

GuildHE response to:

Constructing Outcomes and Experience Data for Regulation

17th March 2022

About GuildHE

GuildHE is an officially recognised representative body for UK Higher Education. Our members are universities, university colleges and other institutions, each with a distinctive mission and priorities. They work closely with industries and professions and include major providers in technical and professional subject areas such as art, design and media, music and the performing arts; agriculture, food and the natural environment; the built environment; education; law; health and sports. Many are global organisations engaged in significant partnerships and producing locally relevant and world-leading research.

Consultation Questions

General questions regarding this consultation

Question 1: Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

Whilst we appreciate the level of detail provided to the sector as part of this consultation, the sheer volume of data and technicality of questions that have been received both by individual institutions and the sector data as a whole (through the various URLs of the OfS website) plus the two additional consultation documents (although in part linked) have meant that it has been an incredibly difficult task to respond to this consultation in a meaningful way within the timeframe provided. In previous consultations of this size, the sector has been given four months to respond, but in this instance, the OfS has only allowed a response time of eight weeks for all three consultations that span over 1,000 pages and multiple data files. This significantly impairs HE providers in providing you with a complete view of the implications of these proposals on the sector and significantly disadvantages smaller providers who are often more greatly impacted by any changes to data methodologies. Furthermore, it implies that the HE sector has far more capacity and expertise in advanced data science than it actually does in practice. Overall we think using data in this way risks the OfS creating a regulatory approach that penalises those with fewer resources and creates substantial additional work for providers in needing to justify their data which may or may not be statistically accurate (with high confidence) depending on the cohort size.

We believe that it is incorrect to suggest that you are creating a single approach to data within the English HE sector. The construction of continuation for the purposes of APP are proposed to be different to B3 and TEF and TEF uses benchmarks in its judgement for a provider exceeding expectations.

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These subtle changes mean that there is no one single data set, but instead, providers will receive on an annual basis multiple data files for the different approaches taken, and as shown in your mock data dashboards overwhelms the public with different data showing slightly different things in intense granular detail. This adds significant complexities in the internal handling of data and in its proposed publication opens up the OfS (and individual providers) to additional scrutiny in its framing of the data. There is at the moment great political and media interest in this data and we are therefore concerned that the nuances of these different approaches will be lost/discounted from the public scrutiny of our data.

In specific reference to the creation of different student populations - we do not understand the difference between the 'registered' category (which includes taught and registered students) and the TorR category which also only includes taught and registered students.

This may be a minor point - but relates to how you have constructed the consultations with the sector. Each of your three main consultation documents uses a different Likert scale to ask respondents their agreement/disagreement with your proposals. For the B3 consultation, you ask agree-disagree-don't know before asking for a wider narrative statement, for TEF you use a 5-point scale which includes strongly agree/disagree, and for this consultation, you do not allow any headline response before the narrative statement. This is especially problematic for institutions that have not had time to formulate a complete narrative response to your suggestions but still wished to articulate their broad support for or dissatisfaction with the proposals presented in this consultation.

Whilst the proposals refer to potential changes to the data approach (either as more data comes online, the LLE/HTQ policies are realised etc) there doesn't seem to be any indication that the OfS is planning to have a formal governance arrangement for the management of the algorithm and to discuss future changes in consultation with the sector in good time. This is worrying, especially when looked at in relation to your statement in the "Description of Statistical Methods" document (paragraph 29 onwards) that there is significant risk in not using multiple comparison adjustments, something which was picked up by the ONS during their review of your previous approach to TEF data. Whilst we appreciate there are many potential 'users' of the data, the OfS will be one of them and you have not set out how you may set higher confidence ratings when using the data in such a way. We would therefore like to see a formal Data Governance Board made up of representatives and experts from the sector and national statistics agencies to help lead the OfS through this period of great change and development in its statistical approach. The LLE may also profoundly impact the delivery (or at least the backend structure) of all HE provision, so we are already anticipating a major overhaul of this approach will be needed for 2025 and having such a data governance group will be vital in maintaining discussions around the data needs of the sector and the regulator going forward.

As the representative body for small and specialist providers in the sector the OfS will be well versed with our objections and issues with the stability and reliability of small data sets. We were therefore concerned that the minimum sample threshold was only referenced right at the end of the consultation document. We are not clear on whether each of the published metrics used for TEF and B3 will all use the 23 student threshold or some will be 10. Furthermore, it is unclear with the various publication proposals how this affects the role of HESA and its HEIDI platform. The sector finds the ability to analyse sector data using the platform incredibly helpful but at present, the proposals seem to suggest

that this platform would not be used- and how the OfS models data is not the same data as the HESA return data (due to the inclusion of ILR data for example). The OfS must therefore think about the ease of use in using the new data in a comparative way and have the right checks to ensure the onward use of data is robust (just as HEIDI requires users to undertake training).

The document also refers to thinking more about the experimental 'proceed' measure - but there is no further detail about how this may be included in regulation going forward. We would like the OfS to work in collaboration with sector data experts and representative organisations on any new potential statistical measures - the suggested Data Governance Board as proposed above would be a good place to have ongoing discussions with the sector about different data modelling options for the OfS going forward.

The section on progression clearly shows that there is no consensus or robust data only approach to measuring highly skilled employment. We, therefore, fail to understand why the OfS has only proposed to use SOC1-3 and no other GO question to measure the quality of the provider's teaching and learning with regards to the progression/ongoing use of the qualification. Furthermore, the narrative suggests that the OfS is happy to actively discriminate against specialist providers/specialist employment outcomes which we find unacceptable. We have the opportunity to measure HE value in broader terms than simply the specific job a graduate has on a specific day 15 months after graduation. We are therefore disappointed that the OfS has not been bolder in suggesting that the current options GO questions relating to fulfilment and wider impact have not been utilised - nor proposed these questions become a mandatory part of the survey in future.

Question 2: In your view, are there ways in which the objectives of this consultation (as set out in paragraphs 8 to 16) could be delivered more efficiently or effectively than proposed here?

Whilst we understand the need for the OfS to show it is working in the interests of all students we don't think you need to use so many indicators in a public forum to do it. It makes the task enormous and places too much emphasis on the data which goes against the principle that the OfS will take account of provider circumstances. It also disadvantages small HEIs that don't have the data analysis expertise or the economies of scale to employ such a person to defend their position. Furthermore, our members have told us that there are many more potential indicators than they have students on campus, especially when the proposals include creating split indicators when there is only one student with that characteristic. It, therefore, increases the regulatory burden on smaller providers disproportionately.

If the OfS wishes to show how it takes account of provider circumstances as well as the data it needs to have a process to publish provider narratives that show how they have met your approval through further discussion. This will make decision making and provider accountability more transparent to the public.

To this end, we don't think you should publish TEF data annually in its totality to the public nor the complete dataset for B3 by individual provider and split metric. This undermines the spirit of the exercises as being a balance of data and a provider narrative.

We would like to see much more from the OfS in how it will work collaboratively with IfATE and DfE on reducing the data burden and overlap between the HESA and the ILR return. This is such a significant issue for providers now and will be much worse once the HTQ and LLE policies have been embedded. We don't agree with the OfS position that it is reducing burden by simply collecting less. It needs to consolidate the data requirements for the whole HE space and return to the principle of Data Futures of 'collect once disseminate often'.

We think to ensure the longevity of the OfS approach to data it should, as it has with quality, convene a sector-wide data strategy group to govern the development and thinking of the use of data in regulation going forward. There will need to be significant changes to the data landscape over the coming years and we would like the OfS to act quickly in working collaboratively with the sector to develop the approach, as well as create some much needed overarching governance for the OfS algorithms. We would be greatly concerned if this was the only opportunity for the sector to provide feedback on the development and use of data algorithms or have to undertake a swift consultation (like at present) without enough time to truly reflect on the options. It should be noted that the Performance Indicators had a technical steering group that met monthly to be able to consider similar kinds of questions that may be an appropriate approach to replicate.

We continue to have grave concerns about trying to hold providers to account for whether graduates go on to achieve "professional and managerial level jobs" which does not measure the quality or success of the course. There are structural inequalities within society that impact on the type and level of jobs that people are appointed to. There are also regional differences in current skills needs. Furthermore, the scale of regional, and intra-regional, economies differ. We believe that the provision of this information for students is an important step to ensure greater transparency as part of their decision-making process on which course and institution to apply to, but that it shouldn't be used as a regulatory enforcement tool due to the lack of control that institutions have over the metric and the potential unintended consequences that may result. We believe that this metric is a poor proxy for the quality of the course and should be removed. As highlighted in para 93 of the OfS' own analysis of the earlier consultation document "Only a small number of respondents suggested that progression to higher-level study or professional and managerial employment was an appropriate measure of student success or quality. A larger number commented that it was not." We would argue that the Regulator's Code (5.3) places a responsibility on regulators to not just consult those that they regulate but also that "meets their needs". We would argue that ignoring consultation responses does little to "improve confidence in compliance for those they regulate" (1.2).

We believe that 15 months is too short to decide if the course helped gain SOC 1-3 employment, not all careers work like that, not all people work in a linear fashion, and jobs are not the only positive outcome for graduates. There are many reasons why this is too short a timeframe to make robust judgments about how the university experience has prepared students for work, and taking a measure so early after completion does not offer a true reflection of the impact of the university experience on the functional value of the qualification received. Indeed for some

industries qualifying is just a prerequisite for starting a career and additional years of experience are needed to reach SOC codes that consider that profession 'highly skilled'. We also detail in this consultation why SOC 1-3 is an inadequate way to categorise a highly skilled job, and feel that using such a narrow definition may stifle innovation and the government's ambitions for levelling up.

Furthermore, this does not reflect the transient nature of work in modern Britain, with many young people undertaking multiple jobs, continually developing their talents and portfolios and/or working in industries such as creative or agriculture where self-employment is the norm. We are therefore worried that using progression as a proxy for quality is misleading to the public not only because universities have very little influence over students' graduate career paths, but the data is collected way too early in the graduates working life to make a meaningful contribution to the assessment of a degree's impact. There are also of course other intrinsic outcomes for students gaining a HE qualification (such as happiness, job stability, good health, and confidence - especially important for students of colour, mature students and first-generation students) and we think the OfS can and should do more to capture and use this data in its assessment of quality. Securing a specific job 15 months after graduation is not the only positive outcome for graduates. We, therefore, think the OfS should be looking at using several measures from the GO survey to look at student progression and the extent to which it is in line with their aspirations and expectations.

Finally, we know from talking to our members that the level of detail in this consultation assumes that all HE providers have expert data practitioners/analysts who can understand the nuances and complexities of the changes posed. This is very much not the case for the vast majority of providers on your register. Many of our members have commented that they simply cannot understand the approach you are suggesting and do not have the time to go through the additional documents, tables, graphs to come up with a meaningful response to the technical aspects of the proposals whilst also responding to the data you have provided them and the consultations on B3 and TEF. This does not mean that they do not care about this - but that the OfS is building its data strategy in an environment whereby HE providers simply cannot engage. Fundamentally, data analysis is a science, and therefore providers who can hire those with professional analytical skills will fare better in this approach to regulation. We therefore strongly believe that a regulatory approach based mainly on data is unfair to smaller providers who do not have the economies of scale to hire such data experts/analysts - nor that where those experts do exist they also have other roles within the institution. To reiterate this is the case in the majority of the HE providers on your register.

Questions relating to proposal 1: Common approaches to the construction of student outcome and experience measures

Question 3: To what extent do you agree with our proposed approach to constructing binary measures using existing data collections? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree that there should be one single coherent approach to the management of data across all of OfS regulatory functions, but looking at the details it is clear that this is not the case, specifically the

differing approaches to using benchmark data to form judgements between B3, A&P and TEF. We think the OfS could be much clearer in the way in which it takes account of the benchmark data for its wider regulatory purposes (such as in B3 where a provider may be slightly under the absolute threshold but within its benchmark). Furthermore, we think the OfS can do much more to work in partnership with the ESFA on aligning the definitions as set out in the ILR. Differing data methodologies for the HESA and ILR return adds significant burden on the sector, especially as many OfS registered providers submit both data returns and this will continue to grow as the LLE and HTQ policies are actioned. Without a synthesis, we believe it makes the inclusion of ILR data in the OfS regulatory activities more complicated and therefore also more burdensome for HE providers, many of which do not have large teams of data practitioners to unpick the numbers. As an aside, we feel very strongly that providers on the OfS register should only have to submit data to HESA for their technical qualifications, rather than having to submit monthly to the ILR and then annually to HESA.

We agree with the direction of travel in terms of collecting data more frequently to reduce the time lag in reporting and in our data futures consultation we highlighted the need for the OfS to show leadership in its final decision on the frequency of collection - and not subject the sector to continual changes in the approach to the HESA return. Continual changes to the timeline add significant costs and burden on the sector. The Data Futures project has created uncertainty for too long and we wish for a final decision to be long lasting (at least 10 years) rather than our fear that we will need to repeat the exercise in 3-5 years' time. Your suggestion in paragraph 40 that sector data will continue to be a moving target is therefore worrying. Whilst we appreciate there may be a data impact when the LLE/HTQ comes on stream, constant tinkering with the system is not in the best interest of providers or in creating a stable dataset.

In our response to Question 4 in the B3 consultation, we highlight our dissatisfaction that quality is now regulated solely on data points. As is described within this document data is not black and white and the proposed approach brings significant added complexities. This is especially true for data relating to the split metrics where thousands of data points are theoretically created and makes the task of providers to digest and respond completely unmanageable. This is especially the case when the OfS will report even if there is just 1 student with that particular characteristic. Furthermore, in a small provider, many of these data points will not meet publication thresholds and so there will be a significant difference in how the OfS regulates different providers just based on size alone. We agree with taking the approach that if in doubt, treat the outcome as positive (or neutral) and not to drill down on outcomes data any further than proposed - but what is currently planned with all the splits by subject, mode of study and demographic of student is already too complicated and inaccessible for providers to analyse without professional support (which as we continually highlight disproportionately increases regulatory costs and burden on smaller providers).

Question 4: To what extent do you agree with the proposed annual publication of separate but consistently defined and presented resources that inform TEF and condition B3 assessments, using the formats that we have indicated (interactive data dashboards, Excel workbooks, data files)? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

Whilst we welcome the transparency of the OfS providing us with individual data during the consultation many of our members have received data that they cannot understand and does not match any sense of their current HESA student record. We, therefore, think that this further illustrates how the OfS has not given providers nearly enough time to take a look at their data and work through the substantial consultation documents in helping them unpick the proposed methodology.

We are concerned that the sheer complexities and nuanced differences between the APP data, the B3 data and the TEF data will create an ever more complex public information set. We do not think it is in the public or provider interest for the complete data dashboards for each of these three parts of OfS regulation to be published on an annual basis, simply because none of the three shows a coherent approach to the management of data. Publishing split metrics and non benchmarked data is especially problematic as the level of granularity makes the data more volatile, and without benchmarking data to contextualise could skew public perceptions of high-quality provision that happens to recruit large numbers of mature/part-time/WP students or who is based in a rural/coastal/northern region of England - whose outcomes are often very different to an 18-year-old UG from the south-east. As a producer of official statistics on behalf of the sector, we feel the OfS needs to take more responsibility in publishing only robust and statistically sound data which articulates all of the nuances and complexities of the English HE sector - and therefore we do not think that it is appropriate at the granular level proposed to publish raw and unbenchmarked data.

Furthermore, it has been made clear to the sector through the TEF consultation and roundtable discussions that the TEF methodology is based on an equal weighting between the data and the provider submission. Publishing the underpinning data annually could skew public perception of the overall ratings, as the data is only one piece of the puzzle. We think it is a good idea internally for providers (and internally as a sector perhaps through Gold Users of Heidi) to have access to the TEF data annually for internal monitoring and benchmarking against other providers, but we think publishing this to the public goes against the principle that the exercise is equally about data and the providers wider context.

We think this is also true of the proposed publication of the complete B3 data annually - we know that the OfS are keen to stress that data will only be one piece of the puzzle in assessing compliance and that there are at present several courses and student groups which do not meet the threshold requirements. If the OfS were to publish each provider's dataset in its entirety it would come under immense public/political pressure to intervene in every instance all at once, whereas we know that you are planning a staged approach and final decisions on compliance will not just be based on data. Instead, we feel that there is a less granular series of data that should be published annually and which crucially includes the providers' benchmarked performance. The OfS could then also publish in its annual report the number of instances where provider data has not met the threshold overall, and the interventions it has taken to address these instances. This would provide better accountability and transparency of the OfS' activities than simply publishing all of the data in its entirety.

However the data is published, the OfS must also have a mechanism that places the data in context. For example, the provider's response to that data could be made public in the same place if the provider wishes. That would allow any public scrutiny to reflect the OfS's stated approach - that regulatory judgements will take account of context as well as data.

Whilst we understand why the OfS wishes to graphically show the confidence rating of the data using the green shaded bars, this could create a public perception that smaller institutions (with smaller student numbers and therefore more volatile data) is less good than large HEIs with more stable data. We are particularly concerned that in the publication of this data and its use by non-statistical experts in the TEF exercise could therefore unduly penalise small HEIs.

Questions relating to proposal 2: A common reporting structure for student outcome and experience indicators

Question 5: To what extent do you agree with our proposed reporting structure for student outcome and experience measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

After reading the consultation document we don't understand the difference between the Registered student population data as described in paragraphs 59-62 and the TorR data - we understand the need to disaggregate data for those students directly taught by a provider and students who are under some sort of collaborative partnership/franchise arrangement but we don't understand how the Registered and the TorR datasets can be different. We also don't understand why collaborative partnership students are counted twice in the 'partnerships category' and the 'registered category'. We can see a legitimate need for the OfS to capture registered students (those registered but taught by someone else), taught students, and students the provider only validates the awards for, but the 4 categories proposed have too much overlap and don't make sense. We think it would be better to publish:

- registered only data (so not include taught students in this data)
- taught only data
- taught and registered data (current TorR)
- validation only

The proposals outlined on the TEF and B3 documents create thousands of indicators, split indicators and data points – not the 48 stated by the OfS in the consultation. This would result in a huge regulatory burden – both for the OfS to assess and prioritise the data and for providers to go through the vast swathes of data being proposed. We think that whilst it may be useful/advantageous for the OfS and individual providers to have their data published at this granular level internally, we think externally it provides too much complex, potentially confusing (and volatile) data to the general public. Especially when each of the data sets (APP, B3 and TEF) have slightly different students in scope, and some are benchmarked and some not, we don't think it is advisable for these to all become official statistics in their entirety.

We think publishing all of the suggested split indicators will create inequality in how the OfS (and the public) treats HE providers of different sizes and missions - many of which will not have enough data to be published. We think subject and student characteristics are the most important aspects of the suggested split indicators for the TEF and B3 exercise to reflect the main cohorts of students. Whilst the other suggested splits are interesting (and may very well uncover certain practices in some

providers) they are not universal to all HEIs, may stifle innovation in the skills space and make the data sheets and TEF provider submission overly complex, especially for a provider where the majority of the additional splits are not applicable or are of very small cohorts. We, therefore, disagree that all the metrics and split metrics should be freely published on the OfS website - and instead would like to see a paired down number of datafiles for public consumption.

Question 6: To what extent do you agree with our proposed application of these consultation outcomes to the access and participation data dashboard? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree that the OfS should move towards a coherent approach to data publication, but there are so many different approaches within this consultation of students included and excluded from the constituent parts of the dataset it is impossible to see how this can be achieved. We think the AP dashboard is a useful tool in supporting the sector (and public) in understanding the impact we have on social mobility. We think it should be as simple as possible to use and understand and be completely transparent about what is and isn't included in the data.

Question relating to proposal 3: Common approaches to the populations of students included in student outcome and experience measures

Question 7: To what extent do you agree with the proposed coverage of student outcome and experience measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

Whilst we recognise the legal obligation for the OfS to use all HE student data including that which is non prescribed for HE funding for the purposes of regulation, this approach creates a significant burden on HE providers in that the data produced by the OfS is not in one singular format but for different purposes will need to be cut in different ways. We have already felt the impact of this in our members' analysis of their B3 and TEF data as there are different students in and out of each dataset and institutions of all sizes are finding it challenging to understand the OfS number calculations against their own internal/HESA return. The split metrics further complicate the data provided to institutions and through this consultation, members are having to look through thousands of data points which is incredibly time-consuming, especially for a small provider with limited resources. The OfS also has duties to have regard to the need to use its own resources efficiently, effectively and economically and to have regard to best regulatory practice. We believe that the scale of data analysis and the associated burden is not an efficient and effective use of OfS resources, nor is it proportionate to the regulatory risk.

The vast majority of HEIs have to submit data to the ILR because of their delivery of non-prescribed HE/Apprenticeships - and we expect this will increase after the introduction of the HTQ/LLE policies. We cannot emphasise enough the regulatory burden on duplicating data returns using different definitions and in different time frames. We, therefore, think the OfS needs to do far more to unify data between the HESA and ILR returns as this adds significant burden, bureaucracy and financial implications for HE providers. The HE sector wants to champion and deliver high-quality technical

education, as we have done for decades, but the current approach hinders innovation and discourages engagement with flagship government policies. It is particularly off-putting for small institutions that do not have the economies of scale to absorb the additional burden. We do not think the current proposals in this consultation go far enough to unify the data approaches through HESA and the ILR.

Furthermore whilst we understand that the OfS might want to defer judgement on the collection and use of data through the LLE policies (particularly modular/short course provision) we are concerned that the outcome of the data futures approach and this consultation will be short-lived which also adds substantial burden on the HE sector. We need to start thinking now about how the OfS are going to sensibly capture and use short course data for regulation through an open long term consultation with the sector and IfATE. This is especially true if the full LLE vision is realised in that all HE provision will be sectioned into modular learning. Whilst we agree with the analysis in this consultation that continuation, completion and progression measures will have to be different for modularised learning we have not yet seen any indication of OfS' long term thinking on this, which may impact provider behaviour. SLC are gearing up for this change and so too should the OfS through consulting with the sector and ensuring that the HE data set works hard for all our stakeholders (including the SLC and IfATE). As highlighted in our consultation response to the OfS data strategy in December 2021 it seems as though the OfS have given up on the spirit of data futures to collect once and disseminate often. We fundamentally believe that this is how you minimise burden on the sector - not removing data returns for things that have a legal/statutory obligation to be collected in other ways anyway which seems to be the default response from the OfS when pressed on reducing burden.

We wish for the future of data collection to be unified in such a way that providers on the OfS register need only submit data through the OfS' process and for the OfS/HESA to then send on data to the ILR/SLC etc. The current status quo of multiple submissions of similar (but not quite the same) data to different bodies is not sustainable in a dynamic and innovative HE sector and the OfS/HESA should be leading the way in creating a robust, trustworthy and portable data return that meets its regulatory needs and that of HE's government agencies such as DfE, IfATE and SLC.

We do not think necessarily that non-prescribed HE should take part in NSS and GO surveys but we do think that when the OfS publishes data about HE providers it makes clear to the public that not all students in the continuation and completion stats are included in the progression measures at the moment there are multiple denominators for different parts of the OfS data set with no explanation of the % discounted from certain core metrics.

The approach to the use of international students in some data sets and not others further increases the confusion of the data. We think the OfS might want to consider publishing data specifically about international students at each provider. This would then enable the OfS to better capture the experience of international students including and allow international students thinking about studying here to better understand the experience of other international students at our institutions.

Whilst we understand the rationale for collecting student data within two weeks of the commencement of their course (aligning to the consumer protection notion of a cooling-off period) we think the OfS needs to provide further clarity of what they will deem to be the start of the course. Many HE institutions register students during welcome/freshers/pre-sessional activities. At present the 50 days cut off enables HE institutions to offer a variety of induction activities of various lengths for different cohorts of students (including international/disabled/mature/WP students). For some their formal teaching may not have started two weeks after their enrollment as they are still undertaking preparatory work and assimilating to their new surroundings. We think the 14 days will create additional burden on providers

in that they will have to significantly change their approach to when registration takes place. Furthermore, we disagree with the OfS assumption that students only leave due to personal circumstances within 14 days. Bereavement, illness, financial, family and employment issues can take place at any time, not just within the first 14 days and the OfS should be mindful of this when exploring continuation stats with individual providers. We are particularly concerned therefore with the approach to regulating continuation for mature students who are more likely to have these additional pressures/life events happen to them.

Questions relating to proposal 4: Common approaches to defining and reporting student populations

Question 8: To what extent do you agree with our proposed definitions of mode and level of study? Please provide an explanation for your answer. If you believe our approach should differ, for example to rely on a student's substantive mode of study across their whole course, please explain how and the reasons for your view.

We agree that students on fully flexible provision should be counted as part-time students at present as this is the most likely approach for these students in the current landscape. However, with the introduction to the LLE, the OfS may need to rethink this approach as it is likely that all HE will be modular and many students will be anticipating completing their course in a FT timeframe. Therefore there may need to be an amendment made to data collection to include a new field relating to students' expected length of study (pre-empting their enrolment on future modules in line with a FT timeframe for completing their course).

We agree that Apprenticeships should be treated differently by the OfS as there are many complex reasons why students have different continuation and outcomes than students on traditional courses and therefore we would expect apprenticeship data to look different to other data at the same level due to how the course is delivered in cooperation with employers. The numerical thresholds for apprenticeships should be based on apprenticeship data and expectations rather than using full-time data as a starting point. We would therefore propose that the OfS should run data and develop the threshold based on the expectations and data for apprenticeship students. It should also be noted that apprenticeships have different exit levels - at levels 4, 5 and 6, - and so that should also be considered when looking at Undergraduate provision.

Question 9: To what extent do you agree with our proposed definitions of teaching providers? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree with the definitions of levels of study and defining the teaching provider and on balance think that using headcount rather than FTE is appropriate. However, we are confused by the suggestion that the OfS will only be using headcount as it suggests that for subjects it will continue to use FTE. Whilst we understand the rationale why this creates unnecessarily complexities and therefore makes the dataset less easy to use for providers or the public.

Question 10: To what extent do you agree with our proposed definitions of entrant and qualifying populations? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We think it is sensible to 'rollover' students who complete a HNC and then immediately undertake a HND at the same provider however the LLE may mean that in future the impact of this change may be different to how it is currently perceived within the traditional three year setting with a minority of provision set up as sequential qualifications to 'top up'. If the LLE is fully realised then perhaps the vast majority of HE provision will be set up in such a way that there are more explicit step on and off points (either HN or at a modular level). This would put into question what is perceived as a positive outcome - students leaving with a qualification or students not continuing onto the next level.

Questions relating to proposal 5: Construction of continuation measures

Question 11: To what extent do you agree with our proposal that continuation outcomes are measured for entrant cohorts? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance, we think we agree with the proposals.

Question 12: To what extent do you agree with the proposed census dates for measuring continuation outcomes for full-time, part-time and apprenticeship students? In particular, do you have any comments on the advantages and disadvantages of using a one-year census date for part-time measures? Please provide an explanation for your answer, and the reasons for your view.

On balance we think we agree with the proposals.

Question 13: To what extent do you agree with the outcomes we propose to treat as positive outcomes for this measure? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree with the proposals, especially in regards to treating students who leave with a qualification within the year/two years as a positive outcome.

Question 14: To what extent do you agree with the proposed approach to student transfers in measures of continuation outcomes? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

Whilst we agree that we do not and should not collect data specifically about student transfer (because it would add additional burden), this is an area in which the OfS will have to think again once the LLE proposals have been firmed up and credit transfer becomes more popular. We hope and anticipate the

OfS engagement in a sector-wide consultation on how the LLE will fundamentally change HE provision and the steps it will therefore need to take to change its regulatory approach.

Questions relating to proposal 6: Construction of completion measures (page 57)

Question 15: Do you have any preference for one of the proposed approaches to measuring completion outcomes over the other? Please provide an explanation for your answer. In particular, please describe any strengths and weaknesses of the two methods that inform your preference.

We think on balance it is not appropriate to use a compound indicator for measuring student completion. Whilst your analysis suggests that for some courses the predicted completion matched the actual completion this was not universal. HE providers and HE courses cannot be seen as homogeneous groups or activities. Each student at each institution is unique. Therefore we think it is unfair to penalise providers and potentially fine them/suspend their DAPs/remove them from the register based on a hypothesised calculation. Using a hypothesis also places a significant emphasis on all HE providers having data scientists with the skills to interpret, and if a provider dipped from the baseline, re-imagine the data within the algorithm and this would put a significant additional burden and be unfair to smaller providers without this resource in house. Furthermore, the OfS' own analysis of the variation on confidence for this measure clearly shows that for smaller providers there is a greater level of error in the hypothesis compared to the reality.

We therefore think the compound indicator should change to be a simple count of withdrawals by year of study. That will remove much of the complexity and will also focus academic teams on the students who need better support rather than on reporting the majority who do complete.

We think the OfS should think again about the potential approach in credit accumulation for this measure. Whilst this data isn't collected at present, it will likely have to be collected in future as part of the LLE reforms. Like all of the contents of this consultation, we would be interested in further discussions about the impact of the LLE on data reporting.

Question 16: To what extent do you agree with the definition of the cohort-tracking measure defined within this proposal? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance, and for now, we agree this is the most appropriate approach. However, we think the OfS might want to think again about using the 4 year and 15 days rule for PGR students as the data clearly shows that many students on 'full time' programmes do not quite complete in this timeframe as the process of assessment is incredibly complex with multiple stages including post-viva changes.

Question 17: To what extent do you agree with the definition of the compound indicator measure defined within this proposal? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We strongly disagree with a hypothesised approach to completion monitoring. The OfS analysis clearly shows that it lacks accuracy for certain cohorts in certain institutions. Furthermore, it would actively penalise providers with small data sets as the error reporting is much higher in the OfS modelling. As these are the same providers who have fewer resources to challenge the OfS data algorithms, we feel that imposing this approach would actively disadvantage small providers, and increase the regulatory burden and cost to them.

Questions relating to proposal 7: Construction of progression measures

Question 18: To what extent do you agree with the proposal to exclude international students from the calculation of progression measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree.

Question 19: To what extent do you agree with our proposed approaches to survey nonresponse (including the requirement for a 30 per cent response rate, and not weighting the GO responses)? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We think a 30% response rate for such an important measure is too low and not in keeping with other publication methodologies (namely the NSS at 50%) Whilst we understand why it does not wish to suppress around 20% of results as per the OfS analysis on page 76 of this consultation that would not meet 50% or 23 students, there is substantial political and public interest in this data and our members own analysis of student outcomes suggests that the GO survey responses are not capturing an accurate picture of the employment/personal trajectory of their graduates. The OfS also see a response rate of less than 50% to be a risk to the robustness of the data with regards to the NSS (see paragraph 498 in the consultation document) so why should the threshold only be 30% for graduate outcomes? With such a wide variety of graduate outcomes we think it is as important if not more for GO data to represent over 50% of the cohort so as to mitigate against non-response bias. Furthermore, the ISER research that concluded that weighting would have no significant impact, but they limited their analysis of the scale of the impact to populations of 100 or above. Using a minimum population of 23 and a minimum response rate of 30% would mean the ISER research conclusions are not directly applicable, and may be unreliable.

We, therefore, do not believe that data capturing only 30% of students is accurate enough to be used in OfS regulation or public scrutiny. We also think that for many of our members' split indicators this data will be non-reportable and we are therefore worried about the impact 'no data' will have on the public perception of their quality. We would instead recommend that the OfS does not publish GO data by split metric at all - taking account of the large numbers of 'non-reportable' courses and student groups. We're happy for it to be used as part of a conversation with individual providers around meeting the baseline requirements - but think the data is too volatile (and untrustworthy as will be detailed below) to be reported on at such a low level and in such granular detail to the public.

We think it was a mistake in removing HE providers' ability to be actively involved in the collection of GO data. Although our smaller institutions do not have large and well-resourced alumni departments, the specialist or local nature of their provision often means they maintain a good relationship with their students after graduation. We know students are more likely to complete a survey if the institution is actively promoting it and we would therefore like to see providers able to be far more hands-on in future.

This approach to regulation based on GO survey data is heavily reliant on providers spending a lot of money and resources in finding a bit more out about where graduates go as the GO doesn't capture all provision. Using such data as a blunt instrument for measuring quality adversely affects small/specialist providers who do not have these resources to develop their own data set about graduate outcomes to counteract the GO dataset. We, therefore, think that without increasing the resource rate to 50% the OfS is actively discriminating against smaller providers without the resources to capture a broader account of their graduate trajectories.

We further believe a threshold of 30% further dilutes the significance and accuracy of the GO data simply through the methodology of a census approach. We can provide the OfS with many examples where graduates are actively undertaking 'highly skilled' occupations within their first 15 months of graduation - but on a specific day they completed the survey they were unemployed or working in a lower-level role. This is the nature of many sectors that need short term skilled workers to deliver on a specific project and is particularly true in the creative industries where a substantial percentage of work is fractional and/or self-employed. A student could have been working as a VFX artist for Sony 3 weeks before completing the GO survey, but now that work is over they are back developing their portfolio and working in a local bar/restaurant to supplement their income. The GO would count them as an unskilled worker even though they had been undertaking a highly skilled job just weeks before. We fundamentally believe that for GO to be a robust dataset used in regulation it must change its approach from a census to a more encompassing question on graduate employment post-graduation. Census data is not designed for regulatory purposes - but is a methodology based on social interest and planning rather than for financially penalising or restricting the growth of businesses.

Question 20: To what extent do you agree with our proposed approach to partial responses to the GO survey? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance we think we agree with the approach.

Question 21: To what extent do you agree with our proposed definition of positive progression outcomes and the graduates we propose to count as progressing to managerial and professional employment or further study? In particular, do you have any comments about the approach to caring, retired and travelling activities, or to employed graduates without a SOC code? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree with the additional outcomes that sit outside of employment or further study as being counted as positive outcomes for students.

We however do not agree that SOC is the only measure of 'highly skilled employment' and therefore wish the OfS to expand on their definition of a positive progression outcome. Those who have worked in a highly-skilled job but not currently doing so (as it is a census not a complete picture) would help provide a more accurate account of the impact of HE on student progression - as would the OfS holding its own additional list of strategically important occupations not listed under SOC 1-3 but are significant to the development and professionalisation of industries such as healthcare and education, or are simply not captured in the current SOC codes due to the highly specialised nature (such as in arts and agriculture). We do not think that the OfS believes that a make-up artist working in the StarWars prosthetics department or a costume designer for the Royal Opera House is low skilled - yet for political reasons and by the very nature of variation in employment for tailoring or makeup means that these highly skilled and industry-leading graduates would not be counted as achieving a 'good outcome' and therefore the OfS approach to only using SOC 1-3 is unjust and misleading.

We fundamentally do not believe that a census approach to GO meets the regulatory needs of the OfS and does not reflect the transient nature (especially at this present time) of work in the UK and actively discriminates against those who work in portfolio or high levels of self-employed industries such as creative industries, agriculture and construction. At the time of the development of GO it was not anticipated that there could/would be financial penalties, potential removal of DAPs or struck off the OfS register based on the outcomes of the survey. We, therefore, do not believe that with such dire potential consequences the census approach should still be used if the data is going to be used for regulatory purposes.

We also believe that for some graduates it will take more than 15 months to secure a SOC1-3 job simply due to the nature of the profession and how it rewards and recognises talent. For example, graduates working in local councils would until they become a department manager be classified in SOC4. We would therefore like to see a different approach to the measurement of graduate outcomes based on a balance of jobs/skills and the currently optional reflective questions (My current work fits with my future plans; My current work is meaningful and important to me; I am using what I learned during my studies in my current work). If the OfS truly wants to measure the value of HE more broadly than simply an immediate economic benefit to graduates then it must do more to use this data about personal growth as part of the regulatory framework. This would also meet the recommendation posed in the TEF review that the exercise should measure more than just graduate job/salary. We think these questions are important to better understand the relationship between the knowledge and skills acquired through HE and its application to the real world and therefore think that these questions should be optional in the GO survey going forward - but are in fact fundamental to our understanding of the wider impact HE has on our graduate's wellbeing and aspirations for the future. With regards to wider concepts of value, we note the Office for Statistics Regulation has suggested that it may be able to work collaboratively in future with HESA on linking this data to wider public datasets on Health and Crime. We think the OfS and HESA should together explore such options to make sure that impact measurements in the HE sector reflect wider societal benefits.

We have also noted several members have contacted us to highlight the inaccuracies of the coding done by the call centre. At the time of the development of GO we staunchly argued for the ability for providers to have their data re-classified where there was a glaring error in the way the call centre handler coded the graduate's job. In Question 23 we highlight errors that have been picked up by our members. Going forward there must be a way for providers to challenge their GO data in advance of publication to ensure that the data is a true and robust account of the graduates' circumstances. At the inception of GO it was felt that as this data was not going to be used at such a granular level, the resources it would take to recode data errors outweighed the value. This is now clearly not the case and we would like to see a process of error reporting retrospectively applied - although we do worry that the resources required of providers to do this would also adversely penalise smaller HEIs.

Question 22: To what extent do you agree with our proposed definition of negative progression outcomes? In particular, do you have any comments on the definition of 'doing something else' as a negative outcome when it is reported as a graduate's main activity? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We are not sure the OfS should count 'doing something else' as a negative when the respondent has not detailed what that something else is - they may not wish to share their job - or find the options too narrow for explaining their circumstances. We would rather these students be counted as neutral until such time as the OfS has a better understanding of the types of things students might tick that option for.

Question 23: Do you have any comments on the advantages and disadvantages of the proposed definition of managerial and professional employment? And the alternatives, including using skill levels?

We are very concerned about the Progression measure, for the following specific reasons: 15 months is too short to decide if the course helped gain SOC 1-3 employment, not all careers work like that, not all people work in a linear fashion, and jobs are not the only positive outcome for graduates.

The definition of a graduate-level outcome depends upon the interpretation by the external company running the survey of SOC for each GO respondent. It relies on how a graduate describes their own job, and then how this is coded. There's a whole lot of interpretation going on and it relies on a non-expert describing their role to someone who doesn't understand it, who then categorises it. We have multiple examples of how graduate jobs have been miscalculated by a central GO team - and there is currently no recourse for providers that have clear errors to have their data rectified.

SOC is also out of date in its understanding of graduate-level roles within the creative industries and many other industries and professions. There are many graduate-level jobs – such as in early-years education, working in care homes, costume design, fashion merchandising and hair and make-up for TV and Film as well as the challenges of those in portfolio careers such as in the creative industries – that are not currently recognised at this level that should be. There will be many more careers in a similar position and this is also likely to continue to change in the future. Linking the Progression Indicator to the SOC Codes creates an unnecessarily inflexible system. The SOC Codes are currently

only reviewed every 10 years and also feed into other government priorities – such as for visa application purposes - and so are likely to face different political pressures. Some careers will become graduate-level and new and innovative career paths will be created within the 10-year period before the next review.

We would therefore propose that if the OfS does insist on using the progression metric that you only use the SOC Codes as a starting point, but have the possibility to create an additional list of graduate-level jobs for careers where the SOC codes haven't yet caught up with yet. This would enable the capture of employment areas that are currently being further professionalised (such as in education and healthcare) and in strategically important occupations such as those on the shortage occupation list or related to the safety of the country (such as in agriculture). It would also further enable a discussion about how this connects to the levelling up and regional growth agenda - and would encourage innovation rather than potentially stifle it or put off some providers from participating in the development of their community. Just to be clear - we do not endorse the shifting of the SOC to capture 1-4 routinely as we do not wish for the baseline threshold to be increased. We are instead asking the OfS to compile an additional list taken from industry professionals, analysis of regional skills needs and the shortage occupation list to develop an additional set of 'good' occupational outcomes.

We disagree with your analysis that making concessions for specialist provision (in and around paragraph 268) would dilute the spirit of highly skilled graduates of more generalist institutions (as detailed in paragraph 265). We believe this opinion is actively prejudicial against highly specialist and therefore highly skilled graduates who innovate within their professions which often has benefits for the wider population and we do not agree with the assumption that students do not feel that their time and financial sacrifice was wasted on entering these occupations. For many students, this is why they entered HE in the first place and our courses are seen as the gold standard and primary pipeline into preparing students for these occupations. Penalising specialist institutions for this in the public and political opinion is discriminatory and is not in the spirit of HERA which requires the OfS to be mindful of and protect the diversity of the HE sector.

Additionally, it is important to note that judgement based upon GO is unsafe as:

- 1) The second GO survey took place at the height of the pandemic when employment in the creative industries was artificially suppressed (it is a sector dominated by self-employment which is now recovering gradually)
- 2) There appears to be no contextualisation for sub-regional labour markets and as yet we do not understand how benchmarks (above the 60% threshold) have been determined.

Case study:

One institution provided some examples of the concerns about the over-reliance on how a graduate describes their own job, and then how this is coded. The system relies on a whole lot of interpretation and it relies on a non-expert describing their role to someone who doesn't understand it, who then categorises it. One institution provided specific examples of GO respondents very obviously doing a graduate-level job and yet they have been coded as unskilled which has meant that their baseline data is under the current regulatory threshold. For example:

- a filmmaker, active in his profession, being classified as sports and leisure assistants SOC code 62110
- a graphic designer leading a complex graphic design and typography project being coded as a pre-press technician SOC code 54210
- graduates working on film sets within their profession were also coded as leisure assistants

- all of the costume graduates we could identify have been coded outside the top three SOC codes

The scale of the impact of these various issues with the HESA data is significant. In year 1 progression data there are errors relating to around 11% of GO respondents for this specific provider and it is believed that they have been negatively impacted by between 14 and 19% points, meaning their indicator value should be 60 to 65%. In year 2 progression data there are errors relating to around 12% of GO respondents and believe that they have been negatively impacted by c.12% points.

Question 24: Do you have any comments on our proposed approach to interim activities, and the costs associated with extending the GO survey infrastructure to collect and code more information about interim employment occupations, if we were to pursue an alternative approach?

We think there are several things that need to change in relation to the GO survey

- providers need to be able to flag errors in their data
- providers need to be allowed to better promote the survey to their alumni and be encouraged to reach 50% participation
- the data approach so be changed from a census to an overall set of questions about what has happened in the last 15 months
- rethinking how 'most important activity' is conceptualised. This is subjective. For one graduate it may be what pays the bills, for another, it may be the development of their portfolio. Both are valid but neither truly relate to the quality of the educational provision they received at university.

And fundamentally we believe that the survey must move away from a census approach and better capture (and therefore for the OfS to use) interim activities to create a more robust account of the graduate's employment history for the purposes of regulation. We have shown through the consultations relating to the use of LEO that the dataset also does not take account of portfolio careers and self-employment in a robust way. It therefore in our opinion helps to solve the problem of capturing positive employment outcomes that sit outside of SOC 1-3.

Question 25: Do you have any comments or suggestions on the potential future use of graduate reflective questions?

We think it is sensible to continue to be involved in the development of other approaches to using the GO data in a regulatory way and encourage the OfS to work collaboratively with HESA and the sector representative bodies to work on alternative GO uses in regulation.

Questions relating to proposal 8: Construction of student experience measures based on the National Student Survey

Question 26: To what extent do you agree with the proposed calculation of NSS scale-based student experience measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We are concerned about the ongoing proposal to still use a five-point scale if the middle option (Neither Agree nor disagree) is counted as a negative (NB the example on p93), that is a bad research method. Students will assume the middle option is neutral rather than being taken as a negative. Whilst this approach is the current method and understood by the sector - if not students - that does not mean it should not be changed. Alternatively, you could add up the agree/strongly agree and the disagree/strongly disagree and use that as the percentage.

Question 27: To what extent do you agree with the proposed approach to NSS survey nonresponse (including the requirement for a 50 per cent response rate)? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance, we agree with the proposals as they are in line with the current publication approach of the NSS more broadly. The 50% threshold is appropriate to ensure that the response rate is seen as robust.

Questions relating to proposal 9: Definition and coverage of split indicator categories

Question 28: To what extent do you agree with our proposed definition of split indicators showing year of entry or qualification? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree that the OfS should “identify material differences in performance in different aspects of a provider’s provision” However we are concerned that the sheer volume of data that is derived from them is overwhelming to HEIs and the public and therefore adds a significant additional burden on providers and actively discriminates against smaller providers without the economies of scale for a data expert to be employed full time.

Question 29: To what extent do you agree with our proposed definition of split indicators showing subject studied using CAH2 subject groups? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance, we agree with the approach to use CAH level 2 for the articulation of subject and the aggregation of Celtic studies into the border languages code. However whilst we understand the rationale for using FTE rather than headcount for subject - this would further complicate the data set. The OfS has already set a precedent for counting students twice (through its proposed use of TEF at registered level). We would therefore prefer the OfS picked either headcount or FTE and use it in all of its regulatory data.

Question 30: To what extent do you agree with the selection and proposed definitions of split indicators for student characteristics? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We think it is important to better understand students by their different characteristics, but at an individual provider level (then split by subject) is too granular for regulatory or public information purposes and shifts student experience resource significantly towards data practitioners as opposed to student support. We know from working with our members that small cohorts of students have more volatile data and does not necessarily reflect the quality of the education provision but the personalities and culture of the specific cohort at the time.

A question has been raised by the HE sector as to the rationale for the OfS collecting legal Sex and gender reassignment as opposed to collecting more nuanced gender questions. This data will not enable providers or the OfS to look at the experience of queer and gender fluid students who have not formally undergone gender reassignment, and we know from research by LGBTQ+ organisations and student groups that these students often have specific and significant challenges whilst studying. There are very few students citing 'other' as 'other is only available in countries where having a sex of something other than male/female is recognised in law - which is very rare at present. We, therefore, think that the OfS and HESA should think again about how it captures the sex/gender of students so that we both capture a robust data set - and are more compassionate when collecting this data from students who do not recognise themselves in the same way they are legally defined.

We are not sure why the OfS wishes to split PG student age by U25, 25-30, 30+. It seems strange and slightly meaningless to capture a 5-year window in the 25-30 category and we would like a clearer understanding of why the OfS feels this is useful data.

We welcome the inclusion of FSM data within the general HE data landscape as well as IMD and ABC. However, we would like to see these social characteristics used as part of the benchmarking methodology as this would better contextualise a provider who recruits many/the majority of students from disadvantaged backgrounds and whereby the OfS agrees there are structural inequalities outside of a HEIs control in the continuation and progression of these students.

Question 31: To what extent do you agree with the selection and proposed definitions of split indicators for course types? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We think it is too early to say whether there will be enough data for the OfS to publish data specifically about HTQs, especially in the early years. We think for now they are better being included with other HN qualifications.

We think that as there is still a series of unresolved/missing data issues about new courses (such as HTQs or other HE such as foundation, sandwich etc), these should be published as experimental statistics at first to better understand what the data looks like before using it for regulatory purposes. We would agree that this data would be useful on a national level - but to begin with, we are unclear as to what this looks like at an individual provider level and the confidence of the data.

We do not agree with the assumption in paragraph 403 that “COVID-19 pandemic has blurred the distinction between distance and blended learning”. In some ways it has in the short term - and many providers will have learned effective ways to supplement face to face learning with higher quality online support. However, we do not agree that fundamentally the Sector will start recruiting courses based on a formal hybrid model other than what can already been seen in some courses that are online but with residential components or completely online.

Question 32: To what extent do you agree with our proposed definition of split indicators showing provider partnership arrangements? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We have said in response to Question 5 that we don't quite understand what the OfS is suggesting here and why the overlaps are necessary. For ease of understanding and onward use by the public and non-data specialists we feel the most appropriate split would be taught only, registered (taught and registered), Partnership (registered and other forms of validation).

Questions relating to proposal 10: Definition and coverage of benchmarking factors

Question 33: To what extent do you agree with the proposed definitions of the sector against which English and devolved administration providers will be benchmarked? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We fundamentally agree that provider data should be benchmarked in order to contextualise the student experience and outcomes. We welcome the use of the established UKPI methodology. We would like to see benchmarked data routinely published as part of the annual data set at a provider level - and be used as part of the recognition of contextual factors as part of any investigations in potential breaches of OfS conditions.

Question 34: To what extent do you agree with the benchmarking factors and groups we have proposed for each of the student outcome and experience measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

On balance we broadly think we agree with the suggested approach.

Question 35: Do you have any comments on the methodology we use to calculate the ABCS quintiles we propose to use in the benchmarking of student outcome measures?

Question 36: Do you have any comments on the methodology we use to calculate the geography of employment quintiles we propose to use in the benchmarking of progression measures?

It is an absolute imperative that progression measures related to graduate employment are benchmarked against regional factors as region plays such an important role in the opportunities graduates will have. In an ideal world, the data would be able to capture the difference between an institution that heavily recruits students from London and the South East (regardless of where that institution is situated) and a local recruiter situated in a rural/coastal/town location. We therefore think the OfS should routinely and more explicitly use benchmark data in all of its uses of data for regulation - not just in regards to the TEF.

Question 37: Do you wish to make any well-evidenced arguments regarding effects of the COVID-19 pandemic on continuation and completion outcomes, yet to be borne out in the data?

We think it is impossible to tell what the data will show about the impact of Covid on students, and Covid is not the only factor at play in our economic recovery. Brexit and the response to the continuing Russian invasion of Ukraine will have an impact on job opportunities, regional growth, and inflation. None of these things are controlled in any way by HE institutions themselves and whilst we can work collaboratively with industries, local and national governments to ensure this country has the skills it needs, we cannot be held responsible for these external factors in relation to the 'quality' of our academic experience.

Questions relating to proposal 11: Presentation of student outcome and experience data indicators and approach to statistical uncertainty

Question 38: Do you have any comments about the opportunities and challenges that result from our presentation of the student outcomes and experiences indicators, and on the effectiveness of the guidance we have provided for users of our data dashboards?

We agree that the OfS should ensure that its statistics are easily understandable to non-data experts but we are concerned that the shaded bar approach for % certainty will unduly penalise small HEIs who by their very nature will have less statistical certainty in their data because of the small sample sizes. We think it is a nice idea to represent confidence visually - but we think the OfS needs to do far more in the publication of this data to make clear that having wider confidence intervals does not mean the provider is not good quality. Even with the description of what the shaded things mean, it is unclear to many of our non-data specialists exactly what the visualisation is telling us. We, therefore, think this may be too complex for non-data experts to understand. Furthermore, members looking at their datasets have told us it has been incredibly challenging to produce a summary of the data for executive boards and academic staff. For data to truly drive enhancement the OfS must ensure that it is not

overly complex so that anyone within the institution is able to understand and digest it. The proposed approach does not meet this aim.

Question 39: Do you have any comments about the challenges that might result from application of the data protection requirements, suppressing indicators when the denominator contains fewer than 23 students, and when the numerator and denominator differ by fewer than three students? Questions relating to proposal 12: Definition and coverage of data about the size and shape of provision

We didn't think the OfS had made clear before page 147 what its suppression rules would be for the data to be published and/or used for regulatory purposes. We are used to seeing 10+1 students for internal data and historically 23+1 students for publication of the NSS (as well as a 50% threshold) and are happy for this to continue to be the normative approach to data suppression. But we are of course concerned with the impact that 'no data' or significantly rounded data will have on our small providers - especially with the split metrics being at such a granular level.

Question 40: To what extent do you agree with the proposed construction of data about the size and shape of provision? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view

Quite honestly we did not understand this part of the consultation and how it differed to the proposals relating to B3 and TEF. We think you explain exactly the same process in constructing this data. If this isn't the case then we think the OfS needs to ask this question again of the sector and be clearer about what you are asking. Furthermore, we feel strongly that the more technical and complex questions within this consultation should be asked again in their totality as we know that the vast majority of the sector is struggling to respond within the timeframe given - whilst also having to look at the data files you have sent them about their particular provision. We know that for some HEIs this data looks very different to what was expected and therefore this shows that the OfS have not explained their approach clearly and transparently, and that enables laypersons within an institution to respond to this consultation. It is not ok for the OfS to assume or require HEIs to have specific data analyst experts on their payroll to be engaged in the way they are regulated. Many of the data practitioners we have spoken to also do not fully understand all of the proposals you have put forward or are too swamped to make a meaningful contribution to this consultation response. This is also why we feel strongly that the OfS should put in place a data governance group made up of experts inside and outside of the sector who can provide support and challenge to ideas the OfS may have with regards to data use in regulation going forward.