weaker provision. We think it is important to be able to increase the effectiveness of our regulation for UK-based teaching partnership arrangements as soon as is practicable.
- We recognise, however, that there are additional complexities to be considered in relation to the potential inclusion of awarding-only arrangements in data returns, whether UK-based or as TNE, and have taken a view that it would be appropriate to include consideration of these arrangements in our Phase two decisions.
- In addition to these regulatory requirements, the OfS has a duty under section 216 of the Education Reform Act 1988 to publish by statutory order a list of providers delivering courses in preparation for a degree to be granted by a provider authorised to award.<sup>7</sup> The OfS considers that current data is insufficient for producing this list, because there is a significant delay between the collection and publication of the data, and it does not always provide a full description of all providers roles within a partnership. The OfS considers that these concerns could lead to the publication of inaccurate or incorrect information within a future statutory order, and seeks to resolve this in an appropriate time frame.

---

<sup>7</sup> See [Education Reform Act 1988 \(legislation.gov.uk\)](#).

19. The immediate effect of the two-phase approach is that decisions, definitions and data changes relating to UK-based teaching partnerships are being published in time for the notification of changes in early 2024. This means that the additional data for UK-based teaching partnerships will first be available to the OfS for regulatory purposes as a result of the 2025-26 Jisc Student data collection, in winter 2026-27.
20. We will not make or publish any further decisions about TNE data ahead of the notification of changes published in early 2024. However, in recognition of the consultation responses requesting additional lead time before the implementation of changes to the TNE data collection, we will seek to publish our response to TNE data collection in summer 2024. This means any changes will be known well in advance of the 2026-27 data collection, which is the earliest collection for which any changes for TNE data would be implemented. This also means that the AOR will continue to be collected in its current form for each year from now until at least 2025-26.
21. To reflect this two-phase approach to decision-making, the remainder of this paper will focus only on the decisions relevant to UK-based teaching partnerships, and will not include analysis or OfS responses to matters relating to TNE data.

## Alternatives we considered

22. We considered other options for the timing of implementation of any changes to data collection for TNE and for UK-based teaching partnerships before reaching our decisions. We have provided a brief summary of these options and our rationale for excluding these options below:
  - **Option: Continue with timing as proposed in the consultation.** We considered whether we should continue with the proposed timing set out in the consultation, that decisions relating to both TNE and UK-based teaching partnership data requirements could be made in time to allow for any potential expansion to be introduced for the 2025-26 data collection. Although we believe there would be benefits in being able to use this data in our regulatory activities as soon as practicable, we took account of consultation responses indicating this would be challenging for many higher education providers.
  - **Option: Delay implementation of any changes to TNE and UK-based teaching partnership data collection until 2026-27.** We considered whether we should delay the implementation of any changes by one year, as suggested by some consultation respondents. We considered the extent of activity that would be required for higher education providers to make these changes and the likely number of providers that would need to make substantial changes to the way they return their data. We identified that, while the level of activity required to introduce the proposed changes to TNE data could be potentially significant for some providers, this was less likely to be the case for UK-based teaching partnership data. We therefore consider that it is feasible to deliver the changes in the collection of UK-based teaching partnership data in 2025-26 as originally proposed. Furthermore, the data and other regulatory intelligence we already have regarding partnership activities of registered providers suggests that this should be a priority focus for regulatory engagement with the sector. That engagement needs to be underpinned by complete and robust data on partnership activities and it is in the student interest not to delay collection of improved UK-based teaching partnership data while we give further consideration to the collection of TNE data.



# Expanding the student record for UK-based partnerships

## Proposals set out in the consultation

23. Proposal One of the consultation asked for responses about the expansion of the student record for UK-based teaching partnership data.<sup>8</sup> Respondents were asked for their views on these proposals and for any contextual information that would support their views.
24. To meet the requirements of the OfS and HEFCW in relation to partnership students, the consultation proposed an expansion of the student record. This expansion would include all students studying in the UK who are taught by the reporting higher education provider or studying for an award of the reporting provider, where those students are not already being returned for that engagement by another provider in HESA returns or to the ESFA in the ILR. This is so that the quality and standards of all courses at providers that are within the scope of the OfS's regulation can be monitored, whether the students are registered with, taught by, or studying for an award of an OfS-registered or HEFCW-regulated provider.
25. The consultation summarised the OfS's principal reasons for proposing the collection of an expanded student record for UK-based teaching partnership arrangements as follows:
- The OfS intends to monitor performance for courses delivered through partnership arrangements more effectively (both teaching and, in due course, awarding-only arrangements), as part of its 2022 revisions to conditions relating to quality and standards ('the B conditions').<sup>9</sup> These conditions apply to higher education provided 'by, or on behalf of, a provider', including students on courses delivered through partnership arrangements both within the UK and internationally. The OfS has stated that it requires accurate and timely data about the higher education delivered in partnership to effectively regulate the revised quality and standards conditions of registration.
  - The OfS has a statutory duty under section 216 of the Education Reform Act 1988 to publish a list of higher education providers delivering courses in preparation for a degree to be granted by a provider authorised to award. The OfS considers that current data is insufficient for producing this list. This is because there is a significant delay between the collection and publication of the data, and it does not always provide a full description of all providers' roles within a partnership. The OfS considers that these concerns could lead to the publication of inaccurate or incorrect information within a future statutory order.
26. The consultation explained that we do not consider there to be viable alternative approaches to collecting this data if we are to be able to use expanded data in our regulation of UK-based teaching partnership.
27. The consultation noted the availability of other approaches to the collection of this data. These included the use of a separate data collection method, which was not recommended because of the increased burden on providers. The consultation also considered collecting less data.

---

<sup>8</sup> See [AOR major review and Student record expansion England and Wales | HESA](#).

<sup>9</sup> See [How we regulate quality and standards - Office for Students](#).

However, it did not recommend this because of the significant developments in this part of the sector, which would ultimately result in the requirements of the data collection being revisited again fairly soon. This in itself would result in an additional burden on providers.

28. As set out elsewhere in this paper, our two-phase approach to decision-making means that we will consider consultation proposals and responses relating to TNE in a later paper.

## **Consultation responses about proposals to expand the student record**

29. In reaching our decisions about the proposals to expand the student record in these two areas, we have considered the responses to the consultation as set out in the analysis of responses compiled by Jisc.<sup>10</sup>

30. On UK-based teaching partnership data, we noted that a small majority of respondents were in agreement with the proposals. Using a 5-point scale, respondents were asked to what extent they agreed with the proposals to expand the coverage of the student record to include data on partnership students. Of the 74 respondents, 39 (53 per cent) either agreed or strongly agreed. 30 respondents (41 per cent) neither agreed or disagreed, while just five respondents (six per cent) said that they either disagreed or strongly disagreed.

31. In considering the comments made by respondents, we noted that many appeared to be focused on TNE data rather than UK-based teaching partnership data. Where that is the case, we have not included these in our analysis in this paper, but will revisit these responses in at a later date in our response to TNE data collection.

32. Reasons given in support of the proposals for UK-based teaching partnership data included:

- Agreement on the importance of this data in regulatory oversight and in addressing gaps in knowledge in parts of the sector. Some respondents commented that this oversight would be in the student interest, and therefore recognised the necessity of having robust data for this purpose.
- An understanding that the inclusion of this data would improve the accuracy of HESA data and its usefulness in internal data monitoring.
- Recognition of the value of collecting this data through the HESA Student Return rather than through an additional or separate collection method.

33. Comments about regulatory burden constituted the largest single category of comments raised by consultation respondents, and underpinned many of the responses Jisc received. Regulatory burden and resourcing concerns were raised both by respondents who disagreed with the proposals and by those who agreed. Respondents sought assurance that these issues had been taken into account. We note, however, that many of the comments raised about burden alluded to more significant concerns about the impact of data collection for TNE students rather than for UK-based teaching partnership arrangements.

---

<sup>10</sup> See <https://www.hesa.ac.uk/innovation/records/reviews/consultations-data-experiments/student-record-expansion-england-wales-analysis>

34. Responses about the burden arising from expanding the student record for UK-based teaching partnership arrangements were concentrated around the following points:

- **Resource requirements at registered providers.** Many providers commented on the proposed timing of implementation while changes required for Data Futures and in-year returns were still in progress, and we have discussed this further in the section above. Others highlighted the challenges that larger providers may face in obtaining data from smaller or unregistered partners if there is not a regulatory obligation in place.
- **Resource impacts on smaller providers.** Some respondents were concerned that the most substantial burden in additional data collection would fall to smaller higher education providers that don't have specialist resources available for this work. Others noted that providers with large validated programmes could see a significant increase in the volume of data they are required to provide. One respondent highlighted that unregistered providers are not able to access the same support from Jisc as registered providers. A small number of respondents also identified that the courses offered by many teaching partner providers were flexible or non-standard in nature, and were concerned about the resource burden that would result from resolving large numbers of data queries relating to these courses.
- **The scope of data collection for UK-based teaching partnership arrangements.** Responses suggested there was some confusion about the additional arrangements that would be included in an expanded student record. In particular, respondents sought clarification that partnerships already reported by the lead provider through HESA or ILR returns did not need to be duplicated.
- **The need for increased co-ordination between partners to deliver the proposed changes.** Some respondents highlighted that, for some higher education providers, there may be a need to establish new data collection, sharing and monitoring arrangements with partners. This would be to ensure clarity about the data being reported by each party, and in some cases this may require significant contractual changes. A small number of respondents suggested this additional burden may go so far as to endanger some arrangements because of the introduction of additional complexity and cost in administration. However, they did not provide further details of their reasoning. Other respondents also suggested this would increase costs for these arrangements, citing the example of training and records management costs, as well as software changes that may be needed. Finally, a small number of respondents noted the challenges that may arise from the validation process for data returns covering data from multiple providers. There was, however, one respondent that identified that standardised requirements for data collection would have the effect of simplifying this aspect of any new partnerships entered into by providers.
- **Clarification of the uses of the additional data collection.** A small number of respondents sought reassurance that the benefits of collecting this data for regulatory purposes would outweigh the burden on higher education providers, and noted that there did not appear to be much direct value in this activity for providers. Respondents who commented on this pointed to a previous OfS burden review of data collection and consultation that undertook a thorough review of each data item and its onward use. We understand these responses to refer to the OfS's 'Consultation on Data Futures and data

collection' (December 2021, ref: OfS 2021.62), which included supporting information (Annex C) explaining the uses of different aspects of the data.<sup>11</sup>

## The OfS's response

35. We noted that the most commonly-raised point among respondents, regardless of whether or not they agreed with the proposal to expand the coverage of the student record for UK-based teaching partnerships, was about regulatory burden and the resourcing required for higher education providers to implement these changes.
36. We noted, in particular, responses regarding increases to higher education provider costs, the impact on small providers and the risk of endangering some partnerships. However, for most respondents, we understood that these points were not presented as an absolute barrier to expanding the student record. The OfS recognises that any new data collection creates additional burden for providers. However, the definitions we have decided to use (see paragraphs 61 to 73 below) mean that we do not expect any providers to have to submit HESA returns that do not already do so and that the collection of additional data applies to specific partnership arrangements only. In reaching our decision, we have balanced this factor with the reasons for requiring this data, as summarised below.
37. The OfS regulates registered higher education providers in the student interest. Section 83 (1) of HERA sets out that our regulation of those providers extends to any 'course of any description mentioned in Schedule 6 to the Education Reform Act 1988'.<sup>12</sup> As set out above in paragraph 25, our 'B conditions' (revised in 2022) apply to higher education provided 'by, or on behalf of, a provider', including students on courses delivered through partnership arrangements within the UK.<sup>13</sup>
38. As a risk-based regulator the OfS has a need to collect information from higher education providers to inform its regulation, to enable it to determine where it should engage with a provider, and to inform itself about trends and developments in the sector more generally. This need extends to a comprehensive understanding of the partnership activities of registered providers, regardless of the type of partnership, where that partnership is concerned with the provision of courses.
39. Furthermore, as we have already set out above in paragraph 148, the data and other regulatory intelligence we already have regarding partnership activities of registered higher education providers suggest that this should be a priority focus for regulatory engagement with the sector. For example, the OfS student outcomes data used in the regulation of condition B3 (student outcomes) shows that subcontracted out students are around ten times more likely to be on courses that are under the numerical threshold used by OfS for continuation for full-time first degree courses.<sup>14</sup> A report published by the National Audit Office in January 2024 also highlighted concerns relating to franchised provision, and identified that almost two-thirds of

---

<sup>11</sup> See [OfS consultation on data futures and data collection](#).

<sup>12</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](#).

<sup>13</sup> See [How we regulate quality and standards - Office for Students](#).

<sup>14</sup> See [Sector distribution of student outcomes and experience measures data dashboard: Data dashboard - Office for Students](#)

franchised providers were not registered with the OfS.<sup>15</sup> We consider there is a risk that there are other partnerships in operation where performance is similarly weaker than elsewhere in the sector, but where we do not have sight of the relevant data to enable us to identify and engage with all the relevant providers.

40. These factors establish the importance to the OfS of collecting the additional information on UK-based teaching partnerships set out in the consultation.
41. In reaching a decision we have carefully considered the points raised in particular regarding increases to higher education provider costs, the impact on small providers and the risk of endangering some partnerships. For small providers, we consider that many arrangements will already be included in existing data returns. This includes where registered providers have an awarding arrangement with a larger provider but register their own students, or where teaching occurs under a subcontractual arrangement and the lead provider is required to return data in one of the home nations. In practice, we therefore expect that expanding the return will impact a minority of small providers engaging only in certain types of UK-based teaching partnership. For example, these would include UK-based teaching partnerships where a small registered provider is delivering courses under a subcontractual arrangement where the lead provider is not registered in one of the home nations. We have set out a table later in this document to illustrate the nature of arrangements that have not previously been included in data collections and those where future collection is subject to the current decision.
42. Having considered the extent to which existing UK-based teaching partnership arrangements would be required to return data where they had not previously done so, we have reached a view that this would not represent an unreasonable burden on impacted higher education providers, regardless of the size of provider. Where previously unreported arrangements are of sufficient size that to report data would create a significant burden for providers, we also consider that they would be of sufficient size to be of significant interest to a regulator.
43. The definitions we have decided to use for the scope of data collection mean that providers not previously returning data would not be required to do so as a result of the expanded data collection. In our view, these factors limit the anticipated burden for most providers. We therefore think that concerns about burden are outweighed by the need to collect robust and comprehensive data for the regulatory purposes we have set out in paragraph 18.
44. We have taken a similar point of view in response to concerns that the increased burden of reporting may endanger some UK-based teaching partnership arrangements. Although we recognise that there may be some costs incurred in the set-up of reporting processes (such as, data sharing arrangements and managing the flow of data between providers) we consider these to be proportionate costs for providers operating within a regulated sector, even if they have chosen not to be registered. We expect that any provider would record a certain volume of data in order to be able to manage their operations and administer their student body. We would therefore not expect the extent of the additional activity required to comply with the expanded data return to be so substantial as to be considered a risk to the viability of the

---

<sup>15</sup> See [Investigation into student finance for study at franchised higher education providers - NAO press release](#)

partnership. This is except for, possibly, in some large partnership arrangements that would then be likely to be of interest to a regulator.

45. We recognise that our additional reporting requirements may require some of registered higher education providers to collect additional data from unregistered partner providers. We consider that the information we require forms a key set of data that is not only of considerable value to us in discharging our functions as a regulator, but also will support the regulated provider to ensure that it has oversight of students and courses for which it is accountable to us. We consider that it is likely that a proportion of the information we require may already be collected by registered providers where they are in partnership with an unregistered provider. Where this is not currently the case, the regulated provider is accountable to the OfS for compliance with our quality and standards conditions for courses provided under any partnership arrangements. We consider it reasonable for responsibility for compliance with our student data submission requirements to sit with the registered provider where that provider is in partnership with an unregistered provider.
46. We have also noted comments from respondents who anticipate that registered higher education providers may encounter challenges in accessing data about students studying courses provided in partnership with other providers if they do not have appropriate data sharing arrangements in place (compliant with data protection regulation). We consider that collection of this data falls within article 6 (1) (c) of the UK GDPR, which provides for the storage of personal data where this is 'necessary for compliance with a legal obligation to which the controller is subject'.<sup>16</sup> We therefore expect providers to put all reasonable steps in place to implement appropriate data sharing arrangements with relevant partners.
47. If the situation were to arise where a higher education provider was able to demonstrate to us that it is genuinely unable to obtain information from its partners to complete the expanded data return due to the requirements of data protection legislation, we would take those circumstances into account before reaching a decision about non-compliance with our data submission requirements or to take regulatory action as a consequence. We would expect such situations to be rare. In those circumstances, we would expect the provider to be able to credibly demonstrate that there was no lawful basis available to enable it to submit the relevant information.
48. For clarity, we confirm that we would only consider drawing negative inferences against a higher education provider in respect of incomplete data returns after the introduction of the expanded data return in 2025-26. We recognise that some providers may encounter challenges in accessing data about partnership students if they do not have appropriate data sharing agreements in place to support sharing of this information in a way that is compliant with data protection legislation. We anticipate that appropriate guidance and support for providers to help to address these challenges will be available through Jisc.
49. **Weighing up the arguments for and against, on balance the OfS has determined that it should introduce the additional reporting requirements relating to UK-based teaching partnerships in line with the relevant consultation proposals. However, there will be**

---

<sup>16</sup> See [Legal obligation | ICO](#).

**certain amendments that will mitigate the burden on higher education providers.** These are detailed below.

50. **Amendment One: The delay to decision-making and implementation of any future changes to TNE data collection.** We noted that many of the comments suggesting increased burden were more concerned about the impact of changes in the TNE area. There appeared to be a lower level of concern about the impact of changes for UK-based teaching partnership arrangements. Our decision to maintain the proposed timeline for changes to UK-based teaching partnership data, but to delay decisions and implementation for TNE data, reflects these responses. We have discussed this further in paragraphs 14 to 21 above.
51. As we have set out above, we recognised that the time frames for implementation for all the proposals included in the consultation, alongside the ongoing implementation of Data Futures and in-year data returns, could have proved challenging for a number of higher education providers. We have determined to phase the introduction of changes to the student records for UK-based teaching partnerships and any further decisions we may make regarding TNE data and awarding-only arrangements.
52. We also note that the introduction of in-year data returns through Jisc's delivery of the Data Futures programme has now been paused and will not take effect in 2024-25. This should lead to a reduction in burden for higher education providers during 2024-25, but we also note that this may mean that a first in-year data collection coincides with the addition of data on UK-based teaching partnerships. When taking any decision to restart the introduction of in-year data returns we would be mindful of the impact of other changes to the data landscape.
53. **Amendment Two: Limiting the scope of the additional information we collect relating to 'taught' students.** We recognise that there are concerns about the burden of expanded collections. We consider that these are mitigated to some extent by our decision to limit the scope of UK-based teaching partnerships included in the expanded data returns to those meeting the definition of 'taught' that we have set out below (see Definitions). We consider that a student is **taught** by the higher education provider if they received more than 50 per cent of their teaching on a course from that provider. We have set out more detail about the definitions and scope of collection in the Definitions section later, and have used a table later to illustrate the types of arrangements impacted by our decisions about scope.
54. These mitigations, in combination, serve to ensure that the burden on higher education providers remains proportionate, while enabling the OfS to achieve its policy objectives. As explained in the consultation, we are of the view that there are no viable alternative options to collecting information about which provider is registering a student, what is the awarding body, and which provider is teaching a student that would enable us to meet these policy objectives and the statutory duty set out above. Our decisions on the definitions identifying the nature of UK-based teaching partnership arrangements to be included in student record returns are set out in the Definitions section of this paper.
55. We have summarised the UK-based teaching partnership arrangements that are being added to the scope of collection in the table on the next page.

**Table 1: Proposals about data collection for students studying in UK-based teaching partnerships**

Registering provider	Teaching provider for at least 50 per cent of the course	Awarding provider	Data requirement
OfS-registered	OfS-registered	OfS-registered	Already in data collection. Data returned by registering provider.
OfS-registered	OfS-registered	Not OfS-registered	Already in data collection. Data returned by registering provider.
OfS-registered	Not OfS-registered	OfS-registered	Already in data collection. Data returned by registering provider.
OfS-registered	Not OfS-registered	Not OfS-registered	Already in data collection. Data returned by registering provider.
Not OfS-registered	OfS-registered	OfS-registered	Propose adding to data collection from 2025-26. Data to be returned by the OfS-registered teaching provider.
Not OfS-registered	OfS-registered	Not OfS-registered	Propose adding to data collection from 2025-26. Data to be returned by the OfS-registered teaching provider.
Not OfS-registered	Not OfS-registered	OfS-registered	Not added to data collection from 2025-26. Future collection for UK and TNE partnerships is subject to further consideration as part of Phase two decision-making.
Not OfS-registered	Not OfS-registered	Not OfS-registered	Do not propose adding to data collection (no involvement with OfS-registered provider).



## Alternatives we considered

56. We did not identify any alternative approaches arising from consultation responses that indicated that we should not use the Student record as our mechanism for collecting additional data for UK-based teaching partnerships. Further, we did not identify any alternative ways in which we could meet our regulatory objectives without proceeding with the expansion of the student record to cover partnership arrangements that would previously have been unreported.
57. For UK-based teaching partnership data, we considered whether the consultation responses suggested we should not continue with the expanded data collection. We noted that there was generally agreement for proceeding, and considered that the reasons offered by respondents, in general, aligned with our own policy objective to increase our regulatory oversight of this important aspect of provision. We recognise the broad concerns about the potential burden associated with increased data requirements, and agree that it is appropriate for us to continue to give this careful consideration, for example as we develop our response to the proposals relating to TNE data. However, we balanced these comments with the regulatory benefits of improving our understanding of UK-based teaching partnership arrangements and have therefore decided to proceed with the expansion of the coverage of the student record for UK-based teaching partnership students.

# Definitions

## Proposals set out in the consultation

58. The consultation defined the proposed scope of the expanded student record for UK-based partnerships as “all students studying in the UK who are taught by the reporting provider or studying for an award of the reporting provider, where this provision is not already returned by another provider to HESA or to the ESFA in the Individualised Learner Record (ILR)”.

## Consultation responses about definitions

59. We considered the response from the Office of the Independent Adjudicator for Higher Education (OIA), which utilises HESA information for subscription and membership purposes. Its response noted that ‘All providers in England and Wales delivering a course leading to an award of a degree awarding body in England or Wales meet with definition of a qualifying institution under Part 2, Section 11 of the Higher Education Act 2004 and are therefore members of the OIA Scheme. The current gap in knowledge of partnership students presents several challenges to the OIA which would be reduced with an expansion of the student record.’

60. There were no other comments from respondents about the scope of UK-based partnership collection.

## The OfS’s response

61. We have decided in part to adopt the scope of changes defined in the consultation. However, as explained earlier in this paper, we have deferred decisions around data returns for awarding-only arrangements until Phase two.

62. We recognise that the proposal set out broad definitions that could potentially cover a wide range of activities and arrangements between partners. We have reflected on this definition in the light of responses about regulatory burden, and have reached a view that it would be appropriate to apply narrower definitions to the expanded data collection.

63. In support of our decision to expand our collection of information relating to UK-based teaching partnership arrangements, we have therefore decided to adopt the definitions set out below for ‘registered’ and ‘taught’ students for the purposes of the Student return from 2025-26. This is to provide clarity for providers about the nature of UK-based teaching partnership arrangements that are in scope, and to ensure consistency in how our requirements are interpreted across the sector. We have decided to use definitions already in use in data returns completed by the sector and in regulatory activity such as the regulation of student outcomes and Teaching Excellence Framework (TEF) assessment. We have made this decision to ensure a consistent approach across the sector and to reduce any further burden for providers already returning partnership data.

64. **Definition of ‘registered’:** We have aligned the definition of registered students to that applicable across our regulatory interests, which to date has been set out most explicitly in the

Higher Education Students Early Statistics (HESES) 2023-24 guidance (page 18).<sup>17</sup> This is because we consider that this guidance offers the clearest definition of 'registered' provision that best aligns to our regulatory interests.

The 'provider with which a student is registered' means:

i. For all courses, except joint courses, the provider which has the full contractual responsibility to the student for the provision of educational services. This applies whether the provider provides all the teaching for the course or subcontracts out some or all of that teaching to another body.

1. Where fee payments from the Student Loans Company are concerned, this will also be the provider that collects the student course fee.

2. Where payments from the ESFA for apprenticeships are concerned, this will be the provider that is paid by the ESFA.

For joint courses, the provider to which the student is assigned for data reporting purposes when they start their course. In joint courses, responsibility for the provision of education to a student is held by more than one provider, and there may be variation from year to year as to which of these collects the course fee for a year of engagement. Providers should determine at the outset what proportion of the initial entry cohort should be reported by each provider. Reflecting this proportion, each student should then be assigned to a single provider when they start their course, and retain this assignment until they finish it. This approach will support student tracking for performance indicators and other longitudinal studies. Students on courses provided under the Erasmus Mundus Joint Masters scheme should be registered with and reported by the provider with which they initially start the course.

65. **Definition of 'taught':** We have decided to align as far as possible with the definition of taught students that is currently used in the regulation of student outcomes by the OfS, as well as in TEF indicators. This is where we consider that a student is taught by the provider where they receive more than 50 per cent of their teaching on a course from that provider.
66. Where there is no majority teaching provider, and two providers each teach the student for exactly 50 per cent of the time, then if one of those providers is the student's registering provider then the teaching provider is set as the registering provider. However, if neither is the registering provider, then the teaching provider will be set as unknown. In these circumstances, the providers in the partnership will be expected to determine which partner will take responsibility for returning the data.
67. In deciding on the use of the majority teaching approach to data collections, we will not collect data relating to short-term or temporary teaching arrangements, such as guest lecturer or staff loan arrangements, where this does not already fall within the coverage of the record. We consider that, if we were to do this, it would not align with our intended use of partnership data

---

<sup>17</sup> See [HESES23 guidance for providers](#).

for regulatory purposes. It would also have the effect of significantly increasing burden for all providers with this type of arrangement in place.

68. **Scope of collection:** For clarity, we note that decisions made by the OfS relate to English higher education providers registered with the OfS. Where an English registered provider has a partnership arrangement with a provider in England, Wales, Scotland or Northern Ireland and the students are **not** already returned in the student record for the partner's home nation, these arrangements are included in the scope of this data collection.
69. While we consider that this is a proportionate approach to these definitions at the present time, we may return to this matter for UK-based teaching partnership as well as TNE data collection when we make further decisions in Phase two of our decision-making process.

## Alternatives we considered

70. We considered whether we should seek to establish any new definitions of either registered or taught students for the purpose of this data return. However, we did not identify any changes we could make to the existing definitions where the benefit of making the change would outweigh the additional complexity this would introduce for providers who are already returning relevant information. We gave particular weight to the use of the HESES definition of registered students, as we consider this to be well established within the sector and agree that maintaining consistency with this definition is essential for regulatory purposes.
71. We also considered whether we should adopt a different definition of 'taught' to reflect other proportions of teaching responsibility, either higher or lower than the 'at least 50 per cent' definition that we have decided on. We are of the view, however, that a definition that aligns as far as possible with those used elsewhere in our regulation, for example in condition B3 definitions, would be the most consistent and transparent approach for the use of UK-based teaching partnership data in regulation.<sup>18</sup>
72. In our 2022 'Consultation on constructing student outcome and experience indicators for use in OfS regulation' (January 2022, ref: OfS 2022.03), we considered some alternative methods for defining the teaching provider:<sup>19</sup>
- We considered methods for defining the teaching provider for all student outcome and experience measures as the provider which delivers the majority of teaching during the student's first year or first two years of study. However, we recognised challenges with using this approach in earlier versions of TEF assessments, and reached a view that this approach can overemphasise the impact of a provider that delivers a minimal part of a student's overall experience at the very start of their course. We therefore rejected this approach during the consultation.
  - We also considered defining the teaching provider(s) for a given student as any provider delivering any amount of their teaching in the year of the indicator calculation, rather than only to the provider delivering the majority of teaching. For example, where two or three providers are involved in teaching a student, each for a minority of the year in question

---

<sup>18</sup> See [How we regulate quality and standards – Office for Students](#).

<sup>19</sup> See [Consultation on constructing student outcome and experience indicators \(officeforstudents.org.uk\)](#).

(perhaps for one or two modules each), we could have identified all of those providers as the student's teaching provider. However, we reached a view that, in general, identifying a provider as a teaching provider for the purposes of assessments of quality and standards would not be proportionate in examples such as a provider being subcontracted to provide a single module on a four-year course. We further did not believe that there was any clear and consistent minimum that could be adopted for the purposes of identifying a student's minority teaching provider(s). We therefore rejected this alternative because we considered that such an approach would make understanding, interpretation and accountability for those student outcomes and experiences disproportionately complex and burdensome for providers and other users to understand.

73. Having given weight to the need for consistency, transparency and the impact on providers when deciding to expand the scope of UK-based partnership data collection, we did not consider it would be appropriate to revisit our methodology as part of our response to this consultation.

# Changes and additions to specific areas of the student data model

## Outcomes from the consultation about changes and additions

74. Respondents were asked whether they agreed or disagreed with the proposed changes to specific fields in the student data model, and to provide any further feedback about these proposals. We have previously covered concerns about regulatory burden and the purpose of collecting additional data earlier in this document, and have set out our approach in relation to UK-based partnership arrangements. In this section, we have therefore focused on any detailed consultation responses about the application of the relevant fields rather than broader policy matters. We have also included commentary only on those fields that would be required in Phase one of our implementation, and not those that would only be required for TNE data collection.
75. There was a small number of comments made by respondents about specific changes to areas of the student data model that would be relevant to UK-based teaching partnership data collection. There were two comments about the definitions that would apply to the addition of a registration field. One respondent sought clarity over the meaning of registration, noting that many students will 'register' with a provider for the purposes of obtaining an ID card or other similar reasons. That respondent wanted confirmation that registration in this instance refers to a student forming a contract with the provider for the provision of educational services. Another respondent noted that consistency in definitions of registration would be important, especially where the national regulatory context differs. It was not clear whether this comment was intended to refer to the UK home nations or to TNE provision. It was, however, noted that the inclusion of the UK Provider Reference Number for capturing this data would support other related activity, such as subscription fees, for other UK bodies.
76. Some respondents also raised some points of clarification relevant to the scope of UK-based partnership data collection:
- Clarification was sought as to whether changes would apply only to new students from the implementation date, or whether continuing students would also be included.
  - One respondent commented on the restricted nature of the student data arising from their partnership with the Ministry of Defence and sought clarity on how that arrangement would be treated.
  - Another respondent queried the approach that would be taken for students engaging in modular study (for example, health care practitioners) where students may not be aiming for a full qualification. It was suggested that data collection for these students may be better aligned with future approaches for LLE.

## The OfS's response

77. We have noted the comments raised above. We have not identified responses that would directly impact our policy objectives for capturing UK-based partnership data or the decisions we need to take arising from the consultation. We consider the points raised to be of a

technical nature that will be addressed through the publication of the relevant guidance document by Jisc.

## Matters to which we have had regard in our decision-making

78. In making the decisions set out in the document, we have had regard to all our general duties (HERA Section 2(1)). We consider that the following duties are particularly relevant:

- **Our general duty to promote quality, and greater choice and opportunity for students, in the provision of English higher education by English higher education providers (HERA Section 2(1)(b)).**<sup>20</sup> As a risk-based regulator, increasing our understanding of higher education provision delivered through partnerships enables us to regulate in a way that protects quality and ensures that all providers, regardless of contractual arrangements, deliver high quality higher education. This ensures that choice and opportunities made available to students are genuine, in that those choices and opportunities are of appropriate quality. As we have set out in paragraph 39, the data that we already hold suggests that courses offered in partnership should be a focus of our regulatory interest. As this paper has set out, much information is already collected on UK-based partnerships. Therefore we do not foresee the scale of the changes discouraging providers from offering courses in partnership, where those courses meet or exceed our minimum quality requirements. This general duty therefore weighs clearly in favour of the decision to collect the additional information on partnerships.
- **Our general duty to promote value for money in the provision of English higher education by English higher education providers (HERA Section 2(1)(d)).**<sup>21</sup> This duty relates mainly to students paying directly for their higher education provision. The recommended changes will apply to students studying with higher education providers that are not registered with the OfS, and therefore not able to claim student support from public funds. More effective scrutiny and regulation of UK-based teaching partnerships, however, help maintain the reputation of the English higher education sector and therefore more generally help ensure the sector offers value for money through the delivery of higher quality provision that leads to positive outcomes for students. This general duty weighs slightly in favour of the decision to collect the additional information on partnerships.
- **Our general duty that, so far as relevant, we will have regard to the principles of best regulatory practice, including the principles that our regulatory activities should be transparent, accountable, proportionate and consistent, and targeted only at cases in which action is needed (HERA Section 2(1)(g)).**<sup>22</sup> We have acted transparently and with accountability by working with Jisc on its consultation exercise and setting out our decisions and reasoning in this document. With reference to being proportionate, we recognise that any additional data requirement places a burden on the higher education provider required to collect and return that data. We also recognise that the collection of data from all providers is a feature of our risk-based regulation. This enables us to focus on providers where the data signals that engagement is necessary. However, we recognise that this places a burden on all providers. We have taken a proportionate approach to

---

<sup>20</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

<sup>21</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

<sup>22</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk).



balance our need for comprehensive data so we can regulate effectively with the burden that data collection places on providers. By weighing up these factors we have determined not to collect data on some partnership activities that would fall within the scope of our regulation. We consider that this general duty, overall, weighs slightly in favour of the decision to collect the additional information on partnerships. By proceeding in the proportionate way we have set out, we have also had regard to the expectation in the Regulators' Code that 'regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities' (Regulators' Code section 1.1).<sup>23</sup>

79. **The OfS's general duty to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers (HERA section 2(1)(e)).**<sup>24</sup> This general duty is clearly relevant to our decision-making. The OfS also must have regard for the Public Sector Equality Duty in the Equality Act 2010. This requires the OfS to have due regard to the need to eliminate unlawful discrimination, foster good relations between different groups and advance equality of opportunity.<sup>25</sup> This means we have regard to these duties in developing our policies and in making any decision or intervention in relation to a higher education provider. In our decision-making we have had regard to our published equality and diversity objectives, in particular our objective that we will seek to promote equality in relation to access, success, progression, and outcomes for students with relevant protected characteristics.<sup>26</sup>
80. Because our decisions relate to the collection of new data, we do not yet have the information that would enable us to understand the characteristics of the students involved. The decision to collect this data enhances our capacity to promote equality of opportunity and advance equality of opportunity. This is because it enhances our capacity to monitor and intervene where we identify that there may be concerns about the quality of courses for students with protected characteristics, as well as students more generally. Also, as we set out in paragraph 78, we do not foresee the scale of the changes to data collection discouraging providers from offering courses in partnership, where those courses meet or exceed our minimum quality requirements. Therefore, we do not think these changes will change student choice or opportunity in a way that might disproportionately affect students with protected characteristics. Our regard to the general duty to promote equality of opportunity, the public sector equality duty and our most relevant published equality objectives weigh in favour of the decision to collect the additional information on partnerships.

---

<sup>23</sup> See [Regulators' Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

<sup>24</sup> See [Higher Education and Research Act 2017 \(legislation.gov.uk\)](https://legislation.gov.uk).

<sup>25</sup> See [What does the law say? - Office for Students](#).

<sup>26</sup> See [Equality objectives - Office for Students](#).



© The Office for Students copyright 2024

This publication is available under the Open Government Licence 3.0 except where it indicates that the copyright for images or text is owned elsewhere.

[www.nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/)