

Office for
Students



Consultation on constructing student outcome and experience indicators for use in OfS regulation

Analysis of responses to consultation
and decisions

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The Office for Students is the independent regulator for higher education in England. We aim to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

Our four regulatory objectives

All students, from all backgrounds, and with the ability and desire to undertake higher education:

- are supported to access, succeed in, and progress from, higher education
- receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure
- are able to progress into employment or further study, and their qualifications hold their value over time
- receive value for money.

Documents referred to in this analysis of consultation responses and decisions

In this document we refer to the following documents:

- November 2020 consultation on regulating quality and standards (phase one consultation) (www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/)
- December 2021 consultation on Data Futures and data collection (www.officeforstudents.org.uk/publications/consultation-on-data-futures-and-data-collection/)
- January 2022 related consultation on regulating student outcomes (www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/), and its corresponding decisions available at the same location
- January 2022 related consultation on the Teaching Excellence Framework (TEF) (www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/), and its corresponding decisions available at the same location
- May 2022 supplementary consultation on publication of information about higher education providers (www.officeforstudents.org.uk/publications/supplementary-consultation-on-publication-of-information-about-higher-education-providers/)

Summary

What we were consulting on

1. Our consultation sought views about the construction, presentation and interpretation of data about different aspects of the student lifecycle which informs our regulatory approaches. It sat alongside related consultations on regulating student outcomes and the future TEF scheme and provided further detail about the technical implementation of proposals to construct numerical measures of student outcomes and experiences at higher education providers. It was also relevant to regulation of access and participation, where our approach also uses data about student outcomes.

The consultation

2. The consultation was published on the Office for Students (OfS) website on 20 January 2022 and the deadline for responses was 17 March 2022.
3. Respondents were invited to share their views in the consultation by submitting written responses to an online survey containing 40 questions which spanned the 12 proposals included in the consultation. The consultation questions are listed in full in Annex A.
4. The proposals were:

- Proposal 1: Common approaches to the construction of student outcome and experience measures
- Proposal 2: A common reporting structure for student outcome and experience indicators
- Proposal 3: Common approaches to the populations of students included in student outcome and experience measures
- Proposal 4: Common approaches to defining and reporting student populations
- Proposal 5: Construction of continuation measures
- Proposal 6: Construction of completion measures
- Proposal 7: Construction of progression measures
- Proposal 8: Construction of student experience measures based on the National Student Survey
- Proposal 9: Definition and coverage of split indicator categories
- Proposal 10: Definition and coverage of benchmarking factors
- Proposal 11: Presentation of student outcome and experience data indicators and approach to statistical uncertainty
- Proposal 12: Definition and coverage of data about the size and shape of provision

Responses to the consultation and analysis approach

5. We received 142 responses to the consultation on constructing student outcome and experience indicators: 140 via the online survey tool (of which two were submitted after the deadline) and the other two responses were submitted by email before the deadline. We considered all responses that we received.
6. The responses mainly came from higher education providers (120). The other respondents (20 in total) came from sector representative bodies, professional or subject representative bodies, other organisations or individuals.
7. We undertook a qualitative analysis of the feedback that we received through the open-text questions posed in the consultation. All responses were read in full.
8. In some cases, respondents included feedback applicable to multiple or different questions in their response to a single question. Where this has happened, all points – whether repeated, cross-cutting or specific to a given question – have been considered both respect of the question where it was raised and within the thematic analysis that informs our overall response to the consultation and to each proposal.
9. In other cases, respondents included comments equally or solely relevant to the TEF or regulating student outcomes consultations. Where this has happened, comments which had shared relevance to two or more of the consultations have been included in the analysis of responses to each of those consultations.
10. In this document we identify and discuss the issues raised by respondents. We summarise responses to each proposal, and also identify a number of overarching themes from our analysis of the responses. In the interests of clarity, this document includes discussion of repeated or cross-cutting points within the summary of responses to the most relevant proposal. Those points are noted within summaries of the other proposals in which respondents raised them, but not repeated in full unless it is meaningful to do so.

Final decisions

11. For the reasons explained through the remainder of this document, we have decided to proceed with the proposals broadly as we set out in the consultation (and the supporting publication of the definitions in algorithm form), with some specific amendments.¹ Our decisions are as follows:

For the reasons explained at paragraphs 14 to 16, we are not at this point taking final decisions on our proposal to publish student outcome and experience measures on an annual basis for the indicators informing the TEF, the assessment of condition B3, and

¹ The data definitions we included in the consultation document were described in narrative form. We also published the definitions in algorithm form, which represented the technical implementation of our proposed approach, and which we anticipated would be of particular use and interest to data practitioners. See the 'Core algorithms' document published alongside the consultation, at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

regulation of access and participation. However, we are currently minded to proceed with this proposal, with some changes including:

- i. We are minded not to publish the partnerships view of a provider’s student population within our data dashboards in the first year of operation of the new approach to regulating student outcomes. Our reasoning for this is set out in paragraph 191.
- ii. We are minded to publish an extended time series in the access and participation data dashboard up until the spring 2024. Our reasoning for this is set out in paragraphs 221 to 222.
- iii. We are minded to publish additional information in our data dashboards providing information about the size and shape of provision at each provider.
- iv. We are minded to review the presentation of the interactive dashboards for use in our regulation of student outcomes and access and participation, as well as that used in the TEF, so that the data is layered to enable a focus on the key data that best meets user needs. Our reasoning for this is set out in paragraphs 53 to 57, and 129.

We are not at this point taking final decisions on our proposed benchmarking factors. These decisions will be taken once the final indicators and ABCS analyses become available. However, we are minded to proceed with our proposals with no change. Further explanation of the rationale for this is outlined in paragraphs 831 to 835.

We have otherwise decided to implement the proposals in the same form as we consulted on, except with the changes described in the table below:

Consultation proposal	Changes
1 – Common approaches to the construction of student outcome and experience measures	None
2 – A common reporting structure for student outcome and experience indicators	In relation to additional split indicators that we proposed to introduce into the access and participation dashboard, we have decided to introduce these additional split indicators (which we indicated in our proposals would be introduced at sector-level initially), through our annual publications of equality statistics. These additional characteristics would only be reported through the access and participation data dashboard if or when it becomes possible for that resource to include both sector- and provider-level information about these characteristics. Our reasoning for this is set out in paragraphs 203 and 223.

Consultation proposal	Changes
3 – Common approaches to the populations of students included in student outcome and experience measures	None
4 – Common approaches to defining and reporting student populations	None
5 – Construction of continuation measures	<p>We have decided to make a small change to our methodology in relation to our continuation algorithms to allow for additional benefit of the doubt in respect of awards made to postgraduate research students. For these students we will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is awarded before or after the census date. Our reasoning for this change is set out in paragraph 433.</p>
6 – Construction of completion measures	<p>In relation to potential measures of completion, we have decided to adopt the cohort tracking method for use in regulating student outcomes and the TEF. This means that we will not set numerical thresholds in respect of indicators constructed using the compound indicator, and we will not include indicators based on this method in the evidence base for the TEF. We intend to continue to produce completion measures based on the compound indicator method, and confirm in our response to the regulating student outcomes consultation that this means we may use the data in our wider monitoring of quality.² Our reasoning for this change is set out in paragraphs 491 to 497.</p> <p>We have decided to make a small change to our methodology in relation to our cohort-tracking algorithms to allow for additional benefit of the doubt in respect of awards made to postgraduate research students. For these students we will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is awarded before or after the census date. Our reasoning for this change is set out in paragraph 506.</p>

² See our response to the 'Construction of a completion measure' section of the regulating student outcomes consultation response.

Consultation proposal	Changes
7 – Construction of progression measures	Additional data will be constructed on the numbers of students counted negatively towards the progression indicator but who have undertaken interim study. Our reasoning for this change is set out in paragraphs 627 to 634.
8 – Construction of student experience measures based on the National Student Survey	None
9 – Definition and coverage of split indicator categories	We have decided to simplify the partnership arrangement split indicators that are included within the taught or registered student population view to a two-way split. This will show split indicators for taught students (that includes those students who are registered and taught at the providers in addition to those who are taught only i.e. subcontracted in), and students who are registered at the provider but taught elsewhere (subcontracted out). Our reasoning for this change is set out in paragraphs 764 to 768 and covered in proposal 6 of the TEF consultation.
10 – Definition and coverage of benchmarking factors	See paragraph 11b above.
11 – Presentation of student outcome and experience data indicators and approach to statistical uncertainty	None
12 – Definition and coverage of data about the size and shape of provision	None

12. We therefore confirm that the OfS will implement the proposals set out in the consultation on the basis of their formulation as the algorithms we published alongside the consultation, within the supporting ‘Core algorithms’ document, with the following updates to those algorithms:
- a. Amended algorithms which reflect the amendments described in the table at paragraph 11c.
 - b. Incorporation of the 2020-21 HESA Student and Student Alternative, and ILR, student data records which have become available since we published the consultation and which we proposed in the consultation to include in the construction of the final indicators to be

used in the implementation of our new approaches to regulating student outcomes and the TEF.

- c. Any changes necessary to reflect final decisions on the definition and coverage of benchmarking factors (in relation to proposal 10).
13. We intend to publish an updated version of the 'Core algorithms' document in autumn 2022, which incorporates these changes. We anticipate that the document will be updated on an annual basis thereafter to incorporate the more recent years of student data as they become available.
14. We noted in the January 2022 consultations that we were separately consulting on our general approach to the publication of information about higher education providers. Since the January 2022 consultations were published, we have issued a supplementary consultation on the publication of information about higher education providers, and we have not yet made any decisions on the publication matters consulted upon.
15. Given the relevance of our publication consultation to our proposals to publish student outcome and experience measures for use in OfS regulation, we have not made any final decisions on publication of this data and do not intend to do so until we have considered responses to our publication consultation. We expect to take final decisions on publication matters to inform the implementation of new approaches to the TEF and condition B3 in Autumn 2022. Nevertheless, we have reviewed consultation responses on these matters, and throughout our response we set out our preliminary views on the points made. In light of the responses received, we are currently minded to proceed with publication of the student outcome and experience measures, with some changes as explained in this document.
16. Regardless of the outcome of our final publication decisions, we will, as a minimum, in Autumn 2022, share with each provider the student outcome and experience measures which relate to that provider, to ensure the transparency of our new regulatory approaches for regulating student outcomes and the TEF, and for the purposes of regulating access and participation.

Matters to which we have had regard

17. In reaching our decisions we have had regard to our general duties as set out in section 2 of the Higher Education and Research Act 2017 (HERA). The general duties that are particularly relevant to these decisions are (b) quality, choice and opportunities for students; (e) equality of opportunity in connection with access to and participation in higher education; and (g) best regulatory practice to ensure that activities are transparent, accountable, proportionate and consistent.
18. The OfS's regulatory objectives reflect the things that are of significant importance to students: high quality courses, successful outcomes, and the ongoing value of their qualifications. In the circumstances where a provider is not meeting these objectives for its students, it is important that the OfS can intervene to ensure that current and future students are not exposed to courses of low quality. Opportunities for study are not meaningful if students are able to choose low quality courses delivering weak outcomes, or to continue on such courses, because the regulatory system has endorsed such performance. Measures of student outcomes and experiences that support the identification of providers, or pockets of their

provision, delivering weak outcomes make an important contribution to our regulatory approach.

19. The OfS's approach to regulation is designed to promote equality of opportunity in connection with access to, and participation in, higher education. This means that we are concerned with ensuring that students from underrepresented groups are able to access higher education, and also to succeed on and beyond their courses. Our decisions for constructing measures of student outcomes and experiences are intended to support the identification and monitoring of priority groups' access to, and successful participation in, higher education in a way that is appropriately aligned to and consistent with that used to inform our regulatory approach to quality.
20. We have considered the principles of best regulatory practice and, in particular, the transparency and consistency of our regulatory activities. We consider our decisions to be appropriate in ensuring that the OfS can construct data to inform our approaches which are proportionate and consistent. We have adopted data definitions which apply in the same way for all providers, and for the purposes of both quality and access and participation regulation. We have given particular consideration to the transparency of our proposals, to ensure that providers and other stakeholders can understand the evidence we will use to inform our regulatory activities.
21. We have also had regard to the Regulators' Code when reaching our decisions, in which 1.1 and 1.2 have prompted us to consider the burdens that our activities place on regulated entities. This has been central to our considerations throughout the formulation of the consultation proposals and our decisions following consultation.
22. As an official statistics producer, our decisions have also had regard to the Code of Practice for Statistics. This code aims to ensure that the statistics produced by the government and public sector bodies are trustworthy (impartial and free from political influence), high quality and of public value and that effective governance structures are in place to protect transparency and accountability. The approach we have adopted prioritises the transparency and consistency of our data definitions, and the clarity of their communication, which would enhance the value of the statistics produced.
23. Under section 149 of the Equality Act 2010, the OfS must have due regard to the public sector equality duty. 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. We have decided that the construction of student outcome and experience indicators and split indicators will apply consistent approaches, unless otherwise stated, to inform our regulatory approaches to quality and access and participation. The consistency of our approach to data is intended to help reduce any tensions between equality of opportunity and our regulation of student outcomes. Our view is that meaningfully extending equality of opportunity means providing all students, irrespective of their characteristics, with the opportunity to benefit from their higher education. The potential to achieve this is enhanced if, through the data that informs our approaches, there is consistency in the evidence that helps to determine whether all students are able to have successful outcomes that meet requirements set by the regulator. Further, our datasets support the identification of any subsets of students, particularly those who share protected characteristics, who are not provided with sufficient support to achieve successful outcomes, in order to enable us to

identify those who have not had a genuine opportunity to benefit from higher education, and therefore have not experienced meaningful equality of opportunity.

24. We have had regard to guidance issued to the OfS by the Secretary of State under section 2(3) of HERA, and specifically ‘Guidance to the Office for Students – Secretary of State’s strategic priorities (31 March 2022)’.³ We consider the following aspects of that guidance to be some of the relevant content to our approach to constructing student outcome and experience indicators for use in OfS regulation:
 - a. Lifelong loan entitlement (LLE)
 - i. ensuring that the LLE is supported by an appropriate regulatory regime, fully equipped to support radically different, flexible arrangements, measuring quality using metrics that are meaningful in the new system and which interact positively with our admissions regime.
 - b. Reducing regulatory burden
 - ii. ‘Risk based regulation and reducing bureaucracy’ which asks the OfS to “sure that reg burden is proportionate...reduce burden on providers of responding to the OfS’s requirements [and]...consider ways in which [OfS] can work with the sector to communicate more clearly its expectations’.
25. We have had regard to this guidance when we decided to adopt a risk-based approach that would result in no additional administrative burden for high-quality providers. We gave effect to this by:
 - a. Adopting an approach that used existing data returns to create our student outcome measures.
 - b. Committing to consulting further if we consider that it may be appropriate to extend the higher education courses covered by are student outcome measures or if there are additional student outcome measures which should be included in our approach.
26. We had regard to the guidance from the Secretary of State when deciding that we should to develop appropriate measures for students studying on modular courses. We will consult on any future changes to our approach to regulating student outcomes in light of the effects of the LLE once details of the policy are confirmed by Government.

Overarching themes from the analysis of responses

27. A number of overarching themes emerged in the analysis of consultation responses and are set out below. Many of these were raised in response to questions 1 and 2, and were often repeated in responses to other proposals. Where particular aspects of these themes are also explored in more detail elsewhere, for example where they relate to a particular proposal, we have indicated this below.
28. In this section, we have set out general responses to comments made in relation to:

³ See ‘Guidance to the OfS: Secretary of State’s strategic priorities (March 2022)’, available at www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/.

- a. Length and complexity of the consultation.
- b. Longevity of our proposals.
- c. Better ways to achieve our regulatory objectives.
- d. Definition and measures of successful outcomes and unintended consequences.
- e. Access to data.

Length and complexity of the consultation

29. We asked respondents whether there were any aspects of our proposals that were unclear, and whether there were ways in which the objectives of the consultation could be delivered more efficiently or effectively.
30. Many respondents reported some difficulty in engaging with the material presented in the consultation owing to its length and technicality, as well as the timeframe of the consultation. Some of these respondents commented that non-technical audiences might find it difficult to fully understand the proposed approach. Respondents frequently mentioned the challenge of having to respond to three concurrent consultations and the timeframe given to respond to all consultations together.⁴ These points were made by small providers and third sector organisations. Some further education colleges that responded suggested that because they are not experienced in higher education data submissions and had fewer resources and technical expertise available to engage with the proposals, the illustrative data provided was unfamiliar to their data teams, and this was challenging for them. These respondents reported that the overall approach was therefore more difficult for them to interpret, and that a summary comparing the proposed measures with existing measures produced by the OfS, HESA and the Education and Skills Funding Agency (ESFA) may have been helpful for their understanding. A small number of responses also highlighted the challenge for students, families and non-technical, non-academic audiences in general.
31. On the other hand, many respondents reported that the events organised by the OfS and the illustrative data were helpful in improving their understanding of the proposals, and several stated that the proposals were clearly presented and welcomed the attention to detail shown in the consultation as thorough and reassuring. They noted that further support would be welcome and helpful, and might also include training, guidance and sharing of best practice to help providers understand and make best use of the proposed indicators data.

Our response

32. We considered the responses suggesting that the consultation documents were too long and too complex to be easily understood. In responses to our preliminary consultation during the winter of 2020-21 (the phase one consultation), where we set out initial policy proposals for condition B3, a common theme was a request for further detailed information.⁵ We consider

⁴ The OfS published three consultations in January 2022: a consultation on a new approach to regulating student outcomes, a consultation on the Teaching Excellence Framework, and a consultation on constructing outcomes and experience indicators for use in OfS regulation.

⁵ See www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/.

that the level of detail provided in the consultation was appropriate to give consultees sufficient information about proposals in order that they could understand the proposals. While we could have provided less information in order to make the consultation shorter, a likely consequence would have been respondents would have had too little information to respond fully. In addition, we chose to run the three consultations concurrently given the cross-cutting nature of the policy proposals within them. We considered that this was helpful in allowing consultees to consider the consultation proposals in the round and having regard to related policy proposals and regulatory context. This has facilitated informed responses from consultees.

33. We also consider that the consultation on constructing student outcome and experience measures published in January 2022 was part of a developing set of proposals for how the OfS proposed to regulate quality and standards. This means that for many respondents this consultation presented a continuation of the themes and concepts which we had outlined in earlier consultations. Furthermore, we note the measures, data definitions and approaches we proposed in the consultation are similar to established methods and data outputs that providers have had access to, and used, for many years. In particular, we note that the proposals built on measures that have been used in previous assessments through the Teaching Excellence Framework (TEF), and in many cases refer to definitions that the OfS has used since its first publication of the access and participation data dashboard in early 2019.

Our phased approach to consulting on a revised approach to regulating quality and standards

In our phase one⁶ consultation, published in November 2020, we set out proposals for:

- how we would define ‘quality’ and ‘standards’ more clearly for the purpose of setting minimum expectations for all providers;
- how we would set numerical baselines for student outcomes and assess a provider’s absolute performance in relation to these;
- how we would clarify the indicators and approach used for risk-based monitoring of quality and standards;
- how we would clarify our approach to intervention and our approach to gathering further information about concerns about quality and standards.

A frequent response to the phase one consultation was that respondents asked for greater detail about our policy proposals and data definitions. We considered it was appropriate to respond to this consultation feedback by ensuring that the three consultations published in January 2022 were as comprehensive as possible. These consultations (the January 2022 consultations) included our consultation on constructing student outcome and experience measures for use in OfS regulation, which built on the earlier phase one consultation and sat alongside consultations on:

⁶ See www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/changes-to-our-approach/phase-one-strengthening-our-approach/.

- Setting minimum expectations for the outcomes that universities and colleges deliver for students. We refer to this throughout this response document as the 'regulating student outcomes consultation'.
- A new TEF, which would give ratings to universities and colleges, providing an incentive for them to deliver excellent teaching and learning for their students, over and above the minimum requirements. We refer to this throughout this response document as the 'TEF consultation'.

34. The individual consultations released in January 2022 contained sufficient information to be read as standalone proposals, but our view remains that it was important to provide respondents with the opportunity to read the detailed proposals across all three consultations if they wished to. An alternative could have been to release consultations sequentially; we consider this would have been inappropriate because respondents needed to understand the proposals in the round. We would have put respondents in a position of providing views, for example on the construction of data indicators, without a complete understanding of the effect on the numerical thresholds that might be proposed in the assessment of condition B3.
35. We recognised how important it would be for individual providers to have access to data which demonstrated how the proposals may impact on their own student data. We therefore prepared and released to individual providers a range of data outputs (in a range of alternative formats) and technical specifications, so they could understand the direct effect of the proposals for them. We also published sector distributions and exemplar data resources populated by fictional provider data to enable other respondents to understand the effect of our proposals.
36. We also consider that we took steps to help respondents to engage with the proposals we were making in the phase three consultations. For example, we outlined the proposals in video presentations on our website, hosted webinars, held meetings with students, higher education providers and their representative bodies to discuss the proposals and answered questions that were raised. This included making available the provider metrics helpdesk for an individual provider's queries about the specifics of its datasets.
37. We noted the view of some respondents that the time given to respond to the consultations was too short. The consultations were open for eight weeks and we consider that this was appropriate because it balanced the response time for respondents with the benefits of regulating student outcomes in the interests of students. We consider that an eight-week period was sufficient for respondents to understand the proposals and develop a response. There was and remains significant student and taxpayer interest in moving forward with the proposals which we first set out in November 2020, as these were intended to establish minimum expectations that would protect all students by mitigating the risks of harm to students who may be disadvantaged by poor quality courses. Those risks include, for example, that students may not receive value for money, or that students may need to study for longer than otherwise necessary at providers where there is too high a risk that they may not be able to achieve positive outcomes. We also had regard to guidance from the Secretary

of State that stated that he ‘would like the OfS to progress rapidly to ensure that a robust enhanced regulatory regime can be operational as soon as possible’.⁷

38. We have been pleased with the detail and comprehensiveness of the responses received from a wide variety of respondents. We received over 140 responses to the data indicators consultation, and around 250 responses to each of the regulating student outcomes and TEF consultations, which included responses from all different types and sizes of registered providers. Our view is that the clarity and focus of those responses demonstrated that stakeholders were able to fully engage with, and understood, the range of material we published.
39. We recognise that many of the points raised about the complexity of the proposals may also have relevance to how we can effectively implement our proposals, because higher education providers will want to fully understand our new approach as it is implemented. We are therefore committing to providing appropriate guidance and support materials to providers, and all other users of our statistics, to ensure transparency as we adopt our new approach to the construction of student outcome and experience measures. Our response to the regulating student outcomes consultation describes that we are also committed to delivering support to all providers as we adopt our new approach.⁸ This will include: publication of guidance and supporting materials, training sessions for staff at higher education providers (both unregistered and registered), and publication of outcomes from the first round of compliance assessments to increase general understanding of our approach to the consideration of context.

Longevity of our proposals

40. Another overarching theme was a request for further information about the interaction between proposals in this consultation and other activities which respondents expected to influence the higher education data reporting landscape. Several respondents commented that the longevity of our consultation proposals may be affected by one or more of: the implementation of the HESA Data Futures data model and reporting requirements, the development of the Associations Between Characteristics of Students (ABCS) analyses, the ongoing review of the National Student Survey (NSS) or the (at the time, forthcoming) Department for Education (DfE) consultation on higher education reform and wider ‘levelling up’ policy which sees an important role for universities.⁹ Generally, these respondents argued that these areas of known and ongoing data development made the long-term validity of our proposals unclear and difficult to predict. They commented that this could mean that further consultation would

⁷ ‘Guidance to the Office for Student (OfS) – Secretary of State’s strategic priorities’ was issued to the OfS in February 2021 and was the most recent relevant guidance in force when the decision about the length of the consultation window was taken. The guidance letter can be found here: <https://www.officeforstudents.org.uk/media/48277145-4cf3-497f-b9b7-b13fdf16f46b/ofs-strategic-guidance-20210208.pdf>.

⁸ See our response to the ‘Length and complexity of consultation’ section within the ‘Overarching themes’ section of the regulating student outcomes consultation response.

⁹ The DfE consultation on higher education reform was published on 24 February 2022 and set out proposals in relation to student number controls, minimum eligibility requirements, foundation years, eligibility for a state scholarship, and growing high quality Level 4 and 5 provision. Data Futures data reporting requirements will take effect for all providers required to submit student data to the designated data body using the Data Futures data model in relation to academic year 2022-23, with the reporting requirements extended to include in-year data from 2024-25. The outcomes of phase two of the NSS review will inform a UK-wide consultation in summer 2022 on potential changes to the NSS from January 2023.

be necessary about how student outcome and experience measures would be constructed in future and noted the associated burden and disruption that this may introduce.

41. Some respondents thought that the OfS should delay the definition and publication of student outcome and experience measures until such time as these wider developments and reforms had been implemented, or that we would otherwise need to re-consult on the definition of our data indicators once these changes were known. The impact of the coronavirus pandemic was also cited as a potential reason to delay implementation of the data approaches we consulted on, because respondents thought that student outcome indicator values may be lower as a result of the disruption caused by the pandemic and that it would not be fair to judge provider's performance in this way. In addition, a moratorium on publishing student outcomes and implementing regulation for credit-based, modular or step-on, step-off provision was requested, until such time as the government's higher education reforms had been implemented. Respondents considered that the availability and robustness of data changes associated with the reforms, and the Lifelong Loan Entitlement (LLE) in particular, would need to have facilitated an improved understanding of student outcomes for this provision before it could be regulated and included in OfS datasets and regulatory approaches.¹⁰
42. Some respondents suggested that the OfS should further evaluate the proposals, before and after their implementation. They commented that prior to their use for regulatory purposes, the proposed measures which are not already in established use should be independently evaluated to ensure that they are fit for purpose. Evaluating the impact and effectiveness of the proposals after their implementation was requested on the basis that respondents thought that this would be necessary for the OfS to respond to the known policy and data developments, and to the burden its proposals created in practice. Some respondents thought that the OfS should establish a set of collaborative governance arrangements for the specification and application of data definitions for these purposes, involving relevant data and statistical experts and sector representatives, and that the OfS should have engaged more directly with such groups when developing its consultation proposals.

Our response

43. We are aware of, and described within the consultation, the activities that respondents have identified as having the potential to affect the longevity of our proposed data approaches. We recognise that each of these activities, and indeed any others which may arise that about which we are not yet aware, have the potential to affect the detailed specification of our data approaches, including the names, values and reporting practices for individual data items captured in student data returns and used in the construction of our proposed student outcome and experience measures. They may also affect the coverage and interpretation of different data collections, in particular the survey instruments that we use in the construction of our measures. Wherever possible, we identified in the consultation the possibility and nature of any such changes and highlighted our expectation that these would, in some cases, require further consultation. For example, we described several possible extensions of the NSS and its target list (to include students on one-year courses and shorter durations of study,

¹⁰ Step-on, step-off courses are those where students enrol on a full qualification but are entitled to study this at their own pace rather than during a set timeframe. There may be a maximum amount of time they have to complete the qualification, but during this time students may take breaks in learning and otherwise have a high degree of flexibility in the way they study.

intercalating students, or postgraduates) and noted that if any extensions were deemed feasible and appropriate, we would expect to consult on revised approaches at a future date.

44. However, we take the view that our consultation proposals deal with the principles of our approach to constructing student outcome and experience measures. They present our rationales for the range of outcomes we will include as positive, neutral or negative for the purposes of informing supporting specific aspects of OfS regulation (namely our regulation of quality and access and participation). They also describe approaches which have been developed with awareness of, and reference to, both the historical data landscape for higher education, and what we know of its future. We consider that these principles and rationales provide a framework within which it will be possible to accommodate evolutions of student data collections and survey instruments as they occur. In some cases, we anticipate that the OfS will be able to engage appropriately with sector bodies and representatives as we confirm the operationalisation of those principles with respect to updated data models, without requiring detailed consultation on the fundamentals of the principles themselves. In other cases, we acknowledged throughout the consultation document that some of the changes which extend beyond operationalising established, consulted-upon principles would likely lead to further consultation on revised or extended approaches at a future date.
45. We do not consider that it would be appropriate for the OfS to establish a set of collaborative governance arrangements for the specification and application of the data definitions used in the construction of student outcome and experience measures for use in OfS regulation. In relation to determining definitions of student outcome measures, the OfS will make those decisions on the basis of our scheme of delegation. We hold considerable expertise and analytical capability in the data to undertake this role. We would draw views from experts where we consider that this is appropriate. We note that the OfS established the TEF metrics peer review group as an important and effective means of securing expert advice and insights on the development of our proposed statistical approaches and data presentations. The issues considered by the group were normally relevant to the approaches and presentations that we proposed to use consistently to inform assessments of condition B3 and the TEF.
46. We await the outcome of the recent DfE consultation on higher education reform and will work with the Department to take forward any outcomes. We have already stated that we will consult separately, at a later date, on proposals for setting separate numerical thresholds for particular courses, including higher technical qualifications (HTQs) and credit-only provision that might be funded in future by the Lifelong Loan Entitlement (LLE). This means that the OfS's regulation of student outcomes could adapt to any changes in the higher education system that result from the government's reforms. For the avoidance of doubt, the consultation proposed that the coverage of our student outcome and experience indicators should not, at this time, include any student reported with a qualification aim for their course which refers to a module of higher education provision or, in the case of degree awarding and progression measures, gaining an award of higher education credit. We signalled in the consultation that our intention is to develop ways in which we might measure and assess a positive outcome for this type of course – and the data we would need to support measurement of this – over a longer timescale.
47. We also await the outcome of the ongoing NSS review and expect to take forward any outcomes of the consultation expected in summer 2022. We anticipate that the definition of student experience measures will need to be adjusted to accommodate any potential changes

to the NSS from January 2023. We also signalled in the consultation our expectation that further consultation would be required to establish any updated definitions for student experience measures. In relation to the comments on implementation of the Data Futures data model, we expect to publish an indicative set of core algorithm documents which accommodate the new data model during 2023, on which we will invite feedback from data practitioners and any other interested parties.

48. In addition, we are aware of the various ways in which the pandemic has affected society and higher education in particular, and that this has, in some cases, varied on geographical or other bases. However, we have observed that, to date, these effects have not necessarily led to lower values being reported for student outcome measures by comparison with previous years: continuation rates reported through the access and participation data dashboard show that many providers saw continuation rates increase in the latest year of data (examining continuation into 2020-21), while analysis of the 2019-20 Graduate Outcomes survey responses published by HESA identified little overall change to graduates' experiences in the labour market since the start of the pandemic.¹¹
49. Our approach to the selection and grouping of benchmarking factors demonstrates that we gave due consideration to the potential impacts of the pandemic, including year of a student's entry to, or qualification from, higher education as a candidate factor throughout the detailed statistical modelling that underpinned our selection of benchmarking factors.¹² We consider that the absence of consistent and widespread impacts of the pandemic, as evidenced within relevant higher education data, and more recent indications of recovery, mean that it is not appropriate to introduce any delays or adjustments to our proposed approaches. We further consider that to do so would prevent the OfS from moving forward with establishing the minimum regulatory requirements which are intended to protect all students (by mitigating the risks of harm to students who may be disadvantaged by poor quality courses), in which there remains significant student and taxpayer interest. Furthermore, we have set out in our response to the regulating student outcomes consultation our approach for considering the impact of the pandemic on individual providers as relevant contextual information for assessing compliance with condition B3.

Better ways to achieve our regulatory objectives

50. A number of respondents commented that our proposals would create a very large volume of indicators and split indicators, which would put human and financial resource pressures on providers by creating a new requirement to analyse their performance in relation to these indicators and split indicators. These respondents suggested that additional resources would be needed both to allow sufficient time to analyse the data, but also to train staff who will undertake this analysis, which they considered is more complex than for previous indicator sets (for example, indicators published by HESA). In addition, a few respondents suggested that the volume and complexity of indicators and split indicators would not allow providers and the OfS to focus on priority areas and hence achieve our regulatory objectives. In addition, respondents argued that the volume and complexity of data would not be informative for

¹¹ See www.hesa.ac.uk/insight/16-06-2022/impact-covid-19-graduate-outcomes.

¹² See www.officeforstudents.org.uk/publications/review-of-selection-and-grouping-of-benchmarking-factors/.

students. Several respondents suggested that our objectives could be better achieved by constructing a smaller set of data indicators more tailored to priority areas.

51. Respondents suggested that technical documentation provided by the OfS was often focused on more expert readers and was too technical for lay readers to easily understand the definitions and limitations of the data. Respondents suggested that further and more accessible guidance, interactive videos and workshops could be developed, both to support providers in understanding and replicating our datasets and statistical calculations, and to assist non-expert users in navigating and interpreting the data dashboards and its statistical features (including statistical uncertainty distributions, response rates and suppression approaches for small populations). They also asked whether information on the data definitions could be embedded into the data resources to explain the data, and requested that changes to underlying algorithms and methodologies be communicated to stakeholders each year.
52. There was support for specific proposals included in the regulating student outcomes consultation about considering individual providers' context when assessing compliance with condition B3.¹³ However, respondents to the data indicators consultation sought further information about whether and how this would be communicated alongside the data dashboards the OfS proposed to publish for each provider. Several respondents commented that publication of a provider's student outcome and experience indicators data may be damaging for its reputation if those outcomes were below the minimum numerical thresholds established for regulation of student outcomes, and it was not also evident that there was context which the OfS would take (or had already taken) into account when forming a judgement on whether the provider complied with condition B3.

Our response

53. We recognise that we proposed to construct and publish a significant number of indicators and split indicators to show student outcomes at both sector and provider levels. The alternative to this approach would be to rely on a much smaller number of indicators to inform our regulation of quality and access and participation. However, this would mean that we are unable to identify and act where pockets of higher education are below our minimum expectations and therefore mean we would not deliver our policy intention to protect the interests of students wherever, whenever and however they study. It would also mean that we would not be able to present information about differently structured higher education and differences between student and course characteristics. Presenting information about indicators and split indicators was widely supported in responses to this and the phase one consultation. Given the diversity of the sector, we do not consider that it is appropriate to reduce the number of indicators or split indicators we construct for these and our wider regulatory purposes.
54. We recognise that the data needs careful explanation to users. However, while the volume of information is large, it presents an aggregate picture of the individual-level student data that registered providers must collect and submit to the designated data body each year. It is a requirement of OfS registration that providers have the resources needed to meet our regulatory requirements, including the submission of, and engagement with, accurate data returns. However, we recognise that providers may also welcome further support in understanding the indicators that the OfS constructs for use in regulation, and how underlying

¹³ See the proposal 5 section of the regulating student outcomes consultation response.

data definitions may change over time. We are committed to providing appropriate guidance and support materials to providers, and all other users of our statistics, to ensure the transparency of our data approaches. We also intend to provide training and user guides as ongoing measures to reduce the potential impact of understanding and engaging with our approach, particularly on providers that may have more limited access to resources. We also recognise that any data we may decide to publish will be of interest to a range of audiences, so we would aim to make these resources understandable to as wide a range of users as possible.

55. Nor do we think points about the volume of data override public interest in transparency about a provider's performance, or the interests of all providers to understand how student outcomes are regulated by the OfS. We are minded to publish data about student outcomes because we consider that publication of this data would provide confidence in the regulatory system, could help to inform students' decisions about what and where to study, and would act as an incentive for providers to understand and improve their performance if necessary. In the interests of transparency, we therefore do not consider that the alternative approach of using and publishing a smaller number of indicators would be appropriate as it would present a partial picture of performance.
56. We note comments that the number of indicators and split indicators will not allow us to focus on priority areas. We disagree as we will set out a clear approach to prioritisation to our regulation of student outcomes, both in general and for specific years, and to the priority groups for consideration in the development of access and participation plans. Our view is that our regulatory approaches in both areas will enable us to focus on areas of greatest risk.
57. However, we have listened carefully to the comments made by respondents and are minded to make changes to the presentation of our data dashboards to allow users to engage with the indicators and split indicators in different 'layers'. We propose to do this by introducing a dashboard that focuses in the first instance on aggregate (rather than split) indicators. We are also minded to introduce ways for users to filter the dashboards so they can easily identify indicators and split indicators that are below our minimum numerical thresholds. In addition, we would seek to improve the guidance and support materials we publish to aid user understanding of the definitions and construction of our indicators and split indicators. To help with accurate interpretation of the data, we are also minded to provide information to help users understand any regulatory action we have taken. We are therefore minded to publish details of the assessments we undertake after we have made final decisions, and may provide links to these assessments directly from any data dashboards that we decide to publish.

Definition and measures of successful outcomes, and unintended consequences

58. Our consultation set out our proposed definition of:
 - a. Three outcome measures that captured students' continuation, completion and progression into positive outcomes (including managerial and professional employment, further study and several other outcomes such as travelling and caring), which would inform our regulation of quality and access and participation and also inform TEF assessments.
 - b. A degree outcomes measure that considered the proportion of students awarded a first or upper second classification of a first degree, and an access measure that reports on the

profile of entrants to higher education, both of which would inform our regulation of access and participation.

- c. Student experience measures constructed from the NSS data that report the level of agreement to the range of statements that comprise each area, or scale, of the survey, as indicated among final year undergraduates and used to inform TEF assessments.

59. Respondents suggested that the definitions for positive student outcomes proposed within the January 2022 consultations excluded the wider societal benefits of higher education, such as increased confidence for students, learning gained, broader cultural capital, orderly conduct, independence, lower offending rates, less need of welfare support, and better health outcomes. Respondents to the consultations offered limited suggestions for any methods which might be used to measure these outcomes. Those suggestions that were made included introducing new (but unspecified) measures for learning gain or additional qualitative surveys of students' views during their study.
60. Other respondents commented that a student could achieve outcomes that they consider to be positive in the context of their own interests and motivations, without this being recognised by our proposals.

Our response

61. Our consultation on regulating student outcomes set out how the proposed condition B3 would require a provider to deliver positive outcomes for students on its higher education courses. Similarly, our consultation on the TEF set out how assessments through that scheme would incentivise providers to pursue excellence in their chosen way. We note, in our responses to the regulating student outcomes consultation, respondents' views that our definition of positive outcomes is too narrow.
62. Our view remains that it is important that the minimum requirements we place on providers are clearly expressed in a condition of registration, and that our wider range of regulatory functions benefit from the application of consistent data definitions. We consider that this alignment is particularly important with respect to our regulation of access and participation which we intend to be mutually reinforcing with our regulation of quality. In order to do this, we needed to set out how we would measure the proportion of students achieving a positive outcome for the purposes of our regulation. We want to be clear that our use of this definition, in this context, does not mean that we consider that other measures of positive outcomes for individuals or cohorts of students are without merit.
63. However, we maintain our view that it is appropriate to adopt a consistent definition of positive outcomes for all providers. We consider the proposed indicators are well-understood student outcome measures that are replicable across all registered providers without introducing additional data burdens on the sector.
64. We consider that the proposed student outcome and experience measures are well understood and replicable across providers without introducing additional data burdens on the sector. We considered whether it would be appropriate to supplement these by including further outcome measures that would provide information on the other, wider benefits that some respondents suggested, for example measuring learning gain, ongoing surveys of student views, or progress while studying, or in relation to module-based study. In addition, we

have had regard to respondents' comments about the complexity and volume of data, and increased regulatory burden. Our view is that there are not reasonable measures currently in place to measure these wider outcomes that could be used for all providers. To measure these wider benefits, we would therefore need to introduce further data collections or surveys of students' views, including before relevant government policy on the Lifelong Loan Entitlement is fully formed. Our view is that if we sought to introduce these further outcome measures, this would add to complexity and create substantial additional regulatory burden.

65. We note that parts of the higher education sector are developing different frameworks for measuring wider outcomes for students, such as the Universities UK quality assurance framework. These frameworks and other data developments in the sector may provide a route to develop broader definitions of 'positive outcomes' that are replicable across all registered providers. We will remain open-minded about whether it may be appropriate to consider such measures for inclusion in our minimum regulatory requirements in the future. If we choose to develop or adopt other measures of positive outcomes in the future, we would expect to discuss these with the sector during development and we would expect to conduct a formal consultation prior to implementation where appropriate.

Access to data

66. Several respondents commented on the regulatory burden of our approach being increased as a result of challenges related to providers' access to data. While the dissemination of individualised data to providers was recognised as being helpful for checking and further analysis of the data, respondents commented that this was limited in several regards. Examples included providers delivering courses through subcontractual and validation partnerships having limited access to data reported by the lead provider (which was responsible for registering the students). Some respondents commented on the OfS's position to include only registered students in the individualised student data files released to providers alongside the indicators, rather than taught or validated students, on account of data protection reasons. They considered that it was contradictory to the OfS's expectations that teaching and validating providers bear responsibility for the outcomes and experiences of those students.
67. Similarly, smaller providers reported that they found the supporting data less useful because their small student populations meant a high volume of suppressed data points, especially when considering split indicators. In other cases, respondents commented that the years covered by the data did not yet include those which were likely to demonstrate the impact of the coronavirus pandemic, meaning that its effect on the proposals could not be established. In each case, respondents noted that limitations of access to data also inhibited their ability to engage with issues of data quality and correctness. Further comments on this issue were also made in response to proposal 2.
68. Further challenges were also suggested in relation to the OfS's use of certain data classifications (such as the Associations Between Characteristics of Students (ABCS) analyses and information about students' free school meals eligibility). Some respondents commented that they had insufficient access to information about how their students were categorised by these classifications for them to represent meaningful groupings on which student outcomes performance should be judged. This was often because of the complexity and newness of the classifications, or because of data protection sensitivities, where respondents cited a need for information at a student's point of application or entry to higher

education, rather than provided retrospectively through individualised student data files supplied by the OfS.

Our response

69. We recognised the importance of data to individual providers in order to support their response to our proposals. We therefore prepared and released a range of data outputs – including individualised student data files – so they could understand the direct effect of the proposals for them and our application of the proposed methods and definitions to their own students.
70. We also directed readers to a range of relevant resources published on the OfS website, including toolkits which provide lookups of ABCS and geography of employment quintile membership. Most of the information that these lookups rely on is information that a provider will normally hold about its students, regardless of which stage of the student lifecycle they are at in higher education, and can therefore be used by providers at any time and for any purpose.
71. Our view is that these resources collectively contained sufficient information to support a comprehensive understanding of how individual students registered at a provider were each contributing to the different indicators and split indicators we proposed.
72. We made available the provider metrics helpdesk for an individual provider to query the specifics of its datasets and to help support the identification of any data error within either OfS methodologies or providers' data submissions. None of the former were identified, and it is important to note that the indicators data we shared has been derived from data submissions that have been signed off as accurate by each provider's accountable officer. We also publish details of our data amendments process on our website to support the correction of a provider's data submissions.¹⁴
73. We recognise that less information was available to providers in respect of the students for whom they act only in either a teaching or validating capacity, and that this limits their ability to explore our application of the proposed methods to all of the students they engage with. However, it is imperative that we comply with data protection legislation including the General Data Protection Regulation (GDPR).
74. The proposals set out in the consultation were designed to always prioritise the privacy of individual students, and compliance with data protection legislation, and in taking decisions about the consultation outcomes we have further considered the impact of our decisions on the privacy of data subjects. This includes the adoption of data rounding and suppression strategies which minimise the risks of any data we decide to publish disclosing the student outcomes of individual students. It also includes any individualised student-level data we decide to share with providers.
75. We consider it is reasonable to expect that effective partnership arrangements between providers encompass appropriate data sharing across those partners and that the OfS need not be relied upon as the sole source of intelligence about student outcomes delivered through individual partnerships. It is a requirement of OfS registration that providers have the resources needed to meet our regulatory requirements, including the submission of, and

¹⁴ See www.officeforstudents.org.uk/data-and-analysis/amendments-to-data/.

engagement with, accurate data returns. Nonetheless, we aim to provide as much transparency as possible to support providers to understand how student outcomes are regulated by the OfS, so we will review whether there is summary information about numbers of students by provider and course that can be shared with a provider to confirm which other providers' student data contributes to the construction of its indicators.

76. We note that facilitating access to sensitive data items, such as a student's free school meals status, especially at the point of application or entry to higher education is not within the OfS's gift. Such data items rely on data collected by partner organisations such as the Department for Education and UCAS, and the OfS must act within parameters prescribed by those organisations in data sharing agreements for onward sharing of data. We will continue to work with partner organisations to identify barriers to further and earlier data sharing, and whether these can be mitigated. For example, we are aware that UCAS, with the Department for Education's permission, has recently made information on the free school meals status of applicants available to higher education providers at a more detailed level than ever before.

Potential impact on equality of opportunity

77. Finally, a few respondents commented that the proposed approaches to constructing and reporting student outcome and experience measures could serve to reinforce existing inequalities among students. They suggested that this may follow from providers subject to regulatory scrutiny through condition B3 favouring the recruitment and outcomes of already advantaged students, with whom they would need to do less work to comply with condition B3 because disadvantaged students and those from underrepresented groups have been historically more likely to have poor student outcomes.¹⁵
78. A few respondents asked whether the OfS had conducted, or should conduct, an equality impact assessment to assess whether the definitions we proposed were affected by biases that do not support the diversity of the sector and student population.

Our response

79. The OfS strategy, published in March 2022, states that our two areas of focus for 2022 to 2025 are quality and standards and equality of opportunity. They are closely connected and mutually reinforcing: improving equality of opportunity without ensuring quality and standards will not lead to positive student outcomes and, likewise, ensuring quality and standards without improving equality of opportunity means that students who could benefit will not.

¹⁵ We use the term 'students from underrepresented groups' throughout this document. It includes all groups of potential or current students for whom the OfS can identify gaps in equality of opportunity in different parts of the student lifecycle. In determining the groups falling within this definition, the OfS has given due regard to students who share particular characteristics that are protected under the Equality Act 2010 as well as students who are otherwise underrepresented or disadvantaged. When referring to underrepresented groups, the OfS considers this to include, among others, students from deprived areas, areas of lower higher education participation, or both; some black, Asian and minority ethnic students; mature students; and disabled students (whether or not they are in receipt of Disabled Students' Allowance). There are some student groups with protected characteristics under the Equality Act 2010 for whom the OfS has been unable to determine whether they are underrepresented at different points of the student lifecycle, because data is either collected at a national level, but with gaps in disclosure and absence of comprehensive data (for example in relation to religion or belief, sexual orientation and gender reassignment), or not collected at a national level (for example in relation to marriage and civil partnership, and pregnancy and maternity).

80. Our view is that meaningfully extending equality of opportunity means providing all students, irrespective of their characteristics, with the opportunity to benefit from their higher education. Consequently, in developing our proposals for regulating student outcomes we have sought an approach that will incentivise providers to support all students, regardless of their background, to achieve positive outcomes. Our proposals for constructing student outcome and experience measures have been informed by this intention and we described in Annex I of the consultation the ways in which we had regard to equality of opportunity considerations and the public sector equality duty in reaching those proposals. Similarly, and as described in the 'Matters to which we have had regard' section of this document, we have also had regard to equality of opportunity considerations and the public sector equality duty in establishing the consultation outcomes.
81. We therefore take very seriously respondents' concerns that registered providers may take steps to reduce access for students from underrepresented groups because they are prioritising selection of students who will most likely achieve positive outcomes, or that providers may lower their academic standards. We consider that our wider regulation, including our regulatory requirements for access and participation will mitigate these risks. In addition, we will also be taking steps to increase our general monitoring activity to allow us to identify instances where this may be the case.
82. We consider that reporting the range of indicators and split indicators we have proposed supports our policy intent to secure equality of opportunity between students from underrepresented groups and other students, before, during and beyond their time in higher education. This is because separately reporting information about the outcomes and experiences of these students will enable us to focus our regulatory attention on groups of students within providers that risk being left behind, even when the provider itself is generally delivering positive outcomes. It also provides information that can be used – now and over the longer term – to understand and monitor the impacts of our approaches on the diversity of the sector and student population.

Proposal 1: Common approaches to the construction of student outcome and experience measures

83. Proposal 1 set out a common approach to the construction of student outcome and experience measures that would inform assessment of condition B3 and the TEF, as well as those included in future iterations of the OfS access and participation data dashboard, key performance measures (KPMs) and other sector-level analyses. We proposed that the OfS would construct centrally derived measures on the same basis for all providers, making use of the existing student datasets collected by the designated data body and the Education and Skills Funding Agency (ESFA), and including linked data from other sources as appropriate. It also set out our proposal that each of the student outcome and experience measures would be constructed in binary terms, showing the proportion of students achieving an outcome that is considered positive, and that this approach would be applied consistently to the data that supports our regulation of student outcomes and access and participation, and in the TEF.
84. We explained that as the student outcome measures would apply to all providers, some of our proposed definitions offered benefit of the doubt when considering what should count as 'positive' outcomes. Where it was not clear whether a particular outcome should be viewed as positive (because either interpretation of the outcome was debatable, or existing data does not provide sufficient granularity of information), we proposed to interpret it as either positive or neutral for the purposes of constructing student outcome measures, rather than treating it negatively – meaning that those students with a neutral outcome would not contribute to the calculation of the indicator.
85. The proposal also outlined that we would publish the indicators and split indicators on an annual basis, and that we would do this separately for the indicators informing the TEF, and the assessment of condition B3, and in the access and participation data dashboard. These publications would take the form of interactive dashboards, Excel workbooks, and data files available in portable formats. We also proposed to adopt the same definitions for the separate outputs for condition B3 and the TEF, and consistent presentations and statistical methods throughout.
86. We set out our intentions to release individualised student data files to the individual provider that returned the student data.
87. In addition, we set out our view that we would not run a dedicated annual process within which providers are invited to make representations about whether we publish their condition B3 and TEF data for that year. We also highlighted how we would support providers during the data submission process to identify material errors in their data through online resources, such as the data checking tool.

Responses relating to proposal 1

Construction of centrally derived measures, using existing data collections

88. Most of the respondents who commented on the use of existing data collections as the basis for constructing student outcome and experience measures were supportive, stating that the

proposed approach is transparent and minimises burden on the sector. However, some respondents commented about the use of existing data collections, including that:

- a. A perceived lack of up-to-date data (because data returns are lagged) in some situations could make the proposed indicators less timely or representative, such as a lack of data on subcontractual and validation arrangements due to changes in reporting guidance.
- b. The structure and granularity of existing data collections limit their use in constructing measures for modular provision. Respondents suggested that the OfS should work with providers to seek solutions to this issue.
- c. There are differences in data definitions or data availability between England, Scotland, Wales and Northern Ireland, such as fee liability and the definition of successful outcomes. They also cited difficulties with data linking for part-time adult learners in the different nations of the UK and the potential impact on free school meals (FSM) eligibility, Index of Multiple Deprivations (IMD) quintiles, participation of local areas (POLAR) quintiles, tracking underrepresentation by area (TUNDRA) quintiles, and previous educational qualifications.

89. Many respondents called for greater alignment between datasets from different sources. Some respondents recommended the OfS should work with the ESFA to improve alignment of definitions and methodologies between the Individual Learner Record (ILR) and HESA, considering that existing differences place a significant burden on providers that submit data to both data collections. They suggested that this burden may increase as future policies such as the LLE come into effect.

90. Some respondents suggested there were inconsistencies between the definitions within our proposals and existing measures, such as HESA's UK performance indicators and the OfS 'Projected completion and employment from entrant data (Proceed)' data, noting the extra burden of understanding that this could cause for providers. One respondent commented that divergence from UK-wide indicators such as the performance indicators would fragment the data produced for, and used by, the devolved administrations; another thought that this would make it harder for audiences such as international students to use the data. Changes to the OfS KPMs and future sector-level analyses to align with the proposed indicators was also cited as having the potential to create burden for the sector as this would be another place where indicators have changed.

91. In responses to this proposal, some respondents expressed views in relation to the use of the existing Graduate Outcomes survey data for constructing measures of progression. These responses, and the OfS response, have been included in discussion of responses to proposal 7.

Construction of binary measures for student outcomes

92. Many respondents supported the proposed approach that student outcome and experience measures be constructed in binary form to show the proportion of students achieving a positive outcome. Respondents who were supportive gave reasons including:

- a. The approach is simple for users to understand and some respondents commented that the alternatives would be overly complex.

- b. Use of binary measures reduces the volume of data points and the burden on providers to understand the data.
 - c. The presentation of statistical uncertainty helps to mitigate concerns of users misinterpreting binary measures.
 - d. Binary measures are already an accepted form of performance measurement across the sector.
93. Some respondents thought that a consistent approach to defining a positive outcome would not work across a diverse sector where students from different backgrounds or studying certain courses may interpret success differently. Some respondents took the view that the approach could disadvantage specialist providers or providers with large numbers of students from underrepresented groups – in particular, where a student’s motivation for studying, and for pursuing certain outcomes from higher education, may be different and may result in a higher likelihood that student outcomes fall below our minimum expectations. They also thought that being measured against a particular outcome means that some providers might avoid recruitment of certain students or offering certain courses, and so the approach could potentially affect providers’ ability to offer students diverse provision. Others commented that negative outcomes may not always be considered negative when viewed in context and that binary measures lack the appropriate nuance to communicate this. Some respondents thought that this could be mitigated in improvements to accompanying guidance and to the presentation of the data.
94. A small number of respondents, often a single respondent, made specific comments, including that:
- a. Binary outcomes could lead to unintended consequences, such as gaming of data or the lowering of standards to maximise the appearance of the outcomes.
 - b. The language of ‘positive’, ‘negative’ and ‘neutral’ might not align with the views of students whose outcomes are being measured.
 - c. It was unclear whether the OfS would change a reported indicator in cases where the outcomes of particular students do not satisfy the OfS’s definition of a positive outcome but are demonstrated to constitute a positive outcome through evidence given as part of assessments of condition B3 or the TEF.
95. Many respondents commented that the definition of a positive outcome may be subject to change over time and asked whether the definitions of positive outcomes will be reviewed over time. Respondents gave examples of expected changes in the higher education policy landscape, such as the LLE, and of when underlying data definitions change which could affect the appropriateness of some outcomes being classified as positive.
96. Some respondents welcomed proposals for some of our proposed outcome measure definitions to offer benefit of the doubt when considering what should count as a ‘positive’ outcome. Many respondents were also supportive of the proposal to treat some student outcomes as neutral, with those students not contributing to the calculation of the indicator. However, some respondents commented that this approach could be confusing for stakeholders because the indicator will not be representative of all students, as students who

are categorised with a neutral outcome are removed from the calculation of the indicator. Some respondents also thought that the approach to treating 'Neither agree nor disagree' responses from the NSS as negative was inconsistent to other outcomes being considered neutral and to the spirit of benefit of the doubt.

97. In responding to this question, many respondents also made specific comments about what is determined as either a positive, negative, or neutral outcome across measures. These responses are grouped and set out within this document in the following way:
- a. Responses related to continuation and completion measures have been included in the analysis of responses to proposals 5 and 6 respectively. In responding to this question respondents focused on the treatment of students who transfer to other providers.
 - b. Responses related to progression measures have been included in the analysis of responses to proposal 7. Many respondents provided views about the approach to constructing a binary outcome and the proposed definition of a positive outcome for the progression measure from responses to the Graduate Outcomes survey.
 - c. Responses related to student experience measures have been included in the analysis of responses to proposal 8. In responding to this question respondents focused on the treatment of the 'Neither agree nor disagree' responses from the NSS.

Publication of student outcome and experience measures

98. Many respondents were supportive of the publication formats outlined within the proposal, stating that consistently defined and presented resources are beneficial and that having multiple formats available is a useful and accessible approach that gives different options for users to interrogate the data and meets the needs of a range of users. Some also thought that the proposed approach would help to reduce the burden on providers and other stakeholders, with one respondent suggesting that it would ensure that there is no additional burden on smaller providers interpreting the data. Respondents welcomed the use of interactive dashboards, which facilitate greater interactivity with the data, and Excel workbooks and data files, which allow the data to be easily transferred and facilitate additional analysis by users.
99. Some suggested changes to the presentation of the dashboards themselves and its accompanying guidance: these suggestions are covered in proposal 11.
100. Some respondents made specific comments about the release of individualised student data files to providers. Most suggested that it was important for providers to have access to the student-level data that underpins their indicators as they enable providers to reconstruct and monitor indicators consistently with the OfS's approach. Some respondents thought it would be beneficial for providers to have access to student-level data for students who they teach but do not register, or those for whom they are the validating body, to rebuild and verify the data indicators for such students. Some respondents also asked:
- a. Why providers do not have access to individualised NSS data or individualised data derived from the National Pupil Database, such as free school meal (FSM) eligibility, to be able to rebuild and cross-check measures that use this data.
 - b. Who providers can share their individualised data with; student unions were given as an example as they are involved in TEF submissions.

- c. Whether the indicators and split indicators could be available to providers annually in a completely unsuppressed format, to aid them in monitoring their students' outcomes and experiences over time and reproducing the published data.

101. Many respondents were supportive of the proposal to publish the indicators and split indicators for TEF and the regulation of condition B3 on an annual basis and welcomed the transparency of the approach. They also considered that it was important for providers to have access to their most recent information each year, so that they can verify their data and monitor progress for condition B3 and TEF review periods without using internal resources.
102. Some respondents were not supportive of the proposal to publish separate dashboards for TEF, condition B3 and access and participation, with one respondent explaining that they were not convinced of the need for separate publications because TEF and condition B3 do not appear sufficiently different. Others suggested that it could be confusing having three separate dashboards with different indicators and underlying populations. Many respondents commented on the volume and complexity of the data within the proposed condition B3 and TEF dashboards and data resources; some thought that publishing such data on an annual basis would create regulatory burden, while others suggested that the complexity and volume of published data may limit its value for wider stakeholders outside of higher education providers, including prospective students and other non-expert users, and that the data could be misinterpreted by these wider public audiences. For this reason, respondents suggested it was important that there was clear and appropriate guidance, training and resources to support the annual publication of the indicators and split indicators, and to help wider audiences to navigate and interpret the data, which some respondents thought should be tested with students and other stakeholders. Other comments on these themes are captured in proposals 2 and 11.
103. Many respondents suggested that the published data should not be presented in isolation and without sufficient contextual information as this could make the data misleading or difficult to interpret, particularly for prospective students and other non-expert users, and could lead users to making overly simplistic or unfair comparisons between providers. Some respondents suggested it should be made clear that the data should be considered within the wider context of the provider, while others suggested that qualitative contextual information should be presented directly alongside the indicators and split indicators. There were some suggestions that if contextual information were published this should include a narrative response to the data from a provider, although it was noted that it would be burdensome for providers to have to explain their data in this way on an annual basis. Some also suggested the inclusion of information about the OfS's regulatory decisions and TEF assessment outcomes, which they thought would help explain how providers have met OfS expectations and improve transparency about OfS decision making.
104. Several respondents suggested that annual publication of the student outcome and experience measures may mean they are updated more frequently than the contextual information that providers might want to produce as a narrative to the data and any regulatory decisions made by the OfS. This was of particular concern where outcomes below a numerical threshold had previously been explained by a provider to the satisfaction of the OfS, but data is then republished without an update to the contextual information. One respondent suggested that the indicators and split indicators should be redacted where performance in the indicator value is below a numerical threshold but the OfS has made an

assessment that context means the outcomes are nevertheless positive. Several others suggested that the OfS should delay publication of the data until assessments of condition B3 or the TEF have been made for a provider.

105. Some respondents made further points about the timing of the annual publication of the student outcome and experience measures. Some considered that publishing resources together annually – rather than separate datasets throughout the year – should reduce burden on providers. However, others argued that the coincident release of data to support TEF, condition B3 assessments and access and participation – in addition to submitting student data returns and implementing HESA Data Futures – would not allow time for providers to engage fully with the data and address any errors. This was raised as a particular concern for the first proposed publication in autumn 2022, as well as for smaller providers in general that may have more limited resources to engage with the data. Some respondents also asked whether the timing of publication would change following HESA Data Futures, with one respondent suggesting that measures based on Data Futures data should not be published until the new model is bedded-in and the data quality is sufficient.
106. A few respondents suggested that the OfS should provide a mechanism for providers to submit annual representations on the publication of their data, or that the data should only be published when a provider agrees that the data is accurate. One suggested that to maximise the accuracy of the data, the OfS should provide the data dashboards to providers prior to publication and offer a reasonable time period for them to identify and address any errors. A few respondents were supportive of the availability of data checking tools when data submissions are made to ensure that providers submit and sign off accurate data to HESA and the ESFA, but others asked for further information about the process for correcting historical data via data amendments and how this would align with annual publication of the student outcome and experience measures.

OfS response

Construction of centrally derived measures, using existing data collections

107. We welcome the support shown in responses to the use of existing data sources including confirmation that this does not increase burden on providers. We recognise that currently the main student data collections are lagged and, as we set out in our response to the consultation on Data Futures and data burden, we intend to reduce this lag by moving to in-year data collection from 2024-25. We note that the ability to generate more timely indicators was one of the reasons for the move to in-year data collection.
108. We agree with respondents that as the LLE is implemented, it has the potential to affect the detailed specification of our data approaches, including the names, values and reporting practices for individual data items captured in student data returns and used in the construction of our proposed student outcome and experience measures. It may also affect the coverage and interpretation of different data collections, including to construct measures for module-based provision. We signalled in the consultation the ways in which we expected to do this, including by consulting on any changes that are required as a result of the implementation of LLE. We also note that the comments from respondents here have informed our discussion of the Longevity of our proposals as one of the overarching themes from the analysis of responses, and we have responded to them there. Wherever possible, we identified in the consultation document the possibility and nature of any changes to our

data definitions that might follow as the LLE policy is implemented, and highlighted our expectation that these would, in some cases, require further consultation. However, we take the view that our consultation proposals deal with the principles of our approach to constructing student outcome and experience measures, and that they describe approaches which have been developed with awareness of, and reference to, both the historical data landscape for higher education, and what we know of its future. We consider that these principles and rationales provide a framework within which it will be possible to accommodate evolutions of student data collections and survey instruments as they occur.

109. We understand the points made by respondents about the differences between the four UK nations in terms of data definitions and availability. Where possible our indicators have adopted definitions that can be consistently applied across all nations. However, we take the view that as the primary purpose of these indicators is to support regulation in England, our regulatory interests must take precedence. Currently our indicators can be defined consistently across the nations and differences are restricted to the implementation of benchmarking where the demographic variables, such as free school meals, are either not available in all nations or are defined differently.
110. In relation to requests for greater alignment between datasets from different sources, we recognise that the HESA data collections and the ILR differ and that these differences generate some burden. However, we remain of the view that the overall burden on further education colleges and academies is reduced by us using data collected through the ILR. This view was supported in our recent consultation on Data Futures and data burden. We will continue to work with the ESFA to ensure that the data collected on the records is sufficiently aligned while working with the reporting structures of the ILR.
111. We recognise the overlap between our proposed indicators and the indicators previously included in the HESA UK performance indicators; it is for this reason that HESA ceased production of this data. As set out in paragraph 181 of the consultation we intend to align our measures, including Proceed, to the definitions settled on through this consultation process. We consider that standardising our measures in this way will reduce burden on providers and users of our data.

Construction of binary measures for student outcomes

112. We welcome respondents' support for the use of binary measures as a simple way to present the indicators. We have considered comments that suggested that the approach to using binary indicators may disadvantage small and specialist providers, or providers with large numbers of students from underrepresented groups on account of students' motivations and behaviours not aligning with our binary definitions of positive student outcomes.
113. Our approach to statistical uncertainty is designed to ensure that the judgements we make are robust and that we account for variation that can be attributed to small cohort sizes. The use of binary indicators makes the communication of statistical uncertainty easier. We therefore do not agree that the approach of using binary indicators disadvantages small providers. We have considered whether the use of binary indicators could systematically disadvantage specialist providers, or those with large numbers of students from underrepresented groups. We have taken the concerns here to be that binary indicators may reduce the context that could be evident from the use of a scale of student outcomes, in

which students' propensity to pursue particular outcomes from particular courses could potentially be deduced. Our view remains that the binary measures we proposed are appropriate for use across all providers, regardless of their student intakes. We consider that the approach that we have adopted throughout to giving the benefit of the doubt should mitigate the concerns raised by respondents because of the very wide range of outcomes that are counted as positive. We will also consider context in reaching our regulatory judgements and note that our approach to setting numerical thresholds for student outcomes removes the possibility that a numerical threshold would be set at such a level as to require all students to achieve positive outcomes. In order to support individual providers in understanding a wider range of outcomes, we will endeavour to include these within the individualised files that we give to providers.

114. In relation to comments that outcomes may not be viewed as negative if context is taken into account, we have been clear in our response to the consultation on a new approach to regulating student outcomes that performance relative to a numerical threshold is one aspect of assessing compliance and that we will take context into account before reaching any judgements.¹⁶
115. We recognise that our approach may not capture the full range of outcomes that students consider as positive. We consider that the approach that we have adopted throughout to giving the benefit of the doubt should mitigate the points made by respondents about this; although the outcomes are defined in binary terms, we have chosen to categorise a wide range of outcomes as either positive or neutral. We do however recognise that for individual providers there is often value in understanding outcomes at a more disaggregated level. Therefore, we will endeavour to include a wider range of outcomes within the individualised files that we give to providers. We recognise the points made by some respondents that in treating some students' outcomes as neutral the indicators do not cover the outcomes of all students. We could address this by explicitly reporting on neutral outcomes, but we take the view that this would increase the volume and complexity of data and would not significantly improve interpretation. **We therefore have decided to retain binary indicators.**
116. We have considered whether the use of binary measures could lead to unintended consequences, such as gaming of data or the lowering of standards to maximise the appearance of the outcomes. Similar points were made in response to the regulating student outcomes consultation and in our response we set out that we consider the English higher education sector is generally high performing, and many providers already support their students to achieve outcomes that are among the best in the world.¹⁷ Our approach is designed to ensure that our regulation maintains and strengthens the sector and its international reputation, and that all providers meet our minimum expectations for student outcomes. Our regulatory approach will focus on the worst performance in the sector and it deliberately seeks to reduce regulatory burden on most providers in the sector. We do not agree that this regulatory approach would lead to any meaningful number of providers choosing to game their data rather than improving student outcomes in response to the OfS's minimum expectations.

¹⁶ See responses to proposal 5 of the regulating student outcomes consultation response.

¹⁷ See our response to the 'Definition and measures of successful outcomes and unintended consequences' section of the regulating student outcomes consultation response.

117. Further, our approach to regulating student outcomes is complemented by our recently revised approach to regulating other aspects of quality and standards.¹⁸ Taken together, these conditions of registration are designed to ensure a minimum level of protection for all students and taxpayers. Our regulation of access and participation plans (APPs) requires applicable providers to set targets to improve equality of opportunity. Our requirements for quality include that awards must be credible (condition B4) and that the standards of courses must appropriately reflect sector-recognised standards (condition B5). Therefore, providers seeking to improve their performance in relation to student outcome measures will need to do so in a way that also ensures compliance with the OfS's regulatory requirements in respect of quality, standards and equality of opportunity. We therefore consider that the interaction of our regulatory requirements means that providers will not act to game the system in the way described by some respondents.
118. In relation to whether we should change a reported indicator following an assessment that there are contextual factors that explain that performance, the evidence that we will consider in reaching our judgement about a provider will be varied and may not change our view about the provider's absolute performance. We are minded to publish consistent data about student outcomes because we consider that this would provide confidence in the regulatory system, could help to inform students' decisions about what and where to study, and could act as an incentive for providers to understand and improve their performance if necessary. As such, we consider that changing the indicators for individual providers would be misleading, and risks increasing the complexity of our approach and the burden of understanding data indicators that we decide to publish, especially for some user groups. We are therefore minded not to update the indicators we may publish to reflect the outcomes of any investigations. For example, we would not be minded to change the value of the progression indicator where we concluded that in the context of a particular provider an outcome that is normally treated as negative should be positive. We do however recognise that we should be as clear as possible about the interactions between a provider's performance in relation to a numerical threshold and any judgement we make about compliance; we will endeavour to make this distinction clear in our presentation of the indicators and our regulatory judgements in any published information.

Publication of student outcome and experience measures

119. While we have not made any final decisions on publication of student outcome and experience measures and will not do so until the outcomes of the consultation on the publication of information about higher education providers are decided, we have considered comments on publication made in response to this consultation. As described at paragraph 15, we are currently minded to proceed with publication of the indicators and split indicators through the data dashboards we proposed to construct.
120. We welcome the broad support in the consultation responses for annual publication of the indicators. We consider that there is a significant public interest in transparency about provider performance and our judgements about this. We take the view that burden could ultimately be increased if the data that is needed to support robust regulatory assessments were not available to providers and other users in advance. We are minded to take the view

¹⁸ For more about our revised approach to regulating quality and standards, see www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions-outcomes/.

that not publishing indicators annually could mean that OfS judgements and assessment processes were less transparent, and providers would be less able to anticipate the data findings most relevant to individual decisions in advance of a compliance investigation or other regulatory process.

121. We also consider that the routine publication of the indicators could support enhancement by providers because they will be able to identify courses above a relevant numerical threshold but with performance that is weak relative to other courses either in the provider or its competitors. We do not consider it appropriate to present a partial picture by publishing only some of the data on which we have based our judgements, and to do so would not be consistent with our responsibilities as an official statistics producer. Nor would we want to publish data that is irrelevant to a particular function. Publication would be consistent with the Regulators' Code as it could provide confidence in the regulatory system, could help to inform students' decisions about what and where to study, and acts as an incentive for providers to understand and improve their performance if necessary.
122. Providers that responded to the consultation noted the value of the supporting data including data in Excel and individualised data files so that they can track the impact of individual students on their indicators. While we have attempted to make the data files as usable as possible, we recognise that there may still be room for improvement in the presentation of the data and would welcome feedback following release to providers of updated data in the autumn.
123. A number of respondents made points about the use of partnership data where we have not shared full data with providers. We recognise the value that providers gain from having access to individualised data and wish to facilitate this wherever possible. In some cases, the indicators for a provider will draw on data that is returned by another provider and which it has not necessarily been able to quality assure prior to inclusion in its indicators. We recognise that if the data from a partner is erroneous this could expose a provider to unwarranted scrutiny. However, we remain of the view that we do not have a legal gateway to allow us to share individualised student data as part of partnership arrangements, because it is known that the data sharing arrangements between providers will vary. In recognition that in most cases providers will have data protection compliant routes to share data with their partners, we will investigate whether there are ways in which we can structure the data in order to facilitate this.
124. We understand that providers want as much underlying data as possible to enhance their understanding of our indicators. Our intention remains to share as much of the underlying data used to calculate the indicators as possible. However, we recognise that in some cases we may not have a legal gateway to share certain sensitive data at an individualised level. Where this is the case, we will always prioritise the privacy of individual students and compliance with data protection legislation.
125. We have noted the suggestions made by some respondents that ahead of any publication we should allow providers an opportunity to review the data we propose to publish and identify where errors in data supplied by providers may have affected the indicators and split indicators. We are of the view that data errors are best addressed during the data submission process and that retrospective correction of errors creates additional burden for providers and the OfS. For this reason, we will provide outputs during the data collection

process that are designed to support providers in identifying data errors that materially affect their indicators. We also agree with the Code of Practice for Statistics that the value of data is enhanced by its timeliness. However, we understand the potential impact that errors in the data may have on providers and users of the data; we are also aware that quality is one of the key pillars of the Code of Practice.

126. We recognise that there are arguments for and against giving providers a preview of their data before any publication and we will consider these matters further when we make final decisions in relation to our proposals for publication. However, as set out in our response to the student outcomes consultation, we currently take the view that there are already sufficient checks to ensure that the data a provider submits is accurate. A full response is set out in our response to the regulation of student outcomes consultation, and we note that this includes:¹⁹
- a. All of the data that will be used to construct the indicators will have been supplied by individual providers and signed off by providers as appropriate for use for regulatory purposes when it is supplied to HESA and the ESFA.
 - b. The OfS supplies a range of data checking tools for providers to use prior to their submission and sign-off of student-level data, which are intended to help them identify and address issues of data quality.
 - c. We have a well-established, ongoing data amendments process that enables individual providers to ask to correct errors in underlying student data that are identified as genuine, widespread, significant and have a moderate or substantial impact on the OfS or Research England uses of the data.²⁰
 - d. We have well-established data audit processes which allow us to identify material issues of poor data reporting practice and processes at individual providers, and to hold providers to account for their responsibilities in relation to compliance with registration conditions F3 and F4 (which are concerned with the provision of information to the OfS and to the designated data body, respectively).²¹
127. We consider that the above mechanisms are generally sufficient for the purposes of ensuring data accuracy, without the need to introduce an additional sign-off process for the indicators generated from this data. However, we consider that the inclusion of partnership data which may not have been visible to providers creates an additional challenge as providers may not have had access to this data during the submission process. We are therefore minded not to include the separate partnership population view within any condition B3 dashboards we decide to publish in the first year of operation of the new approach to regulating student outcomes. We will share this population view with providers more immediately, to give them

¹⁹ See our response to the 'Suggestions about when and how the data should be published' section of the regulating student outcomes consultation response.

²⁰ More information about the data amendment process can be found at www.officeforstudents.org.uk/data-and-analysis/amendments-to-data/data-amendments-process/.

²¹ For more information, see www.officeforstudents.org.uk/advice-and-guidance/regulation/registration-with-the-ofs-a-guide/conditions-of-registration/.

more time to consider any issues with the data and to liaise with their partners over data quality.

128. Respondents made points about the number and complexity of indicators throughout the consultation and suggested ways in which they could be reduced. Volume of data and regulatory burden were discussed and responded to within the overarching themes from the analysis of responses section above. We do not repeat that discussion here, but confirm that comments on the number and complexity of indicators have informed our decisions about our approach to constructing student outcome and experience measures and our views on matters relating to publication throughout.
129. We have considered the comments about our proposals to generate three separate dashboards for each of condition B3, TEF and access and participation. Our view is that a single dashboard covering all three views of the data would be more complex than three separate dashboards. We reach this view as producing tailored dashboards allows each one to be focused on the particular issues it is designed to deal with. We intend to review the presentation of each dashboard so that the data is layered – to enable a focus on the key data that best meets user needs. We also recognise that providers have to date invested significant time and effort in developing a familiarity with navigating and understanding the current presentation of the access and participation data dashboard, and will therefore preserve the functions and presentations that users rely on when using this resource. To aid user understanding we intend to provide clear guidance on each of the dashboards and how the dashboards relate to each other, including on where there are differences in coverage reflecting the different processes that they are designed to support. We are therefore minded to produce three dashboards annually. If we proceed with publication of the data dashboards, these would be:
- Student outcomes to support assessment of condition B3: including indicators on continuation, completion and progression. This dashboard will cover a range of views of a provider's student populations, as well as undergraduate and postgraduate students.
 - TEF: including indicators on continuation, completion and progression outcomes, and student experience drawn from the NSS. This dashboard will be restricted to the taught or registered view for undergraduate students only.
 - Access and participation: including indicators on access, continuation, completion, degree outcomes and progression. This dashboard will be restricted to the registered view for UK-domiciled undergraduate students only.
130. In addition to the dashboards, we would provide data in a form that makes it easy for providers and other users to re-use the data.
131. We have considered whether we should provide an opportunity for providers to add a commentary to their data to aid users in understanding their context and mitigate against what respondents saw as the potential for users to misinterpret the data. If we were to provide an opportunity to add provider-specific commentary to the data, this is likely to create an expectation that each provider will add commentary – which would create burden on all providers. If we included provider commentary alongside the data we would also need to ensure that any commentary was accurate – this would generate burden on the OfS and on

providers. We therefore need to balance the burden that inclusion of commentary would create against the increased understanding. As an official statistics producer, we are committed to providing appropriate guidance and support materials to ensure the transparency of our data approaches, so that users can understand the indicators and their context. We therefore conclude that the value to users of including additional provider commentary is likely to be limited and are minded not to routinely add provider specific notes or commentary to our data dashboards. However, we are minded to add commentary about any regulatory judgements we make following consideration of the data, including where we have taken context into account and concluded that a provider is not in breach of condition B3 despite having performance below a numerical threshold.

132. We have considered the comments about the burden of the release of data to support TEF, condition B3 assessments and access and participation at the same time, in addition to submitting student data returns and implementing HESA Data Futures. We do not accept that publishing data automatically creates burden for providers or that any burden is necessarily immediate. We are minded to take the view that the interests of students, providers and other stakeholders are best served by publishing data as soon as it is ready; this is consistent with the Code of Practice for Statistics. If we proceed with publication of the data dashboards, we would propose to release the dashboards in Autumn 2022.
133. In response to the question about whether the timing of any publication would change following HESA Data Futures, we would be likely to take the view that there is value in publishing the indicators as soon as they are ready. As in-year data becomes available in 2024-25 we would be able to publish continuation measures earlier. In developing the indicators, we have been conscious of the changes introduced by Data Futures. We expect to publish an indicative set of core algorithms documents which accommodate the new data model during 2023, on which we will invite feedback from data practitioners and any other interested parties.

Decision

134. We have considered the points made by respondents in relation to Proposal 1 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 1, subject to the following:
- a. For the reasons explained at paragraphs 14 to 16 above, we are not at this point taking final decisions on our proposal to publish student outcome and experience measures on an annual basis for the indicators informing the TEF, the assessment of condition B3, and regulation of access and participation. However, we are currently minded to proceed with this proposal, with some changes including:
 - i. We are minded not to publish the partnerships view of a provider's student population within our data dashboards in the first year of operation of the new approach to regulating student outcomes. Our reasoning for this is set out in our response to proposal 2.

- ii. We are minded to publish an extended time series in the access and participation basis up until the spring 2024. Our reasoning for this is set out in our response to proposal 2.
- iii. We are minded to publish additional information in our data dashboards providing information about the size and shape of provision at each provider. Our reasoning for this is set out in our response to proposal 3.
- iv. We are minded to review the presentation of the interactive dashboards for use in our regulation of student outcomes and access and participation, as well as that used in the TEF, so that the data is layered to enable a focus on the key data that best meets user needs. Our reasoning for this is set out in paragraphs 53 to 57, and 129 above.

Proposal 2: A common reporting structure for student outcome and experience indicators

135. Proposal 2 set out that student outcome and experience measures would be constructed and reported through a general and overarching hierarchical reporting structure, to form a series of indicators and split indicators. It then set out the ways in which different sections of the reporting structure would be used for our various regulatory functions (condition B3, TEF and access and participation). The proposal described the purpose of this reporting structure as creating an evidence base that would:

- a. Allow us to identify pockets of provision where there are differences in student outcomes or experiences.
- b. Be constructed consistently for all providers.
- c. Respond to the regulatory objectives for understanding and assessing student outcomes and experiences for different purposes, and the scope of different OfS functions.
- d. Not generate indicators in unmanageable volumes.

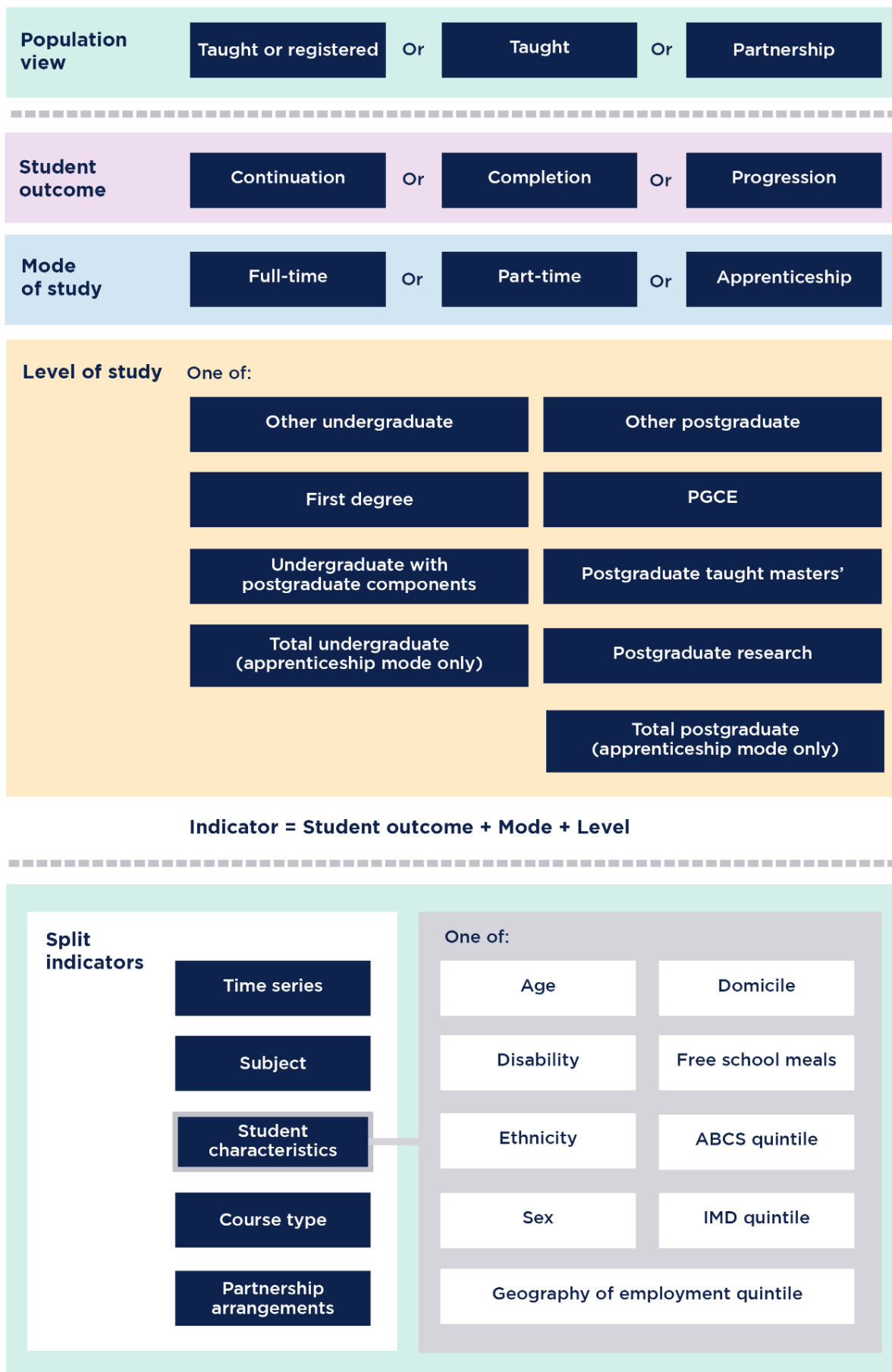
136. The key features of the proposal included:

- a. The reporting of indicators within four separate views of a provider's student population (**registered** students, **taught** students, students taught or registered by the provider (**TorR**), and students associated with the provider through validation or subcontractual **partnerships**).
- b. Defining an **indicator** as the student outcome or experience measure being reported separately according to students' mode and level of study.
- c. Defining a **split indicator** as the student outcome or experience measure being reported as a further breakdown of student groups within the mode and level of study to which the indicator refers.
- d. Split indicators would report on subject studied, student characteristics, year of entry or qualification (as appropriate to the student outcome in question), specific course types

and provider partnership arrangements. In doing so, they would normally report on a single category or characteristic at a time: intersectional (also known as multivariate) analysis of these student and course characteristics was not included in the proposed reporting structures for regulation of student outcomes and TEF purposes. For the access and participation data dashboards, the reporting structure accommodated intersections of year with each of the different student characteristics, as well as a limited selection of intersections between student characteristics, in order to support our regulatory objectives for access and participation.

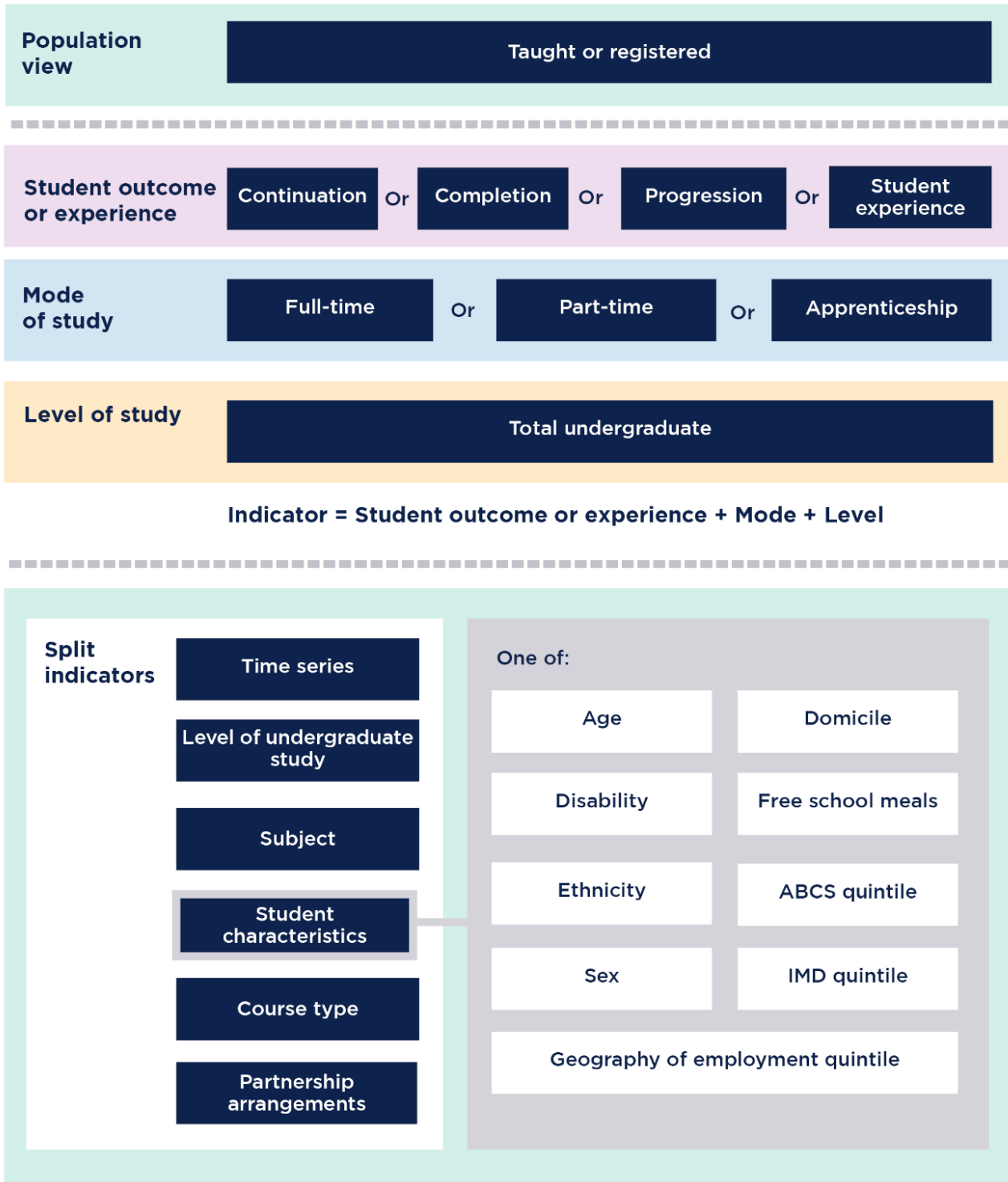
137. When applied to the construction of data **indicators to inform condition B3 assessments**, we proposed the reporting structure shown in Figure 1. This included reporting all of the split indicators shown here when looking at either the taught or TorR views of the student population, whereas for the partnerships view the split indicators would only include those showing subject studied, year of entry or qualification and type of partnership.

Figure 1: Reporting structure for indicators and split indicators used in assessment of condition B3



138. For the purposes of constructing **TEF indicators**, we proposed the reporting structure shown in Figure 2. This included reporting the indicators for each mode of study based on the combination of students at all undergraduate levels of study.

Figure 2: Reporting structure for indicators and split indicators used in TEF assessment

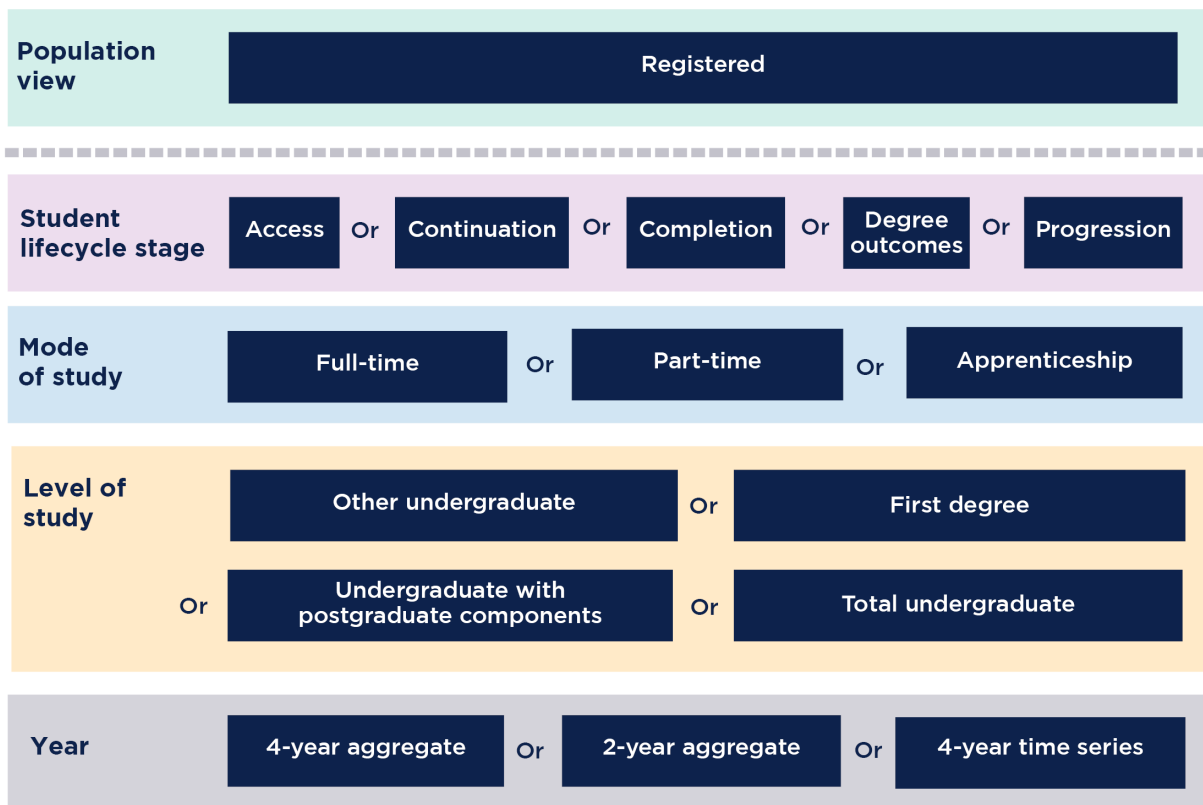


139. Our proposed approach to reporting student outcome and experience measures to inform **access and participation plans** involved the existing reporting structure broadly unchanged from that already used in the access and participation data dashboard. This meant that the coverage would remain limited to UK-domiciled undergraduates throughout, to provide

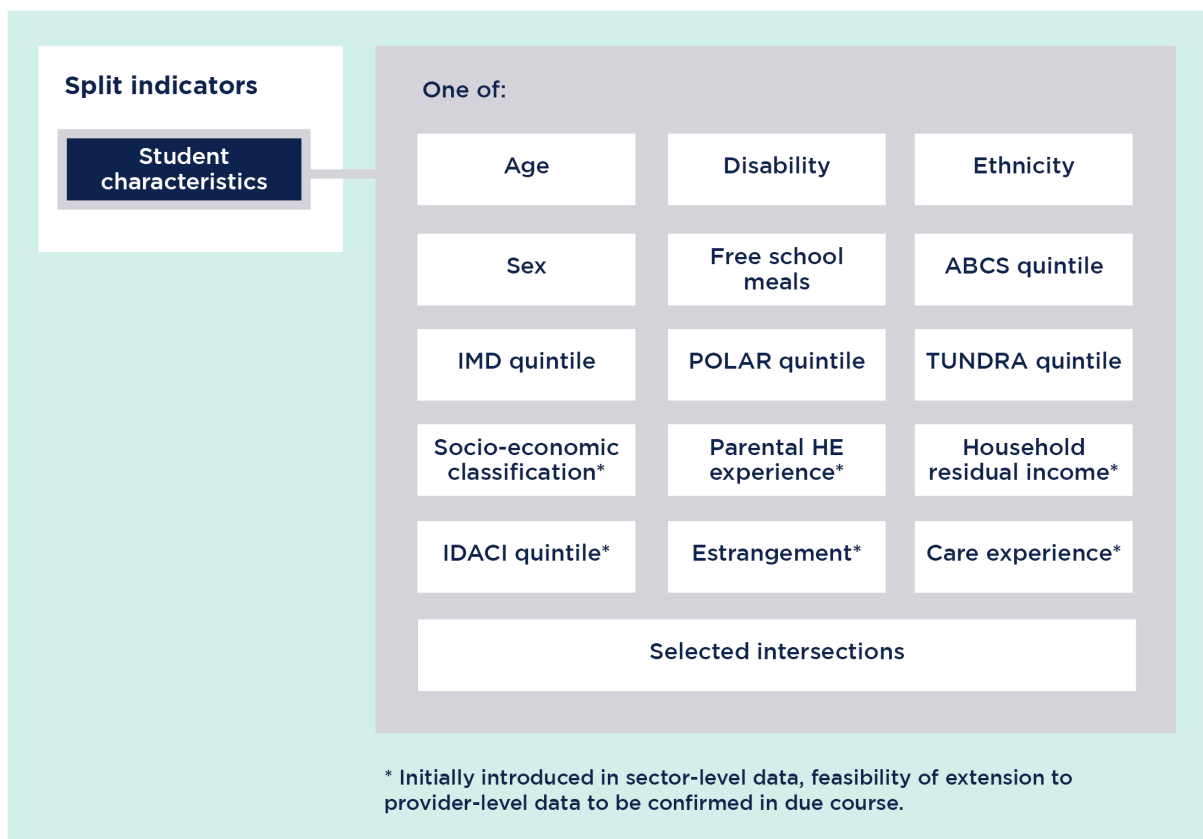
appropriate alignment with the scope of access and participation plans, as prescribed through regulations made under HERA. In line with the approach set out in proposal 1, the reporting structure would be extended to include completion measures for the first time.

140. We also proposed that access and participation data dashboard would report on a wider range of student characteristics than at present, and would include the following characteristics (at provider-level where student population sizes would support this, or at sector-level only in cases where small student populations would risk data disclosure in breach of the GDPR):
- a. Socio-economic classification.
 - b. Care experience.
 - c. Parental experience of higher education.
 - d. Household residual income.
 - e. People estranged from their families.
 - f. Classification under the income deprivation affecting children index (IDACI).

Figure 3: Reporting structure for indicators and split indicators used in the access and participation data dashboard



Indicator = Student lifecycle stage + Mode + Level + Year



141. We asked respondents to what extent they agreed with our proposed reporting structure for student outcome and experience measures, and with our proposed application of these consultation outcomes to the access and participation data dashboard.

Responses relating to proposal 2

142. Most respondents supported the proposal for a nested, hierarchical reporting structure, reporting students by mode and level of study and further breaking these down using split indicators. In particular, respondents expressed support for:

- a. The balance of the approach between complexity and granularity, allowing patterns to be observed at both provider level and for different subjects and student groups.
- b. The recognition that student outcomes and experiences should be considered separately across different student groups, because providers do not have homogenous student populations.
- c. The use of familiar, well-defined categories for examining segments of the student population.
- d. The inclusion of aggregated data to allow providers with small numbers to best use the datasets we may decide to publish to inform improvement planning.

143. However, many respondents commented here, and throughout their responses, on the volume and complexity of the data that would be created by the proposed reporting structure. They made points about the burden that this could create for understanding, engaging with and explaining the data. This included comments that this presents particular challenges for smaller providers with smaller staff teams and those providers with more limited data expertise. We have responded to these points as one of the overarching themes from the analysis of responses. The comments made specifically about the proposed reporting structure covered the following views:

- a. The proposed reporting structure would be difficult for providers to reconstruct in their internal uses of the data, because the categorisations it involved were complex and not always aligned with those used across the sector and in HESA data outputs. Respondents thought that replicating the data internally would require an investment of human and financial resources, and that the proposed approach may not deliver value for money.
- b. Prospective students and other non-expert users would struggle to navigate the different reporting structures for TEF, condition B3 and access and participation purposes, and to understand differences between the data points they reported for the same student groups. Respondents considered that confusion about the outcomes that a given group of students achieved could act as a barrier to providers acting to improve outcomes for that group.
- c. Whether the reporting structure would have longevity or whether our view of appropriate ways to segment the student population in order to take account of structural differences in the design and delivery of courses would change over time, for example in response to the Government's implementation of the LLE. Respondents suggested that it should

be reviewed over time, based on experience of using it, particularly for providers with data across the range of different provider views.

144. Some of the respondents commenting on the volume of data considered that the number of indicators and split indicators created by the reporting structure meant that the proposed approach did not achieve the stated intention, because it resulted in a volume of data that was unmanageably complex and burdensome. A few respondents also suggested that some aspects of the reporting structure were of lower priority than others and thought that reducing the number of population views or student characteristics, or amalgamating the levels of study into broader groups, would be helpful for reducing the overall volume of the data. Aspects that they considered lower priority included the partnerships view of a provider's student population, and student characteristics that they thought overlapped with one another (such as the ABCS split indicator with those based on eligibility for free school meals and the Index of Multiple Deprivations (IMD) quintile).
145. A few respondents commented further on the overall proposed approach, and suggested that rather than reduce the reporting structure in size, it should be increased. They suggested, for example, we should include year of entry or qualification (as appropriate to the student outcome in question) as a further nesting within the existing split indicators. They commented that this would enable users to view some or all of the split indicators by each year of the time series, and that this would be helpful for referencing specific events, or a provider's interventions, in TEF submissions and condition B3 assessments. Respondents also thought that understanding patterns of performance over time more generally, and how these differed between providers, would be important for supporting reliable interpretations by users of the data. They gave the example of two providers with the same four-year aggregate split indicator, where one was delivering continuous improvement while the other was seeing a steady decline in student outcomes for that group.
146. Similarly, a few respondents commented that although they understood the risk of creating sparsely populated datasets, it would be helpful for student characteristics and the other types of split indicator to be available in multivariate form. This was because the proposed approach would not support intersectional analysis and may prevent identification of the performance of some of the most disadvantaged groups of students. Another respondent welcomed the attempt to introduce an element of intersectionality through the inclusion of the ABCS metric. These comments were expanded upon in responses to proposal 9 (Definition and coverage of split indicator categories) so we have incorporated them into our summary of responses and responded to them there.
147. Several respondents sought further information about how the distinction between indicators and split indicators would affect their use in assessments of condition B3 and in the TEF. While they supported the creation of data indicators using the same reporting structures that the OfS would use to make judgements, they asked whether there would be an emphasis on the different populations, and different indicators and split indicators, when it came to prioritising assessments. They noted the large number of data points created, and thought that uncertainty about which of these might be prioritised for assessment of condition B3 created uncertainty about the extent to which they might be required to explain performance against every data point. They considered that this would make it difficult to gauge the potential workload involved in understanding and explaining those data points appropriately.

148. Many respondents commented in response to proposal 2 about the interactions of OfS regulation of student outcomes and access and participation, and the TEF. These were often repeated in responses to other proposals and we have incorporated those comments here. Respondents sought further information about how assessments made through the three different regulatory mechanisms would take account of the findings of other assessments and how they would be presented coherently for users of those assessment outcomes. Some noted the use of benchmarking as an example, where it was proposed for use in assessments of condition B3 and TEF, but not in access and participation, which could mean that a provider was exceeding its access and participation plan targets and meeting TEF benchmarks but be found to have breached condition B3.

Views of a provider's student population

149. Some respondents considered the ability to see data for each of the different student population views proposed in the consultation to be helpful, and commented that:
- a. The data being reported both separately and in combination for registered and taught student populations reduced the amount of work that some providers needed to do, because they would previously have calculated this for themselves based only on the underlying data.
 - b. The view of registered students aligned with that which could be rebuilt by providers using the individualised student data files supplied by the OfS, so was least burdensome.
 - c. The taught view would be most informative for students and teachers.
150. When commenting on the overlap and double counting of students in each of the TorR and partnerships views with students in the other views, respondents suggested that there could be additional burden that resulting from the potential confusion about the relevant student population. They also thought that it could lead to inappropriate assumptions about the performance of particular student groups if that group was primarily made up of students that a provider engaged with indirectly, through a partnership arrangement. A few respondents also suggested that student population views could be too broadly defined which would mask the different experiences and outcomes of students which followed from their relationship with an individual provider. For example, it was considered unhelpful not to be able to see differences between students taught at a registering provider in comparison to students registered at that provider and taught elsewhere.
151. Respondents suggested a range of alternatives to the four student populations views proposed:
- a. 'Registered only' (that is, subcontracted out), 'taught only' (that is, subcontracted in), 'both taught and registered', and 'validation only' views.
 - b. Separate views based on students' teaching, registration and awarding body, allowing for the clear distinctions between these relationships to the student and for regulatory approaches to be informed by the most appropriate data.
 - c. The 'taught or registered' population as the only view of student populations used at that stage of the proposed reporting structure, with information about 'taught only' and

'registered only' student populations available as split indicators (rather than separate views) to reduce complexity and confusion relating to the potential overlaps between these.

- d. A single consistent population of students across all of the different measures and regulatory functions, rather than different population views for the TEF, regulation of student outcomes and access and participation.

The partnerships view

152. Several respondents commented specifically on the proposed partnerships view of a provider's student population. Some of these respondents made comments and suggestions which repeated those submitted in response to the regulating student outcomes consultation. Examples were: in relation to the potential complexity and burden of including partnership data in the dashboards; and the possible disincentive to partnership arrangements that might be created by making a provider accountable for the outcomes of learners at its partner providers. These comments have been incorporated into the summary of responses to that consultation and are responded to there.²² One respondent commented that they considered that although a registering provider should have responsibility for the quality of courses delivered through partnership arrangements, it did not follow that it should also be responsible for excellence above the minimum requirements. This response is incorporated into the response of the TEF consultation.²³ Another considered that a provider with subcontractual arrangements had more responsibility for student outcomes than a provider with validation-only arrangements. Some respondents also suggested there may be unintended consequences of regulating courses delivered through partnerships, such as disincentivising providers from engaging with students from disadvantaged backgrounds via partnership arrangements, which they may otherwise use to offer higher education courses locally to students from disadvantaged backgrounds who were less geographically mobile.
153. Other comments on the partnerships view of a provider's student population related to the inclusion of validation partnerships in the datasets based on potential data quality issues. They suggested that inclusion of the partnerships view would create additional burden, and a lack of transparency, because indicators for validation-only provision is not based on individualised data that the validating provider returns and instead relies on data submitted by other providers, and there was no reasonable expectation that a validating provider would have access to this data. It was noted that the OfS had not shared student-level data with providers that included the students they were teaching on behalf of another provider, or for whom they were only the validating body, which meant that it was difficult for them to understand and replicate the partnerships view of their student populations.
154. Some respondents noted that some partnerships, such as those with a further education college or other provider not registered with the OfS, may be in scope of regulation but are not currently covered by the HESA or ILR student returns, meaning that the partnerships view would have partial coverage for some providers.

²² See our response to the 'Inclusion of partnership data in indicators' section of the regulating student outcomes consultation response.

²³ See our response to the 'Including taught or registered students' section of the TEF consultation response.

Indicators for levels and modes of study

155. There was broad support for the proposal to report each student outcome and experience measure separately for each combination of mode and level of study, with respondents welcoming:
- a. The proposed separation of the mode and level of study categories because the indicators reported at this level were seen to indicate that they each had very different student outcomes.
 - b. The OfS's commitment to reflect the extended nature of part-time study, and more generally to reflect structural differences in design and delivery of different higher education courses which are often illustrated by the mode and level at which it is delivered.
 - c. The separate reporting of apprenticeships and the use of just two levels of study within this (undergraduate and postgraduate), because this recognised the potential sparsity of these student populations if they were to be broken down any further.
156. However, some respondents repeated comments about the volume of data that resulted from separately reporting split indicators within each combination of mode and level of study, and one respondent suggested that each layer of the reporting hierarchy should have the additional option to view the total population within that grouping. For example, to view indicators calculated on the basis of aggregating all modes of study, as well as indicators reported separately for the full-time, part-time and apprenticeship modes.
157. Some respondents made specific comments about the mode and level categories we proposed to use. We have incorporated these comments into our summary of responses to proposal 4 (Common approaches to defining and reporting student populations) and responded to them there.

Split indicators

158. Most respondents agreed with constructing split indicators in order to identify pockets of underperformance, and some commented that the proposed reporting structure was sufficiently granular that it would improve providers' ability to identify and support students from specific underrepresented groups. Some also commented that they thought the subject and student characteristics were the most important of the split indicators proposed for use in regulating student outcomes and the TEF.
159. On the other hand, some respondents had reservations about the large number of split indicators included within the proposed reporting structure and suggested that:
- a. The number of proposed split indicators could be reduced to make it easier for providers to analyse them, as the volume of data created by the proposed approach seemed confusing for providers and respondents thought that it would create additional burden. They considered that some of the newer categories in particular (such as the Associations Between Characteristics of Students [ABCS] classification) could be delayed until the sector was more familiar with them and the burden of understanding and engaging with them was lower.

- b. The granularity of the split indicators meant that it was likely that several would be populated with relatively small student numbers. Respondents thought that this could lead to more volatile data with reduced statistical confidence, and make it less likely that the split indicators would meet thresholds for publication. They commented on the possibility that these split indicators might therefore receive undue regulatory attention, especially in instances where they might not meet the minimum numerical thresholds for condition B3.
 - c. To reduce complexity, the OfS's regulatory judgements should focus on indicators only, with split indicators guiding consideration of the underlying factors that may influence them. However, respondents thought that it was important that a provider had access to any data that informs an OfS judgement about its performance and that if this included unpublished data then a provider should have access to a version of that data without any data suppression for small population sizes or response rates.
 - d. Stakeholders might find it difficult to compare providers unless explanatory information was published alongside any published data to describe a provider's context and the rationale for any groups it had chosen as target groups for the purposes of its approved APP.
160. Some respondents thought that our proposed approach to split indicators would have a disproportionate impact on smaller providers. A few of these respondents thought that the split indicators would be more meaningful for larger providers with sizeable student populations than smaller providers, because at each level of disaggregation, the denominator values become smaller and more likely to need data suppression. Others noted that data suppression could also affect larger providers if they delivered courses to only low numbers of students in specific levels or modes of study, in certain subject areas, or through certain types of partnership arrangement. A few respondents also noted that there were some student groups (such as estranged students and care leavers) that were small in number across the sector as a whole and that this did not seem to support meaningful reporting of these groups at individual provider level.

Consistency across regulatory functions

161. Most respondents were supportive of the proposed approach because it would increase the consistency of data reporting, and the underpinning data definitions, across OfS regulation more generally. To this end, most respondents also supported applying the definitions that resulted from this consultation exercise to future publications of the access and participation data dashboard. Respondents thought that this consistency would improve the transparency and understanding of our approaches for providers, students and other less experienced audiences. They also thought that it would reduce burden on providers, because there would be less duplicated analysis being published about them and less work for them to do to understand or replicate these analyses.
162. However, many respondents commented on the disadvantages they perceived in relation to the use of different sections of the reporting structure for different regulatory functions. Some considered that this approach could mean that consistency was superficial and that inconsistency was actually being designed into the approach. In particular, respondents commented that regulatory functions reporting on different student populations, or otherwise changing the population on which a measure reports (such as the restriction to UK-domiciled

undergraduates in the access and participation data dashboard), could mean that the same student outcome measure (such as continuation) could be reported with different indicator and split indicator values in different OfS data outputs. They thought that this negated the benefits that could otherwise be delivered by a consistent approach because it would be difficult for users (especially prospective students and the wider public) to understand why the values were different and establish which one was most appropriate for their uses. They considered that it would be better for all regulatory functions to report measures based on consistent populations, with mutually exclusive or nested breakdowns to allow for different focus across each of those functions. It was thought that the TEF, access and participation and condition B3 datasets should all use the same reporting structure, layout and definitions, to enable comparisons to be made more easily and improve understanding. Respondents recognised that this may be difficult, however, where partnership data was not within the scope of access and participation.

163. A few respondents called instead for a single population coverage, and as a result, a single set of indicators and split indicators, to inform all OfS functions because this would make our regulatory approach simpler and reduce the burden of understanding and engaging with it. There were suggestions that this should take the narrowest view of the student population in scope across any of those different functions, or that it should only include students eligible for public funding. Alternatively, a few respondents thought that the OfS could mitigate any potential confusion by not publishing some of the outputs.

The reporting structure for data indicators to inform condition B3 and TEF assessments

164. Very few respondents commented on the detail of the reporting structure proposed to inform condition B3 and TEF assessments. Where respondents did comment, they focused on the approach proposed for use in TEF and repeated points also raised in response to the TEF consultation. This included a few respondents disagreeing with the proposal to include registered students who are taught by another provider within the TEF reporting structure, because they thought that this would dilute the picture of the provider's taught provision. Others commented on the appropriateness of using the TorR view of a provider's student populations as the primary view for TEF, which they thought would depend upon the nature of the partnership between delivery and registering provider and thought it would be important to be able to separately see outcomes for the 'registered only' student population within the TEF data indicators. These comments have informed our response to the TEF consultation and are not repeated or expanded upon here.²⁴

The reporting structure for data indicators to inform access and participation plans

165. Most respondents expressed general support for the proposed access and participation reporting structure with some acknowledging that the more granular level of detail it included would enable providers to target access and participation work at specific student groups, and that it better supported monitoring of a provider's approach across the student lifecycle. On the other hand, some respondents commented that the additional student characteristic split indicators (listed in paragraph 140) proposed for access and participation data could make analysis of that data more difficult and could undermine existing work with key groups, by distracting users from some of the already established split indicators (such as ethnicity,

²⁴ See our response to the 'Including taught or registered students' section of the TEF consultation response.

disability and IMD quintile). Respondents also asked which of the characteristics and intersectional split indicators would and would not be carried forward from the existing access and participation data dashboard by the consultation proposals. One asked whether there would be another consultation on access and participation data.

166. Respondents also tended to agree with continuing to use the UK-domiciled undergraduate registered population for access and participation data dashboard purposes, although one respondent commented that doing this meant that the data would not be representative of the provider as a whole if it had large proportions of international students. Others commented that extending the access and participation data dashboard to include similar information about postgraduate students would provide helpful information for users and improve alignment with the student outcomes monitoring. Reporting access and participation data based on a student's teaching provider, as well or instead of their registering provider, was also suggested.
167. While most respondents did not comment on the proposal that access and degree outcomes measures should be used within access and participation data, and not be used within TEF or condition B3 assessments, a few noted that they agreed with this approach. The same was true of responses to the proposed inclusion of a completion measure in access and participation data. However, it was also suggested that the rationale for this could have been clearer and there would be benefit in having consistent measures across the regulatory functions, especially as inconsistent use of the different measures could increase the regulatory burden of developing and monitoring access and participation plans. Similarly, other comments suggested that wider alignment should be sought – with measures used in the school education system and by Uni Connect – so that terminology and targets were universal for the targeting of support for young people.

The impact of this consultation on regulation of access and participation

168. Some respondents sought further information about how the transition to the new definitions and reporting structure for the access and participation data dashboard would be managed if these consultation proposals were adopted. These requests were often in the context of wanting to understand the impact of any changes on providers' current access and participation plans (APPs), especially in light of future changes to APPs that had been announced.²⁵ For example, it was noted that the dashboard does not currently reflect information about raising attainment in schools, which announcements had included as a future priority.
169. Some thought that release of the new access and participation dashboard should be timed to help with the submission of variations to APPs and with the development of new APPs to come into force in 2024. A few considered that retaining the existing measures and definitions in the dashboard until those new APPs came into force (either alongside or in place of the proposed updates) would be helpful as it would retain alignment of the data to the targets and milestones providers would be working to until then. They suggested that previous targets may become invalid because of changes to definitions (particularly those based on a combined grouping of full-time and apprenticeship students, or smaller

²⁵ See 'The future of access and participation (November 2021)', providing guidance to the OfS from government, at www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/.

population sizes) and were unsure whether the proposals would change either the publication or assessment of their targets.

170. Respondents identified various ways in which retaining the existing access and participation data might be possible and beneficial. Providers' ability to produce and discuss data using the original methodology (if results changed significantly under the new proposals) was cited as a key benefit of retaining existing data. Respondents suggested introducing the new data definitions in spreadsheet-only format in 2022 and only updating the dashboard in 2023. They suggested publishing an extended time series so that providers had access to historic data under the new definitions, and phasing in the implementation of new split indicators and delaying those that risk data disclosure. Respondents thought that retaining the existing data would limit the burden of understanding and engaging with the transition.
171. Comments about the impact of the proposed reclassification of some students as 'postgraduate in time', and its impact on the coverage of the access and participation data dashboard, were repeated in response to proposal 4. They have been incorporated into that summary of responses and we have responded to them there.

OfS response

172. We welcome respondents' general support for our approach to reporting student outcome and experience measures through a nested, hierarchical structure that would generate a set of consistently defined indicators and split indicators from which different sections could be selected for use in different regulatory functions. We note that the proposals built on approaches that were outlined in the phase one consultation, and widely supported in responses there.
173. As respondents have identified, we consider that it is important that we are able to construct indicators that build a comprehensive picture of student outcomes and experiences across a range of student and course characteristics. While we acknowledge the views from respondents that the result is a large volume of data, we continue to take the view that our proposals represent an appropriate balance between the granularity and complexity of our approach. We consider the individualised data that we give to providers is sufficient to allow them to reconstruct the dashboards. We do not agree that some aspects of the reporting structure are of lower priority than others and **we have therefore decided not to reduce or amalgamate the reporting structure in the ways suggested by some respondents**. This is because we consider that the proposed granularity of indicators and split indicators, across different views of a provider's student populations, is necessary so we can identify and act where pockets of higher education are below our minimum expectations. As described in our response to the regulating student outcomes consultation, we consider that to do otherwise would mean we would not deliver our policy intention to protect students wherever, whenever and however they study.²⁶
174. We agree with respondents who welcomed the use of familiar, well-defined categories for segmenting the student populations through the proposed reporting structure and its split indicators. We recognise that some respondents thought that the reporting structure would

²⁶ See our response to the 'Inclusion of partnership data in indicators' section of the regulating student outcomes consultation response.

segment the student populations too far and create sparsely populated breakdowns with high levels of data suppression or statistical uncertainty, while others thought the categories were being too broadly defined and suggested further disaggregation or intersectionality of the split indicators. However, we take the view that the diversity of the sector (in terms of the courses offered, their delivery methods and student intakes) means that neither a more aggregated nor more disaggregated approach would be reasonable. To do so would mean exacerbating one of the legitimate issues respondents raised, because either smaller providers would see their populations cut down even further (with a corresponding increase to data suppressions) or differential outcomes for student groups within larger providers would be masked within broader categorisations. We consider that neither would deliver our policy intention to protect students, and that our proposed reporting structure creates recognisable segments of student populations that represent an appropriate best fit for a diverse sector. We also consider that our assessment approaches have been designed to accommodate both partial data and indicators with different levels of statistical uncertainty, as explained further in our responses to the regulating student outcomes and TEF consultations.²⁷

175. Furthermore, the inclusion of aggregate indicators and split indicators ensures that providers of all sizes can generate populated and non-suppressed data points to inform regulatory assessments of their performance and other uses of the data. We also note the individualised student data files we shared with providers, together with accompanying rebuild instructions, which they can use to model student outcome and experience measures at different levels of granularity for their own internal governance and oversight processes. We do not consider that intersectional analysis is appropriate or proportionate for the delivery of our regulatory objectives, and **we have consequently decided to adopt the proposed approach to construct split indicators in univariate form**. We note that the availability of the individualised student data files empowers providers to conduct intersectional analysis and other modelling if they wish to do so. This means that providers can explore issues of change over a time series, or the effects of an intersectionality of student characteristics, or student outcomes for subjects or courses at different levels of aggregation, according to their own interests, priorities and contexts.
176. We also recognise that respondents have identified potential challenges for different user groups in navigating the proposed reporting structures, and interpreting the differences that may result from their application to condition B3, the TEF and regulation of access and participation in different ways. We recognise that the data needs careful explanation to users, and that providers may welcome further support in understanding how the reporting structure applies to different functions. We are committed to providing appropriate guidance and support materials to providers, and all other users of our statistics, to ensure the transparency of our data approaches. We also intend to provide training and user guides to enable as wide a range of users as possible to understand and engage with our approach.
177. In relation to comments about the longevity of the proposed reporting structure, we note that the comments from respondents here have informed our discussion of the Longevity of our proposals as one of the overarching themes from the analysis of responses, and we have responded to them there. We recognise respondents' views that the segmentations of

²⁷ See our response to 'Proposal 6 – question 12' section of the regulating student outcomes consultation response, and to proposal 9 of the TEF consultation response.

student populations relied upon by the reporting structure are those that reflect the current structures of higher education courses, and the data currently available to support understanding of student characteristics and backgrounds. However, we do not consider that it would be proportionate or meaningful to adopt an alternative reporting structure ahead of the implementation of policies (such as the LLE) that could materially change course structures or data availability. Nor would it be appropriate for us to delay implementation based on the possibility of future change. We also note that even with the implementation of policies such as LLE the current reporting structures are likely to remain relevant for a large number of courses in the sector. In our view, working to develop an approach to data collection and regulation of outcomes suitable to any future policy developments will be necessary before an alternative reporting structure could be considered. We note that the regulating student outcomes consultation response confirms that we will normally review the minimum numerical threshold values every four years, with further consultation accompanying any changes that result, and we consider that it may be appropriate to consider any changes to the reporting structure at the same time.²⁸

178. For the reasons given above, we have therefore decided that we will adopt the proposal described in the consultation, with some minor amendments to the reporting structure for student outcome and experience measures as discussed below.
179. However, we have listened carefully to the comments made by respondents and are intending to make changes to the presentation of our data dashboards in order to allow users to engage with the proposed reporting structure in different 'layers'. We are minded to do this by introducing a dashboard overview that focuses in the first instance on aggregate (rather than split) indicators from the reporting structure.
180. We recognise that respondents have, in several places, sought further information about the range of split indicators, and their application to our different regulatory functions. We provide further information below, and will incorporate this into supporting documentation and user guidance so that we support users' understanding of the reporting structure on an ongoing basis. In relation to requests for further information about whether particular indicators and split indicators would have relative emphasis or importance when the OfS makes judgements about a provider's performance, and about how assessments made by different regulatory mechanisms would take account of one another's findings, we note that the regulating student outcomes consultation response describes its prioritisation process as well as the role of different information within this.²⁹ Similar information about the use of split indicators in TEF assessments can also be found in the TEF consultation response.³⁰

Views of a provider's student population

181. We welcome comments from respondents on the utility of the different views of a provider's student population we proposed in the consultation, and we agree that each of these adds value in one way or another, according to the needs of the users and uses it is serving. We recognise the importance of providing documentation and resources that ensure the

²⁸ See our response to the 'Proposal 3 – question 6' section of the regulating student outcomes consultation response.

²⁹ See our response to the 'Proposal 5 – question 9' and 'Proposal 5 – question 10' sections of the regulating student outcomes consultation response.

³⁰ See our response to the 'Proposal 9: Indicators' section of the TEF consultation response.

transparency of our approach, as well as training and user guides, as ongoing measures to make student outcome and experience indicators as understandable to a wide range of users as possible.

182. We acknowledged in the consultation document that the different views of student populations were overlapping rather than mutually exclusive, and have noted respondents' comments that individual students being counted in more than one of the views could need further explanation. We recognise the importance of being clear about where students contribute to more than one of the proposed student population views, across multiple providers, in order that users and assessments can interpret the indicators data appropriately. However, we consider that each of the proposed student population views makes an important contribution to one or more of our regulatory functions and means that we can identify a provider's performance in different aspects of its provision, which supports our policy objectives of protecting the interests of all students. We consider that to do otherwise would mean we would not deliver our policy intentions for equality of opportunity and to protect students wherever, whenever and however they study. We do not think that this approach risks 'double-counting' students; rather it correctly ascribes responsibilities to all different providers within a partnership for the relevant students.
183. We have considered comments that the student population views we proposed were too broadly defined and that this may mask differences in student outcomes and experiences across individual provider partnerships. We recognise that a more granular approach, or one based on named pairs of providers, may result in a more comprehensive understanding of differences in student outcomes and experiences across each of a provider's partnerships. However, we consider that this level of detail is unnecessary and disproportionate for the purposes of TEF and initial assessments of compliance with condition B3. As described in the consultation document, we would expect to construct further split indicators at these levels of detail if it proved necessary to support the assessment of condition B3.
184. We have also considered the suggestions made by respondents for alternative student population views, which each sought to ensure the views were mutually exclusive. We recognise that mutually exclusive views of student populations would allow for clear distinctions between all of the different relationships that providers have with students. However, we consider that it would be disproportionate to represent each of these relationships as different views, and note that because the provider view represents the top level of the reporting structure for student outcome and experience measures, doing so would result in a significant increase to the volume and complexity of data. This is because of the increase in the number of indicators and split indicators (which are constructed within each student population view) when taken together across all of the views. We consider that using our proposed views of student populations achieves an appropriate balance between our regulatory objectives for understanding differences in student outcomes and creating an evidence base of a manageable size. In particular:
- a. We consider that the regulations made under HERA in relation to access and participation make it necessary to construct a **registered** view of the provider's student population that includes students who are both registered and taught at the same provider, and students taught under a subcontractual arrangement. The provisions of a provider's APP (in terms of financial support and other commitments) must extend to all of the students a provider registers, whether or not it teaches them itself.

- b. We continue to take the view that our regulation of student outcomes needs to be informed by a view of a provider's student population that allows us to understand its performance across all aspects of its provision, and we consider that use of the **taught or registered** view provides the most efficient means of understanding student outcomes across the totality of provision it is delivering. We also consider that, for the TEF to incentivise and promote excellence for all students, the scope of its assessments needs to cover both the students that a provider is teaching, and the students it is registering.
- c. We consider that a student population view that focuses on the students that a provider is teaching directly means that the **taught** view provides an important tool for our regulation of student outcomes, to understand whether performance issues in the wider **taught or registered** view relate to courses that are taught or subcontracted out.
- d. Similarly, we consider that a **partnerships** view which encompasses all of the students not taught by the provider, but for whom that provider bears a responsibility for the quality of their academic experience, including the outcomes it delivers, provides another important tool for our regulation of student outcomes to understand where issues might be focused in broad but proportionate terms. We acknowledge that this view in particular could be disaggregated to show students registered at a provider but taught under a subcontractual arrangement separately from students where a provider acts in a validation-only capacity. However, for the reasons given above, and being mindful of the response we have received regarding the number of indicators and complexity of the data, we do not consider that it would be proportionate to extend the number of student population views to do this. We note the inclusion of teaching arrangement split indicators which will support users to understand the extent of differences between the subcontracted out and validation-only students included in this view.

185. In relation to the suggestion that a single student population is used across all of the different measures and regulatory functions, we do not consider that such an approach would be appropriate. This is because selecting a single student population would mean it was either narrowly or broadly defined. In either scenario, we consider that this would mean that it would not be possible to identify outcomes for student and course characteristics which differ according to the way in which individual students engage (directly or indirectly) with the provider, or providers, responsible for different aspects of their higher education experience. It may also mean that the populations considered were not aligned with the scope and objectives of our regulation. We consider that this would be a particular concern when reporting data through the access and participation data dashboard, where the registered view of a provider's student population is the one most relevant to regulations made under HERA in relation to access and participation. We take the same view in relation to the suggestion that the reporting structure uses only the 'taught or registered' view of student populations, with 'taught only' and 'registered only' available as split indicators (rather than separate views).

186. We confirm that the views of a provider's student population will be:

- a. **Registered population – used for the access and participation data dashboard only:** These are students who are registered at the provider in question. They may be taught as well as registered at that provider, or they may be taught elsewhere, at another

provider, under a subcontractual or partnership arrangement (subcontracted out, or franchised out).

- b. **Taught or registered (TorR) population – used for assessments of condition B3 and in the TEF:** These are students who are either registered or taught at the provider in question, including those who are taught and registered by the same provider, subcontracted in to the provider for teaching, and subcontracted out to another provider for teaching.
- c. **Taught population – used for assessments of condition B3 only:** These are any students who are taught at the provider in question. This may be the same provider where they are registered or it may be that the provider in question is teaching the student on behalf of another one, under a subcontractual partnership arrangement (subcontracted in).
- d. **Partnership population – used for assessments of condition B3 only:** These are students who are either:
 - i. Registered by the provider in question and taught elsewhere, at another provider, under a subcontractual partnership arrangement (subcontracted out); or
 - ii. Neither taught nor registered by the provider in question, but that provider acts as the awarding body for the qualification that a student is studying (validation-only).

The partnerships view

187. Our regulating student outcomes consultation response confirms that we will adopt the proposed use of the partnerships view of a provider's student population, because we consider that each provider holds responsibility for the quality of all of its higher education courses, irrespective of the organisation that delivers them.³¹ It also notes that we continue to take the view that it is appropriate to focus the attention of all providers in a partnership on any courses that do not meet our minimum requirements. Furthermore, that consultation response notes our acceptance that including courses delivered through partnership arrangements will increase scrutiny of the outcomes achieved for students in these arrangements, may result in accountability for the same students sitting with more than one provider, and the possibility that this may disincentivise future partnership arrangements.
188. We do not wish to unnecessarily curtail competition between providers, impose unnecessary regulatory burden or limit choice for students (from disadvantaged backgrounds or otherwise), but we continue to take the view that these factors should not take precedence over ensuring students are protected from unacceptably weak outcomes and that a minimum level of performance should be delivered wherever a student studies. If partnership arrangements that do not deliver positive outcomes for students are terminated because providers choose to withdraw from partnership arrangements rather than focusing on improving outcomes for the students involved, we do not consider that to be adversely limiting student choice, because courses that do not meet the OfS's minimum expectations for quality cannot be considered a meaningful choice.

³¹ See our response to the 'Inclusion of partnership data in indicators' section of the regulating student outcomes consultation response.

189. For the avoidance of doubt, we note that the January 2022 consultations did not propose that the partnerships view of a provider's student population would be used to inform TEF assessments. Our TEF consultation outcomes confirm that the higher education qualifications delivered through partnerships are within the scope of TEF assessment, because we consider that it is appropriate to incentivise excellence above our minimum requirements in respect of all of its courses, regardless of any partnership arrangements those courses may be delivered through.³² It also confirms that, as proposed in the consultations, the indicators and split indicators that inform TEF assessment will be based on the TorR population only, and will include 'type of partnership' split indicators, so that providers and panel members can identify potential differences in performance in relation to taught and registered students, as discussed further in proposal 9 (Definition and coverage of split indicator categories).
190. We have considered the comments from respondents about issues of data quality, data access and data reporting burden in respect of courses delivered through partnership arrangements. In particular, comments about data access here have informed our discussion of Access to data as one of the overarching themes from the analysis of responses, as well as responses to proposal 1, and we have responded to them there. We remain of the view that we do not have a legal gateway to allow us to share individualised student data as part of partnership arrangements, because it is known that the data sharing arrangements between providers will vary. In recognition that, in most cases, providers will have data protection compliant routes to share data with partners, we will investigate whether there are ways in which we can structure the data in order to facilitate this.
191. We recognise the current data limitations identified by respondents in relation to partnership arrangements and the reliance on student data returns submitted by other providers (rather than the validating provider itself), meaning that data quality issues would not be straightforward to identify, understand or address through the submission of data amendments. It is these limitations that have led us to suggest in our regulating student outcomes consultation response that we are minded not to publish the partnerships view of a provider's student population within our data dashboards in the first year of operation of the new approach to regulating student outcomes.³³ We anticipate that the partnerships view would be published in later years in order to support our regulation of student outcomes. In the first year of operation, and longer term, data on partnership arrangements will be retained as a split indicator for the TorR student population view, as discussed further in proposal 9 (Definition and coverage of split indicator categories). This approach means that in the first year of operation, information on partnerships that will inform our regulation of student outcomes will be considered at a more aggregated level and not broken down further to show outcomes from partnership arrangements for different student or course characteristics.
192. During the first year of operation of the new approach to regulating student outcomes we intend to take steps to improve data quality and reduce barriers to data access relating to partnership arrangements, including by making data about the partnerships view available to providers. We consider that this will enable us to make decisions about publishing the

³² See our response to the 'Proposal 6: Courses in scope' section of the TEF consultation response.

³³ See our response to the 'Inclusion of partnership data in indicators' section of the regulating student outcomes consultation response.

partnerships view of a provider's student population within our data dashboards in the future. However, while our intention remains to share as much information as possible about the underlying data used to calculate indicators within the partnerships view, we recognise that we may not have a legal gateway to share data at an individualised level. Where this is the case, we will always prioritise the privacy of individual students and compliance with data protection legislation.

193. We also accept that we will need to introduce additional data collection to produce comprehensive information on student outcomes for validation-only arrangements that involve students registered at providers who are not registered with the OfS. We consider this additional collection is likely to be necessary to ensure that our regulation can protect all relevant students; we will set out proposals for how we will collect this data in a future consultation.
194. As set out in our response to the TEF consultation, we have considered points raised about the complexity and potential burden of understanding our data, and how we can ensure the indicators can continue to support assessments in relation to students registered at a provider but taught elsewhere.³⁴ **We have therefore decided to simplify the partnership arrangement split indicators that are included for the TorR student population view to a two-way split rather than a three-way split.** This will show a split indicator for all taught students (including those students who are registered and taught at the provider as well as those who are taught only, or subcontracted in), separately from a split indicator for students who are registered at the provider but taught elsewhere (subcontracted out). The consultation proposed to separately show where students were either taught or registered, subcontracted in, or subcontracted out. This decision is discussed further in proposal 9 (Definition and coverage of split indicator categories).

Indicators for levels and modes of study

195. We welcome the broad support from respondents on construction of student outcome and experience measures separately for each combination of mode and level of study, and we note that our proposed approach had been widely reported in responses to the phase one consultation.
196. We proposed that constructing indicators for each combination of mode and level of study because we considered it necessary and appropriate for our indicators to reflect structural differences in the design and delivery of (and recruitment to) different types of higher education courses. We also proposed that the approach would result in an aggregate indicator being calculated using the most recent four cohorts relevant to the student outcome or experience measure in question because this approach would address some of the points made by respondents to the phase one consultation (and repeated in responses to this consultation) about the reliability of data based on small student populations; it also aligned with the proposed cycle of TEF assessments. We consider that these reasons continue to support our proposed approach, and note respondents' support for them: **we have therefore decided to adopt the proposed definition of indicators included in the consultation.**
197. We have considered the comments from some respondents about the volume of data that resulted from separately reporting split indicators within each combination of mode and level

³⁴ See our response to the proposal 6 section of the TEF consultation response.

of study, and we have responded to these points earlier in this response. We have also noted the suggestion that we construct a full, single hierarchy as our reporting structure for student outcome and experience measures, where respondents thought that this would allow aggregation across modes and levels of study, before progressing to report on the further breakdowns of these. However, we consider that this suggestion sits in tension with more widespread views that the volume and complexity of data points is already too great. In addition, we continue to take the view that such aggregations would not generate meaningful information for users of the indicators data because it amalgamates structurally different provision, which is subject to different minimum numerical thresholds in assessments of compliance with condition B3. We therefore take the view that increasing the numbers of indicators and split indicators to accommodate aggregations across modes and levels would be disproportionate and unnecessary for supporting our regulatory objectives.

Split indicators

198. We welcome the broad support from respondents on the construction of split indicators as further breakdowns of the data to consider different student and course characteristics, and comments that the proposed approach was considered reasonable for improving providers' ability to identify and support specific groups of underrepresented students. We continue to take the view that split indicators provide an important mechanism in support of our policy intent to secure equality of opportunity between students from underrepresented groups and other students, before, during and beyond their time in higher education. This is because it will enable us to focus our attention on groups of students within providers that risk being left behind, even when the provider itself is generally delivering positive outcomes. **We will therefore adopt the proposal**, and we note that further information is included in our response to proposal 9 (Definition and coverage of split indicators categories) accordingly.
199. We have considered comments from providers about the ways in which the volume and complexity of the split indicators could be reduced or managed in order to limit the burden of understanding and engaging with our approach. However, we note that our proposals build on an approach that received broad support in responses to the phase one consultation.
200. We do not consider that it would be helpful to reduce or delay the use of the categories of split indicator because we take the view that they each play an important role in our regulation of both quality, and access and participation, and some also align with our obligations in respect to the public sector equality duty. While we acknowledge that some of the split indicators refer to newer classifications (such as the ABCS analyses, or geography of employment quintiles), we note that these were proposed on the basis of the added value that they afforded for our approach.³⁵ In particular, we note that the inclusion of split indicators based on the ABCS analyses introduce an element of intersectionality into our approach and we, and other respondents, consider that there is value in the ability to identify the performance of some of the most disadvantaged groups of students based on multiple of their characteristics. Similarly, the inclusion of split indicators based on geography of employment quintiles helps to contextualise graduate outcomes by capturing some of the

³⁵ See the explanation of the ABCS analyses at Annex F of the 'Consultation on constructing student outcome and experience measures for use in OfS regulation' at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/, and further information about the geography of employment based on the methodology for the Graduate Outcomes quintiles described in the November 2021 publication at www.officeforstudents.org.uk/publications/a-geography-of-employment-and-earnings/.

labour market differences experienced by graduates living in different parts of the UK. This is the type of contextual information that respondents have suggested it is important for the OfS and other users of the data to understand.

201. We have also considered comments about the granularity of the split indicators and the resulting possibility of these being populated with relatively small student numbers, leading to more volatile data with higher levels of statistical uncertainty, and more frequent data suppression. We have responded to the same comments earlier in this response, including where respondents have expressed the view that these issues may have a disproportionate impact on smaller providers. We note that when repeating these comments here, they were often expressed in the context of the regulatory attention that the indicators might attract, and the basis on which they could be used (or otherwise) to support our regulation of student outcomes. We also agree with the respondents who considered that these issues were unlikely to be limited to smaller providers, and reiterate the importance of considering the statistical uncertainty associated with indicator and split indicator values calculated for smaller pockets of provision that may exist within larger providers. We consider that our assessment approaches have been designed to accommodate these issues and to support proportionate regulatory intervention in the student interest, as explained further in our response to the regulating student outcomes consultation response.³⁶
202. In relation to comments about the ability of stakeholders to compare providers without explanatory contextual information published alongside the data, we recognise that it is important that we provide clear information that supports users to understand what any published data shows. While we are minded to incorporate additional user aids into published dashboards – as discussed further in our response to proposal 11 (Presentation of student outcome and experience data indicators and approach to statistical uncertainty) – we are not minded to publish information submitted by providers about their context or APP targets, as was suggested by some respondents. This is because:
- a. We do not consider it appropriate to publish information submitted to the OfS by a provider in the absence of the OfS having undertaken an assessment of this information (in the course of any compliance assessment, TEF assessment or APP approval process), because the OfS will not be able to check or verify that information.
 - b. We note that it is open to a provider to publish its own explanation of published data, including by reference to its APP, internal governance and oversight processes for quality and student outcomes, or any actions it has taken to improve performance (for example, by publishing this information on its website).
203. We note the comments from a few respondents that there were some student groups (such as estranged students and care leavers) that are known to be small in number across the sector as a whole and agree that this may not support meaningful reporting of these groups at individual provider level. In proposing to extend the access and participation data dashboard to include the student characteristics listed at paragraph 140, we noted the likelihood that reporting on care experienced students and those estranged from their families would involve reporting these split indicators at sector level only, rather than at provider level. We took the view that this would be necessary to avoid data disclosure in

³⁶ See our response to the proposal 6 section of the regulating student outcomes consultation response.

breach of the GDPR, at least until such time as sector numbers increase. We continue to take this view, and consider that it also applies to other such indicators that might involve small student groups, but **we have decided that rather than incorporating these characteristics into the sector-level data reported through the access and participation data dashboard, they will instead be added to the sector-level information reported through our annual publications of equality statistics.** The equality statistics currently report sector-level counts for different student characteristics and extend the coverage of our access and participation data dashboard, to include both undergraduate and postgraduate students, and UK and non-UK domiciled students. We expect that the sector-level information we publish in the equality statistics will be extended to include information about student outcomes from spring 2023, and that the wider populations considered there (by comparison with the coverage of UK-domiciled undergraduates in the access and participation data dashboard) are more likely to result in reportable data across a range of different student groups. This will mean that the equality statistics can focus on sector-level evaluation of trends in student characteristics, avoid unnecessary duplication of the data contained in the access and participation dashboard and facilitate an evaluation of data quality and uses with regard to student characteristics relevant to equality of opportunity. These additional characteristics would only be reported through the access and participation data dashboard if or when it becomes possible for that resource to include both sector- and provider-level information about these characteristics. We confirm that the inclusion of these characteristics as split indicators applies only to the access and participation data dashboard and equality statistics: we did not propose to include any of these characteristics at either sector or provider level when constructing split indicators to inform our regulation of student outcomes and the TEF.

204. In summary, we maintain our view that, collectively, the proposed split indicators achieve an appropriate balance of the priorities we outlined in the consultation:
- a. The characteristics selected as split indicators should provide meaningful information that is capable of supporting reliable interpretations of any differences in student outcomes or experiences. They should align with the OfS's objectives (especially in relation to access and participation priority groups)³⁷ and with our obligations in respect of the public sector equality duty.
 - b. Data availability and applicability to as wide a population as possible is desirable.
 - c. Appropriate data quality for the characteristic in question.
 - d. Alignment with standard data reporting approaches in the sector, to minimise the burden of understanding and engaging with our approach.
 - e. The selection of split indicators should be aware of, and seek to mitigate, the risks of data sparsity – in particular, the onward risks of breaching data protection principles as a consequence of data sparsity, and of increased statistical uncertainty in the measures we report. Characteristics (or subcategories thereof) that are likely to be widely non-

³⁷ See www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

reportable may have limited utility in our approach to regulating student outcomes and the TEF.

- f. The number and range of split indicators should be sufficient to address OfS policy objectives for identifying differences in student outcomes and experiences, without becoming so numerous as to introduce unnecessary challenge for the use and interpretation of the data.

Consistency across regulatory functions

205. We welcome respondents' recognition that our proposed approach was intended to increase the consistency of data reporting, and the underpinning data definitions, and their support for applying the definitions and reporting structures that follow from our adoption of the consultation proposals to our different regulatory functions. We continue to take the view that the proposed approach to reporting structures for student outcome and experience measures will improve the consistency, transparency and understanding of our approaches. We agree with respondents that greater consistency about the ways in which student outcome measures are constructed and reported will improve our regulatory approaches and reduce the burden on providers of understanding and replicating these measures. **We have therefore decided to adopt the proposed reporting structures described in the consultation in respect of data to inform regulation of student outcomes, the TEF and the access and participation data dashboard.**
206. We have considered the comments from respondents about our proposed use of different sections of the reporting structure for different regulatory functions. We acknowledge that the construction and publication of the same student outcome measures within separate outputs which refer to different student populations means that indicator and split indicator values reported in relation to a given mode or level of study, or student characteristic, may differ across those outputs. We agree with respondents that this will require careful explanation to support users' understanding of the populations to which different outputs refer. We consider that the changes we intend to make to the presentation of our data dashboards will support this by allowing users to engage with the indicators and split indicators in different 'layers', as described in the 'better ways to achieve our regulatory objectives' section of the overarching themes from analysis of responses, and in our response to proposal 11.
207. We also note the discussion earlier in this response, of the importance of considering different student populations so that the student outcome and experience measures we report for a given regulatory function are able to focus on the particular issues, and allow us to meet our regulatory objectives in respect of that function.
208. Our view remains that use of the same reporting structure, and hence student populations, would limit our ability to identify and act where a provider does not meet our minimum expectations in respect of student outcomes and access and participation. We consider that this would hinder rather than improve understanding because the resulting indicators and split indicators would be less relevant to the issues it is attempting to deal with. We consider that a single reporting hierarchy would need to contain so many levels and partitions in order to effectively isolate the populations and categories that would be required to inform meaningful and proportionate regulation, that it would construct a range of indicators and split indicators substantially more complex and voluminous than those that result from our proposed approach. Equally, we do not consider that it would be appropriate or proportionate

to limit the scope of all of our regulatory functions to the narrowest student population that they have in common, or to be less transparent about our regulatory approaches (and the basis for the judgements they might lead to) by choosing not to publish some of the outputs.

209. We note that while the proposed approach may generate different values on account of the different populations informing the calculation of the indicators and split indicators, those different populations are subject to calculations based on the same definitions of positive outcomes, and mode and levels of study categories. This has not been the case previously, where different definitions meant that an individual student who fell within scope of all of our regulatory functions may have contributed as a positive outcome in one use but not in another. We consider that the contributions of individual students to our student outcome and experience measures remaining unchanged, whether or not they fall into the relevant population for a given function, represents a material improvement to the consistency of our approach.

The reporting structure for data indicators to inform condition B3 and TEF assessments

210. We note that comments on the reporting structure for data indicators to inform condition B3 and TEF assessments focused on the approach proposed for use in TEF and on the view of a provider's student population that it was appropriate for that exercise to consider. In commenting here, respondents repeated and did not expand upon points also raised in response to the TEF consultation. These comments have been incorporated into our summary of responses to the TEF consultation and we have responded to them there. Further information is included in proposal 9 of the TEF consultation outcomes.

The reporting structure for data indicators to inform access and participation plans

211. We welcome the support from respondents for our proposed access and participation reporting structure. We continue to take the view that the more granular level of detail it includes is necessary and proportionate, to enable providers to support activities that identify and reduce gaps in equality of opportunity between student groups. For the same reasons we also continue to take the view that we are able to tolerate a higher risk of data sparsity in data reported through the access and participation data dashboard. **We have therefore decided to adopt the reporting structure for the access and participation data dashboard that was proposed in the consultation.**
212. We acknowledge that some respondents have expressed views about the unintended consequences that follow from the large volume of data (and risk of smaller population sizes) that we proposed to report through the access and participation data dashboard. We note that it is up to a provider to determine the focus of its APP, and the onus is on the provider to ensure that the strategy it adopts, and the targets it sets, are determined by an assessment of its performance in relation to access, success and progression for students from underrepresented groups. While we recognise that our reporting structure for access and participation data creates more data for providers to analyse and understand in their self-assessments of performance, we consider that this is proportionate to our regulatory objectives for access and participation, and necessary to ensure that APP commitments will support meaningful equality of opportunity. We consider that this empowers providers to better understand the context and extent of gaps in equality of opportunity between student groups, and to develop a strategy for access and participation that is tailored appropriately to

a provider's own context. We do not therefore agree with comments from respondents that our reporting structure for access and participation data would undermine or distract from existing work, because we would expect providers to be adopting the strategic and longer-term approach that their approved APP describes.

213. We have considered comments about the potential to extend the reporting structure, and hence the access and participation data dashboard, to include information about international students and those studying at postgraduate level. While we recognise that these extensions would improve alignment with the evidence base that informs regulation of student outcomes, and make it more representative of a provider as a whole, we do not consider that this would be proportionate because it would reduce alignment with the scope of our regulation of access and participation as prescribed through regulations made under HERA. We take the view that this would make it more difficult to engage with the data in order to identify gaps in equality of opportunity between student groups and to develop strategic approaches to reducing these through APPs. We take the same view in respect of the suggestion that access and participation data should be reported on the basis of a student's teaching provider: because the registered view of a provider's student population is the one most relevant to regulations made under HERA in relation to access and participation, we consider that reporting on a different population (alongside or instead of registered students) would create additional complexity and burden for understanding and using the data for the regulatory function it is intended to support.
214. Furthermore, in relation to the comments about extending the dashboard to report on postgraduate students, we consider it important to note ongoing work by UK Research and Innovation (UKRI) and others around potential classifications and characteristics of postgraduate students that would reflect underrepresentation or disadvantage for these students in a meaningful way. We intend to maintain a watching brief in respect of those developments, and will seek to embed any findings from this work in our longer-term approach to reporting on the characteristics and student lifecycle of postgraduate students.
215. We note, and agree with, the support that respondents expressed for retaining the access and degree outcomes measures within the access and participation data dashboard, and for extending this to include completion measures. Our consultations on regulating student outcomes and the TEF explained our reasons for not including access and degree outcomes measures within their assessments. We consider that it is important that the measures used by our different functions are those that are relevant and necessary to deliver our regulatory objectives. We do not agree that additional measures should be incorporated in functions when they do not support the regulatory objectives of that function; we consider that doing so generates a burden of understanding and engaging with that data that does not represent effective or efficient use of OfS or providers' resources. Equally, we do not agree with removing measures that refer to important stages of the student lifecycle and able to support the regulatory objective of that function. We consider that this applies particularly in the case of access and participation data where it would limit a provider's activities to identify and reduce gaps in equality of opportunity between student groups at whichever stage of the student lifecycle they occur.
216. In relation to comments about the dashboard not currently reflecting the measures and terminology used in the school education system and by Uni Connect: while we recognise the value in consistency with schools and across higher education, we do not consider it

would be appropriate to adopt external definitions which may not fully support our regulatory objectives.

217. We recognise that respondents sought further information about which of the characteristics and intersectional split indicators would and would not be carried forward from the existing access and participation data dashboard by the consultation proposals. These are summarised in Table 1 below.

Table 1: Comparison of characteristics included in the current and revised access and participation data dashboards

Current published access and participation data dashboard	Revised access and participation data dashboard following the adoption of the consultation proposals
	ABCS quintile
Age	Age
	Care experience (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
Disability	Disability
Disability type	Disability type
Ethnicity	Ethnicity
Eligibility for free school meals	Eligibility for free school meals
	Estrangement (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
	Household residual income (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
	IDACI quintile (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
IMD (2015) quintile	IMD (2015) quintile*
IMD (2019) quintile	IMD (2019) quintile
	Parental experience of higher education (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
POLAR4 quintile	POLAR4 quintile*
Sex	Sex

Current published access and participation data dashboard	Revised access and participation data dashboard following the adoption of the consultation proposals
	Socio-economic classification (initially at sector level only, feasibility of extension to provider level to be confirmed in due course)
	TUNDRA quintile
Intersection of POLAR4 quintile and ethnicity	Intersection of POLAR4 quintile and ethnicity*
Intersection of POLAR4 quintile and sex	Intersection of POLAR4 quintile and sex*
Intersection of IMD (2019) quintile and ethnicity	Intersection of IMD (2019) quintile and ethnicity*
Intersection of IMD (2019) quintile and sex	Intersection of IMD (2019) quintile and sex*

218. We intend that the split indicators marked in Table 1 with an asterisk (*) are carried forward into the revised access and participation data dashboard temporarily, for the updates we are minded to publish in spring 2023 and spring 2024. This is because we are aware that some providers may have existing targets and milestones based on these characteristics. We want to minimise the burden of monitoring these over the remainder of the time that the currently approved APP will be in effect and consider it pragmatic to continue to publish them in the 2023 and 2024 updates for this reason. However, we note that:

- a. Some of the split indicators marked in Table 1 are based on classifications that have been more recently updated by newer versions, which are also included in the access and participation data dashboard: specifically, IMD quintiles based on both the 2015 and 2019 version of this classification, and area-based measures of young participation based on both the POLAR4 and more recent TUNDRA methodologies. We intend that split indicators based on the earlier versions of these classifications (IMD 2015 and POLAR4) will be discontinued and removed from the spring 2025 and later updates of the dashboard, once new APPs come into effect from 2024. This is because we would expect that any targets and milestones included in those new APPs would refer to the more recent and up-to-date evidence.
- b. The selection of intersectional split indicators currently available within the dashboard (ethnicity intersected with POLAR4 and IMD quintiles, and sex intersected with POLAR4 and IMD quintiles) recognised the priority groups identified for the access and participation approach when it was introduced for 2020-21 APPs. We anticipate that the upcoming consultation on our approach to regulation of access and participation will review the priority groups we identify for new APPs, based on the most recent evidence

and guidance.³⁸ Consequently we intend that the intersections of characteristics selected for publication as split indicators will be updated to ensure that they remain aligned to priority groups identified following conclusion of that consultation. This means that the spring 2025 update of the dashboard may discontinue use of the current intersections, once new APPs come into effect from 2024. We expect to confirm any such discontinuation of these intersectional split indicators (and any replacements identified) within the outcomes of the upcoming consultation.

The impact of this consultation on OfS regulation of access and participation

219. We have decided to adopt our proposal that the revised data definitions and reporting structure that follow from this consultation should apply to the access and participation data dashboard. Subject to the outcomes of the publication of information about higher education providers, we are minded to continue to publish the access and participation data dashboard. This means that we intend that the dashboard would, for the first time, report on students' completion outcomes in an additional release of this data resource later in 2022, and that it would also update progression measures to be based on the Graduate Outcomes survey. We confirm that an additional 2022 publication of access and participation data would, in the short term, supplement rather than replace the current version of the access and participation data dashboard, which was last updated in March 2022.³⁹ We consider that this would allow providers to understand the extent of changes that result from our adoption of the consultation proposals, by reviewing the two dashboards together. We recognise this may be important for providers to establish any impact of the changes on the interpretation of performance against the targets and milestones within their approved APPs. We note, however, our expectation that the relatively minor changes to data definitions that follow from our adoption of the consultation proposals will not have a material impact on the indicators and split indicators reported through the access and participation data dashboard for most providers. We recognise that the additional 2022 publication would also be important for providers as they develop new APPs to come into effect from 2024 onwards in response to the recent guidance and upcoming consultation on our approach to regulation of access and participation.
220. If we proceed with publication of the access and participation data dashboard, the next update to the current dashboard in spring 2023 would incorporate the additional year of student data that will have become available at that point, in addition to the data definition and reporting structure changes that result from our adoption of the consultation proposals. This update would replace the current version of the dashboard and accompanying data resources, which are based on the previous data definitions. We note that we have historically provided data resources alongside the data dashboard that convey the same information in a tabular, Excel-based format as both a published output and as one that is shared directly with providers via the OfS portal. We intend to continue to take this approach, but prior to these potentially being replaced in published resources in spring 2023, we would encourage providers to download from the portal any copies of the historical dashboard data

³⁸ See www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/our-approach-to-access-and-participation/.

³⁹ See the current dashboard at www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/.

(and supporting individualised student data files) they might wish to retain for the purposes of continuing to explore the impact of the changes beyond spring 2023.

221. We confirm that we are minded to publish the additional dashboard later in 2022, with the release timed to support providers with the development of new APPs to come into force in 2024. It has not been possible, and we do not agree that it was necessary, for this data to be published in time to help with submissions of variations to APPs. This is because we expect that the relatively minor changes to data definitions will not have a material impact on the access and participation data indicators reported for most providers. We take the view that, prior to the conclusion of our upcoming consultation on the future access and participation plan cycle, making and approving changes to APP targets and milestones to accommodate relatively minor changes in data definitions would not make effective use of provider and OfS resources respectively. We consider that those resources will be better utilised engaging with and responding to our upcoming consultation, and that our risk-led (and engagement-based) APP monitoring approaches will be sufficiently flexible to accommodate the extent of differences that may arise between providers' established targets and their performance against those targets as indicated by the updated access and participation data dashboards. We note that providers were asked to submit variations to their approved APPs, to take effect from 2023-24 and respond to our new priorities for access and participation, from 1 May 2022 until the deadline of 31 July 2022.
222. We are of course aware that variations to any part of an APP can be requested at any time after that APP has been approved, and we confirm that the most recently approved targets and milestones will be published as part of a provider's approved APP. We therefore recognise the possibility of data changes affecting the monitoring of APP targets and milestones that providers are currently working to, because those targets have not been updated to account for data changes, but the data dashboards used to monitor them have. While we do not expect differences that result from our relatively minor data changes to be material for most providers, to mitigate the impact of this possibility **we have decided to take the following steps:**
- a. The additional dashboard we are minded to publish later in 2022 would **include time series data that restates the same years of data that are already published in the current access and participation data dashboard**. We consider that this will allow identification of any material differences between approved targets and milestones and the updated data dashboards used to monitor these.
 - b. The individualised student data files shared with providers alongside the March 2022 update of the current access and participation data dashboard will remain available to providers via the OfS portal until spring 2023, and we intend to **make equivalent individualised data based on the revised data approaches available to providers in autumn 2022**. The availability of the two sets of individualised data will allow providers to identify how each student has contributed to both the previous and revised indicator calculations. This means that they will be able to understand the impact of the data changes at an individual level, if they wish to do so.
 - c. The additional dashboard we are minded to publish later in 2022, and the access and participation data dashboard updates we would publish in spring 2023 and spring 2024 would, on a short-term basis, **report a six-year time series so that providers have**

access to more of the historic data restated under the new definitions. We agree with respondents who suggested this approach because we are aware that the baselines for current APP targets and milestones may refer to years which now fall outside of the most recent four years of data available. We recognise that understanding how these baseline positions have been affected by the data changes (as well as the milestones that the most recent four years may cover) may be important for effective monitoring of APP commitments, by both the OfS and providers. We consider that temporarily publishing a six-year time series would reduce burden for providers because it would in many cases be sufficient for understanding the impact of the data changes brought about by this consultation on all components of their APP targets. The aggregate indicators also included in the access and participation data dashboard will continue to be calculated on the basis of the most recent two-years and four-years. **The updates published in spring 2025 would revert to reporting a four-year time series.**

223. However, we do not agree that it would be beneficial to retain the existing access and participation data approaches and delay their transition to the ones that follow from the outcomes of this consultation. This is because doing so would perpetuate and exacerbate the potential for confusion in understanding the student outcome and experience measures used by the OfS to deliver a coherent regulatory approach for quality, student outcomes and access and participation. We note that our proposed approach already described a phased transition which would only lead to the current access and participation data dashboard being replaced with updated approaches no earlier than spring 2023, as was suggested by some respondents, and we have confirmed that we will adopt this proposal. We also disagree with responses suggesting that the introduction of additional split indicators into the access and participation data dashboard be delayed, because we consider that this would mean that providers do not have access to information that may be relevant for their development of new APPs to come into effect from 2024. As discussed in paragraph 203 above, **we have decided not to introduce the subset of additional split indicators to the access and participation data dashboard (we indicated in our consultation proposals that these would be introduced to this dashboard, initially at sector level). We have decided that we will instead introduce these additional split indicators through our annual publications of sector-level equality statistics.** These additional characteristics would only be reported through the access and participation data dashboard if or when it becomes possible for that resource to include both sector- and provider-level information about these characteristics.
224. In relation to comments about the dashboard not currently reflecting information about raising attainment in schools, we anticipate that the approach to incorporating our new priorities for access and participation (including raising the attainment of young people) will be discussed within the upcoming consultation on future requirement for access and participation plans. However, we do not currently envisage introducing additional measures into the access and participation data dashboard in the short to medium term. This is because we consider that there is currently no national measure related to raising attainment and that providers will need to develop measures that work for the activity they are delivering, and the ways in which those activities may ultimately contribute to changes in the educational attainment of young people.

Decision

225. We have considered the points made by respondents in relation to Proposal 2 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 2, subject to the following:

- a. To the extent that our decisions on proposal 2 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decisions on publication, as explained at paragraph 11a. However, we are minded to produce a six-year time series within the access and participation data dashboard on a short-term basis, rather than the four-year time series we proposed, to support monitoring of access and participation plan targets and milestones, up until the update in spring 2024. Our reasoning for this is set out in paragraphs 221 to 222.
- b. We have made the following change to the approach described at consultation. In relation to additional split indicators that we proposed to introduce into the access and participation dashboard, we have decided to introduce the subset of these additional split indicators (which we indicated in our proposals would be introduced at sector-level initially), through our annual publications of equality statistics. These additional characteristics would only be reported through the access and participation data dashboard if or when it becomes possible for that resource to include both sector- and provider-level information about these characteristics. Our reasoning for this is set out in paragraphs 203 and 223.

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

226. In proposal 3 we set out the populations of students to be included in the student outcome and experience measures, designed to bring the coverage into close alignment with the OfS's calculation of student numbers for regulatory purposes (as used in setting registration fees; assessing applications for degree awarding powers and university title; and determining whether a provider must participate in the TEF).⁴⁰

227. We proposed that coverage would include:

- a. All students with a qualification aim of Level 4 or above, including qualifications which are not eligible to be included in the OfS funding calculations for Approved (fee cap) providers, often referred to as higher education courses not recognised for OfS funding.
- b. Students studying wholly or mainly in the UK, including UK-based distance learning.
- c. International students, where possible and meaningful to do so.

228. We proposed that coverage would exclude:

- a. Qualification aims which refer to a module of higher education provision or gaining awards of higher education credit.
- b. Students studying mainly abroad, including through transnational education (TNE).
- c. Students who leave their programme of study within 14 days of their commencement date without gaining an award.

229. We asked respondents to what extent they agreed with the proposed coverage of student outcome and experience measures.

Overall proposed approach

230. Respondents were generally supportive of our proposed approach, considering it appropriate to include as many student groups as possible in our regulation. Respondents thought the proposed approach would bring coverage of student outcome and experience indicators into closer alignment with the definitions of the OfS's calculation of student numbers for regulatory purposes, as well as providing consistency with other definitions and with NSS and Graduate Outcomes populations.

231. Some respondents took the view that the approach would have an impact on institutional autonomy. Reasons for this view included that the proposals may increase reporting burden on providers, or that they may discourage certain types of provision such as short courses and modular study.

⁴⁰ See www.officeforstudents.org.uk/data-and-analysis/student-number-data/.

Students aiming for higher education qualifications at Level 4 and above

232. Some respondents supported the proposal to include all students with a qualification aim at Level 4 and above, on the basis that it would give a more accurate and balanced view of a provider's higher education provision. They also noted that this would be in line with the OfS's calculation of student numbers for regulatory purposes.
233. Several respondents commented on the inclusion of students on courses not recognised for OfS funding, including:
- a. The absence of NSS and Graduate Outcomes data for these students could be confusing in relation to further education colleges, and lead to contradictory outcomes when assessing providers for different purposes.
 - b. Students on these courses should be considered as a separate category on the basis that the courses are not comparable to courses that we have included in the 'other undergraduate' level of study category, due to differences in their intensity, the volume of students involved and the nature of their outcomes and experiences in higher education, and for reasons of data availability.
 - c. Students on these courses, including those fully funded by employers, should not be in scope for regulation as they are not taxpayer funded.
 - d. Increased regulation could make these courses less attractive for providers. We have understood this to mean that providers may stop delivering this type of course and could therefore reduce the range of courses available to students.
234. Some respondents sought further information about the identification and inclusion of apprenticeships in the indicators. Further information was requested here and in response to proposal 4 (regarding definitions of mode and level of study) about the interaction of the overall apprenticeship standard with the qualifications studied within it. Questions included:
- a. How we would differentiate between a student on a standalone higher education qualification that is recognised for OfS funding purposes, as opposed to one studying it as part of an apprenticeship.
 - b. Whether qualifications studied within an apprenticeship would each be considered separately, or whether an apprentice would be included once, for their overall apprenticeship.
 - c. Whether mandatory and non-mandatory qualifications included in the apprenticeship would be considered differently.
 - d. Whether and how the continuation on a higher education qualification by apprentices on Level 4+ apprenticeships, that include occupational competencies below Level 4, might be affected by completion of the occupational competencies.
 - e. Whether consideration of positive completion outcomes included consideration of the apprenticeship's end point assessment.

235. A few respondents made points about what they saw as duplication of regulation, with Ofsted in respect of apprenticeships and with the ESFA for higher education courses not recognised for OfS funding. In both cases, they thought that our proposals could result in increased regulatory burden.
236. The inclusion of postgraduate research students in the student outcome and experience measures was queried by some respondents, who thought that the proposed continuation, completion and progression measures had been developed predominantly for undergraduate activity, without due regard to existing indicators in place for PhD students receiving public funding via UKRI. They also suggested that the smaller populations of postgraduate research students might lead to increased use of data suppressions for this level of study.

Students studying modules, for credit only

237. Several respondents supported the OfS working closely with the sector, including the proposal for a future consultation, on developing measures for students studying modular higher education provision. However, some respondents thought that developing new indicators for module-based provision would increase burden on providers and may deter them from offering such provision in future.
238. Most respondents agreed with the proposal that students studying modules for credit only should be excluded at this time. Reasons cited by respondents explained their view that:
- a. Current data limitations mean that more comprehensive and reliable data for modular provision is needed before appropriate student outcome measures can be developed.
 - b. The proposed indicator definitions would not be appropriate for such provision, as they would not accommodate the different study patterns and course lengths of students who study modules only.
 - c. It affects relatively low numbers of students.
239. On the other hand, some respondents thought that the proposal to exclude students studying modules for credit only could discourage provision of short courses and therefore be at odds with other government objectives. A few respondents suggested that we should therefore develop our approach to module-based provision more quickly because they thought that the current proposals would not be sustainable in the context of the Lifelong Learning Entitlement (LLE).
240. Further information was sought about whether the student outcome and experience indicators would include summer school and affiliate students, and whether credit size or duration of provision would affect inclusion.

Students mainly studying overseas, and transnational education

241. Some respondents agreed with the proposal to exclude students studying mainly overseas from all indicators. Reasons cited included:
- a. The lack of suitable existing data to construct reliable student outcome measures for these students.

- b. The challenges and additional regulatory burden of collecting the data needed to support construction of the proposed measures. Respondents thought that data collection for international students, and TNE in particular, would need to be properly resourced, and that understanding of the experiences of TNE students should be improved through further work and consultation, before measures of this type could be constructed.
- c. Views that TNE data is not currently subject to the same rigorous validation process as data for UK-based courses, so may be unreliable in some cases.
- d. Contextual differences between UK and TNE students related to the country of a partner provider. For example, continuation indicators for students domiciled in countries that have mandatory military service may not be comparable with the UK or other countries.
- e. The comparability and complexity of international partnerships, because of differences between OfS and overseas regulation of higher education.

242. One respondent suggested that the inability to measure outcomes for TNE students could negatively affect the UK higher education sector's international reputation for high quality. The respondent did not explain their reasons for this view; however we have understood this to be because the lack of student outcome indicators would mean that TNE provision is not subject to the same level of regulatory attention as courses based in England.

International students

243. Several respondents commented on the specific approach to UK-based international students in the progression indicators' coverage. We have incorporated these comments into our summary of responses to proposal 7 (Construction of progression measures) and responded to them there.

Students leaving within two weeks

244. A few respondents agreed with the proposal that students who leave their course within two weeks of their commencement date should be removed from all student outcome and experience indicators, as this aligns with the HESA Student and Student Alternative return, the 14-day cooling off period for consumer protection, and with liability for student finance, as well as supporting student choice.

245. Respondents tended to agree that the impact of a student leaving higher education is likely to become increasingly negative as time progresses. However, some respondents queried whether and how the proposal would be suitable for courses that allow the flexibility for students to step on or off.

246. Some respondents favoured using a longer period as the basis for removing early leaving students from our student outcome and experience indicators, as they were of the view that students can change their minds about their study intentions or leave courses for reasons unconnected with the course or provider, at any time. Some respondents suggested that this is more likely for mature students or those from non-traditional backgrounds, and so the approach may conflict with the OfS's approach to access and participation.

247. Other respondents commented that the proposal could increase the burden of our overall approach because they considered that use of a 50-day period had been established by

HESA in the UK performance indicators reporting on non-continuation rates, and these indicators had been embedded within their governance and oversight processes for quality. Some respondents suggested that the proposed approach may disincentivise providers from offering flexible induction activities, which they comment are designed to occur after registration and to support students from a wide range of backgrounds, such as international, mature or disabled students. Respondents further suggested that to adapt these practices would increase burden on providers. Some respondents therefore suggested a transition phase in implementation of the proposal, to give providers more time to adjust.

248. Some respondents suggested alternatives to the 14-day period for removing early leaving students, including:
- a. 28 days, which would give students a suitable amount of time to engage with support services made available by a provider, in order to make a considered decision.
 - b. Six weeks, which would include students who receive offers from other providers or enter via clearing and may have to wait up to six weeks for confirmation of Student Loan Company (SLC) funding.
 - c. 50 days, which would align with HESA performance indicator definitions.
 - d. Four weeks for students undertaking an integrated foundation year.
 - e. 42 days, which would align with the rule applied in further education to determine whether a student on a course of at least 168 days should count towards qualification achievement rates data.
249. A few respondents asked when the 14-day period would begin, as many providers register students during freshers or pre-sessional activities, and how Data Futures would affect this proposal.

OfS response

250. We welcome respondents' general support for our approach to the populations of students included in student outcome and experience measures, and including as many groups as possible within our regulation. As respondents have identified, we consider that it is important that this coverage reflects our regulatory remit to the extent that is currently practical and meaningful.
251. We recognise that respondents have, in several places, sought further information about population definitions and variations in coverage. We provide relevant information below, and will incorporate this into supporting documentation and user guidance so that we support users' understanding of the population coverage and data limitations on an ongoing basis.
252. We note that, in several places, the responses we received to this consultation comment on the rationale for our approach to regulation of student outcomes. We consider that the key points raised in relation to this specific proposal – which are dealt with in the regulating student outcomes document, rather than here – relate to:

- a. Duplication of regulation (with Ofsted and the ESFA in respect of apprenticeships and higher education courses not recognised for OfS funding).⁴¹
- b. How assessment processes will accommodate differences in the coverage of student populations across different student outcome measures, and mitigate the risks of contradictory judgements as a result.⁴²
- c. Comparability and complexity of understanding international partnerships, and views that a different regulatory approach is needed to handle these.⁴³

Students aiming for higher education qualifications at Level 4 and above

253. We proposed that student outcome and experience indicators are based on all students reported with a qualification aim for their course which refers to a higher education **qualification** – inclusive of all qualifications at Level 4 and above – because each registered provider needs to satisfy the OfS’s regulatory requirements relating to quality for all of its higher education activity. This encompasses any activity defined as higher education by Schedule 6 of the Education Reform Act 1988, which includes any qualification or credit higher than A-level standard, at Level 4 or above. We agree with respondents that our proposed coverage facilitates an accurate and balanced view of the overall higher education provision at a given provider. Because we consider that this is important in meeting our policy objectives, we will therefore adopt the proposal.

254. This means that the coverage of many of our student outcome and experience indicators will include qualifications which are not eligible to be included in the OfS funding calculations for Approved (fee cap) providers, or are regulated by the Office of Qualifications and Examinations Regulation (Ofqual).⁴⁴ It will also include students studying wholly or mainly in the UK, including UK-based distance learning, and international students where it is possible and meaningful to do so.

255. We have considered suggestions that the OfS should provide further information about the interaction between our regulation of student outcomes and the activities of other regulators, including Ofqual, Ofsted and the ESFA. Once registered with the OfS, we have set out that our approach is to avoid duplication of regulation, as far as possible and where appropriate. This includes, for example, drawing on Ofsted inspections and intervention by the ESFA as a mechanism for maintaining high quality in apprenticeship training. However, given that regulation by these organisations does not lead to a standalone judgment about the outcomes that a provider is delivering for its students, we continue to think that it is appropriate that these student outcomes remain subject to OfS regulation. This means that

⁴¹ See our response to the ‘Respondents’ comments relevant to B3.5’ section of the regulating student outcomes consultation response.

⁴² See Annex B of the regulating student outcomes consultation response.

⁴³ See our response to the ‘Inclusion of partnership data in indicators’ section of the regulating student outcomes consultation response.

⁴⁴ Qualifications not eligible to be included in the OfS funding calculations may elsewhere be referred to as ‘non-recognised’ or previously, as ‘non-prescribed’ higher education. They may be listed on the Register of Regulated Qualifications, with students potentially entitled to Advanced Learner Loans. The OfS refers to these qualifications as ‘higher education courses not recognised for OfS funding’ throughout this document on the basis that other terminology is inaccurate or open to misinterpretation.

we consider inclusion of students on courses that fall within the remit of multiple regulators in the coverage of student outcome and experience measures is appropriate and necessary.

256. In addition, for the avoidance of doubt, we confirm that higher education qualifications at Level 4 or above that are studied as part of an apprenticeship are included individually in the coverage of student outcome and experience measures, but the overall apprenticeship standard is not. This means that our measures consider the outcomes and experiences of apprentices on each component of their apprenticeship separately and apply a consistent approach whether that component represents a mandatory part of the apprenticeship or otherwise. Our ability to do this relies on providers making appropriate use of existing mechanisms included in individualised student data collections to identify when a qualification is being studied within an apprenticeship.⁴⁵ It also means that we will not look explicitly at achievement of the apprenticeship standard's final end point assessment. As an example, if an apprentice were to complete the HNC qualification they studied as part of an apprenticeship but then failed to achieve the overall apprenticeship standard, they would count positively on our continuation and completion measures as these would be calculated only in respect of the HNC. While the need to demonstrate occupational competencies is distinctive for apprenticeships, and has the potential to prevent a student's continuation or completion of a higher education qualification, the need to demonstrate wider competencies beyond the subject matter for a course is not. We therefore do not consider that it would be appropriate to make an adjustment to the definition of our measures to account for this.
257. We have also considered responses that suggested that there was likely to be a significant difference between the outcomes for higher education courses not recognised for OfS funding and other Level 4 or 5 qualifications, and therefore they should either not be regulated or should be included as a separate level of study.
258. We proposed in both the phase one and January 2022 consultations on regulating student outcomes that higher education courses not recognised for OfS funding which involve study for a qualification (rather than modules or credit) should be integrated into the coverage of our student outcome and experience measures (often in the 'other undergraduate' level of study definition). This was because integration means that our approach to the regulation of student outcomes for these courses will apply on the same basis as they do for courses that are eligible for student support from the Student Loans Company and OfS funding. We maintain the view that it is important that students on these courses are afforded the same regulatory protection as other students, regardless of whether they attract OfS funding or not. We consider that to do this, it is important that pockets of provision that do not meet our minimum expectations for student outcomes can be identified and that providers can be incentivised to improve the outcomes they deliver for their students. We take the view that our approach to setting minimum numerical thresholds for student outcomes takes sufficient account for distribution of performance that the sector delivers in respect of student outcomes across different course types, and for different student groups, that we can be confident that it is proportionate to include these students in scope of our regulation and the associated data.

⁴⁵ Specifically, providers returning data to the designated data body should identify apprentices using the INITIATIVES field for each qualification that contributes to the apprenticeship, and providers returning data to the ESFA should do the same using the PROGTYP field.

259. Because responses to the consultation on regulating student outcomes argued that the minimum numerical thresholds set for courses not recognised for OfS funding should differ from those set for courses which are recognised for OfS funding, we have considered differences in student outcomes between these two types of courses.⁴⁶ In doing so we have focused on courses at Level 4 and 5, as courses at these levels account for a majority of the higher education courses which are not recognised for OfS funding. Our view is that performance across the sector is broadly similar for courses which are and are not recognised for OfS funding, as illustrated in Table 2 below. Furthermore, while consultation responses have described that the nature and outcomes of courses not recognised for OfS funding differ from those which are recognised for OfS funding they have not, in our view, provided compelling reasons for why this is the case and why the students who study these courses should be afforded a different level of regulatory protection.

260. We have therefore decided not to treat higher education qualifications which are not recognised for OfS funding as separate levels of study. To do so would require the addition of at least two further level of study categories: higher education qualifications at undergraduate levels (Levels 4 to 6) which are not recognised for OfS funding; and higher education qualifications at postgraduate levels (Level 7+) which are not recognised for OfS funding. Based on the differences we have observed, we do not consider that the resulting increase to the volume, complexity and burden of the data would be proportionate.

261. We are, though, minded to publish additional course type information in our size and shape of provision data dashboards for each provider, which will report on the number and proportion of students on higher education courses that would not be recognised for OfS funding purposes (whether or not the provider itself is eligible for OfS funding). This would support providers and other users in understanding the potential influence of these qualifications on a provider’s performance in relation to student outcomes.

Table 2: Differences in continuation outcomes for higher education courses which are and are not recognised for OfS funding

Course type	Sector average continuation rate	Median continuation rate	Weighted median continuation rate
Other undergraduate	79.4%	79.9%	80.3%
Higher education courses at Levels 4 and 5 which are recognised for OfS funding	79.7%	80.4%	80.8%
Higher education courses at Levels 4 and 5 which are not recognised for OfS funding	78.2%	79.6%	80.0%

262. Some respondents were concerned about the OfS measuring progression outcomes for students completing higher education courses not recognised for OfS funding. As we stated

⁴⁶ See our response to the ‘Non-recognised courses’ section of the regulating student outcomes consultation response.

in our consultation, students on, and qualifying from, courses not recognised for OfS funding are currently outside the scope of the survey instruments used to understand student experiences (the National Student Survey – NSS) and graduates’ employment and further study destinations (the Graduate Outcomes survey). It is therefore not currently possible to calculate student experience measures or progression rates for those studying for a higher education qualification which is not recognised for OfS funding, so we did not propose to construct these measures at this time. While we continue to take this view, as set out in our consultation (and for the reasons given in paragraph 258) our intention is that, in the longer term, these students are integrated into the coverage of our measures. The consultation signalled our expectation of further consultation in due course to test proposals for extending the coverage of existing survey instruments to include students aiming for higher education qualifications which are not recognised for OfS funding: this remains our intention.

263. In the meantime, we acknowledge that this means that those studying for higher education qualifications not recognised for OfS funding will be included in some but not all student outcome and experience measures, and that we will need to be clear in the communication of this difference. To support user understanding of the variations in population coverage, we will provide clear explanations in our supporting documentation and user guidance. However, we note that differential coverage of student populations across the different measures is not unique to the treatment of courses not recognised for OfS funding. For example, students on courses of no more than one year duration are included in student outcome measures but not in student experience measures based on the NSS, and, when used for the purpose of regulating student outcomes and the TEF, international students are included in all measures except progression indicators. We also signalled our intention to consult in future on proposals for extending the coverage of the NSS to include students on shorter courses.
264. For the avoidance of doubt, we can confirm that students on higher education courses not recognised for OfS funding will still be excluded from the access and participation data dashboard, on the basis that these students would not count as 'qualifying students on qualifying courses' for access and participation regulation. We would expect to review this position in the event of any changes to the definition of 'qualifying students on qualifying courses', including as a result of the government’s implementation of the LLE.
265. We have considered comments from respondents about whether it was appropriate to include postgraduate research students in the student outcome and experience measures. While the student outcome measures we proposed to construct are similar to established approaches to measuring undergraduate student outcomes, the applicability of our data definitions to postgraduate cohorts was considered throughout the development of our consultation proposals. In doing so, we were aware that other measures exist but that they are not being used to support a standalone judgment about the outcomes that a provider is delivering for its students, so do not cover all of the student outcomes that inform our approach and have different and more partial coverage of postgraduate research student populations. It is our view that seeking to rely on those measures would introduce complexity and inconsistency to our regulatory approach, increasing the burden for providers to understand and respond to it. Instead, our consultation document describes where variations to our data definitions have been necessary to accommodate features of postgraduate provision or data reporting, and we have sought to test those definitions through this consultation exercise to gain further assurance that they are fit for purpose.

266. While we recognise that the characteristics of postgraduate research courses are distinctive, we consider that our proposed approach acknowledges this through separate reporting of 'postgraduate research' as a distinct level of study. This means that our approach to setting minimum numerical thresholds for postgraduate research student outcomes takes sufficient account of the distribution of performance that the sector delivers in respect these courses. More generally, we maintain the view that it is important that students on these courses are afforded the same regulatory protection as other students and will continue to include them within the scope of our regulation and the associated data. We also consider that our approach to communicating the statistical uncertainty associated with the indicator values (as described in proposal 11) mitigates many of the risks that respondents have cited as a consequence of data based on small populations.

Students studying modules, for credit only

267. We welcome the agreement from respondents that the coverage of our student outcome and experience indicators should not, at this time, include any student reported with a qualification aim for their course which refers to a **module** of higher education provision or, in the case of degree awarding and progression measures, gaining awards of higher education credit. We agree with respondents that it is not likely to be appropriate to include such students within the scope of our regulation of student outcomes and experiences until such time as a number of issues have been resolved. In particular, we agree that the definitions for positive student outcomes and experiences proposed through this consultation may not be appropriate or meaningful for students studying modules for credit only. As we signalled in the consultation, our intention is that over a longer timescale we will develop ways in which we might measure and assess a positive outcome for this type of course – and the data we would need to support measurement of this.

268. We consider that we would need to review future data capture options to address the current data limitations described by respondents and the consultation, which may involve a combination of collecting additional data about the student views and outcomes related to modules of higher education provision, and refining the collection of existing data items. We proposed a future consultation to consider these matters further, and that this should be linked to any data collection changes required by the Government's implementation of the Lifelong Learning Entitlement. We consider that developing an approach to address the requirements of both sets of policy objectives together will be essential to limiting the burden and costs of any changed or additional data collection related to the study of modules of higher education provision. We wish to limit these and other barriers to the growth of this provision and so this remains our intention.

269. Summer school and affiliate students would be included in the student outcome and experience indicators only if they met the criteria of being registered for the study of a higher education qualification (rather than for credit or individual modules). Other than for inclusion in the NSS (which requires the course length to be more than one year) there are no limitations on the duration of the qualification, or the number of credits that the qualification requires the student to achieve overall, for it to be included in the coverage of the student outcome and experience measures.

Students mainly studying abroad, and transnational education

270. We also welcome agreement from respondents that students who are studying mainly abroad are, at this time, excluded from all of the student outcome and experience indicators, along with any student reported within the HESA aggregate offshore record. We will adopt this proposal because differences in the coverage and structure of the HESA Student or Student Alternative returns, and the HESA aggregate offshore record, do not currently facilitate consistent recording of students of UK higher education providers studying overseas. This means that most of those studying by non-UK based distance learning, and all of those who are recorded as incoming visiting and exchange students, will be excluded from coverage of the measures. The small number of non-UK based, OfS-fundable students studying through distance learning who are reported within the HESA Student and Student Alternative records, rather than the aggregate offshore record, will be included within the coverage of the proposed student outcome and experience measures on the same basis as other distance learning students.
271. However, we agree with the comment that the inability to measure outcomes for these students could start to negatively impact the international reputation of the UK higher education sector. We therefore consider it proportionate to seek to improve data collection about these students and their outcomes, but agree that this should happen over a longer timescale and aim to minimise any increases to the related burden and costs involved.
272. We confirmed in our consultation proposals that we intend to consult specifically on the detail of data requirements for TNE. We remain committed to working with the designated data body to conduct this further consultation prior to the introduction of any new outcome measures that include TNE students. We consider that there is merit to several of the points made by respondents in relation to the challenges and additional burden that might relate to increased regulation of TNE, and will consider these points as we develop proposals to address data collection and data quality in this area. The development of our regulatory approach to TNE student outcomes would need to follow, and we would also expect to consult on an appropriate approach before to the assessment of student outcomes for TNE.
273. We also confirm that we are minded in due course to publish sector-level analysis of outcomes for TNE courses based on existing data from the aggregate offshore record, to further support the development and understanding of those future consultation proposals.

Students leaving within two weeks

274. We welcome agreement from respondents that students who leave their course within two weeks of their commencement date, without having gained a qualification, should always be removed from the coverage of student outcome and experience indicators. As described in the consultation document, we consider that this is necessary to align with the scope of student data returns. To do otherwise would mean that student outcome and experience indicators would be reporting on different populations for different providers, according to their reporting practice, and whether they are required to return data to the designated data body or the ESFA.
275. We have considered responses which do not consider two weeks to be a sufficient timeframe to make allowance for the circumstances in which a student leaves very early in a course which may be for reasons which are unconnected with the course or the provider. While we

recognise that there may be some merit to allowing a longer period following commencement of study before students count towards our measures, we consider that these tend to hold in specific or individual circumstances, whereas the benefits of aligning with consumer protection and student finance mechanisms are more widespread.

276. It is our view that it is important to maintain a coherent link between the population coverage for student outcome and experience indicators, with our definitions of entrant cohorts and positive continuation and completion outcomes. In particular, the latter measures student outcomes by reference to a census date which mirrors the early leaving period allowed for by the overall population coverage. In addition, we consider that the greater the difference between indicator definitions and the underlying data return model, the greater the risk that our approach becomes less compatible with other aspects of data reporting (such as appropriate calculation of a student's full-time equivalence) and hence more complex in the round.
277. We note that some respondents considered that the proposal would create burden for the sector as providers would need to adjust to a different period than had been established within the UK performance indicators published to date by HESA, or used the ESFA's qualification achievement rate publications.⁴⁷ However, we would note that the OfS has, since its first publication of the access and participation data dashboard in early 2019, based its indicator definitions on a coverage that excludes students who leave their course within two weeks of their commencement date, and on measuring continuation outcomes with reference to a census date which mirrors this.⁴⁸ In addition, if we were to adopt one or the other of the HESA or ESFA approaches, burden would in any case have been created for providers that are not required to return data to the organisation whose approach had been chosen. We note that the same would be true if we adopted any of the other alternative suggestions given by respondents.
278. We therefore consider that rather than this proposal creating burden for the sector, continued use of the existing OfS approach will prevent further adjustments to understanding different data definitions. It will help to minimise potential for disruption to the evidence base that underpins existing access and participation plan targets and milestones in respect of both the access and student success lifecycle stages. It is important to understand that the links described in paragraph 276 mean that students leaving early in their course are removed not only from continuation and completion measures, but also from the access indicators which report on the profile of entrants to higher education. As such, we consider that rather than conflicting with our approach to access and participation, our proposal supports it. As has also been recognised by several respondents, we maintain the view that that the impact of a student leaving a higher education course is likely to become increasingly negative as the time since course commencement lengthens. This means that we consider incentivising providers to recruit students with the potential to succeed, and to ensure those students are

⁴⁷ See www.hesa.ac.uk/data-and-analysis/performance-indicators and www.gov.uk/government/collections/qualification-achievement-rates-and-minimum-standards.

⁴⁸ See the archive of technical algorithms underpinning institutional performance measures reported through the access and participation data dashboard at www.officeforstudents.org.uk/data-and-analysis/institutional-performance-measures/technical-documentation/.

properly supported, is a positive impact of our regulation that reinforces our approach to access and participation.

279. Consequently, we consider that the rationale we set out in our original proposals remains reasonable and are therefore not making any changes to the method of removing students who leave early in their course.

280. We have considered the impact of differing practice between providers in relation to when they register students and have provided further information about the coverage of Data Futures to ensure consistency. This information is reflected in the data specifications and collection guidance HESA have published in relation to student data returns based on the Data Futures model.⁴⁹

Decision

281. We have considered the points made by respondents in relation to Proposal 3 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 3. However, to the extent that our decisions on proposal 3 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision on publication described at paragraph 11a.

⁴⁹ See the coverage specification published at <https://codingmanual.hesa.ac.uk/22056/home/>.

Proposal 4: Common approaches to defining and reporting student populations

282. In proposal 2 we set out that student outcome and experience measures will be reported through a hierarchy which results in separate indicators (and split indicators) according to students' mode and level of study, and through different views of a provider's student populations. In proposal 4 we described how we would define the mode and level of study categories to be used in the construction of that indicators reporting structure, as well as our proposed definitions of entrant and qualifier populations. We also described our proposed approaches to identifying a student's teaching provider, and to intercalating students.

283. The key features of our proposals included:

Modes of study:

- a. Full-time and part-time modes of study would be defined consistently with the HESA derived field specifications for mode of study.
- b. Apprenticeship students would be reported as a distinct mode of study.
- c. Students would be attributed to a mode of study category on the basis of the mode of study reported in the first year of their programme of study.

Levels of study:

- d. For full-time and part-time modes of study, students would be categorised with a level of study as one of: Other undergraduate; First degree; Undergraduate with postgraduate components; Other postgraduate; PGCE; Postgraduate taught masters; Postgraduate research.
- e. Apprenticeship students would be categorised with a level of study of either undergraduate or postgraduate.
- f. Students would be attributed to a level of study category using definitions that were similar to the HESA derived field specifications for level of study, but which prioritised an understanding of the student's level 'in time' to determine whether they should be included in an undergraduate or postgraduate level of study category.⁵⁰

⁵⁰ We consider that a course is postgraduate in time when it is, by design, timed to follow the award of an undergraduate degree. Such courses will normally require at least an undergraduate higher education qualification as a pre-requisite for entry. It is known that while some qualifications may fall at undergraduate academic level according to the sector-recognised standards in the OfS's regulatory framework, they normally require an undergraduate higher education qualification as a pre-requisite for entry (examples include qualifications regulated by health and social care bodies studied by registered professionals). Such qualifications can be referred to as postgraduate in time, on the basis that a student starting one of these courses will normally have already experienced undergraduate study.

Teaching provider:

- g. A student's teaching provider would be defined as the provider where they received the majority of their teaching in the year that relates to the calculation of the indicator in question:
 - i. For continuation and completion measures, where we report on entrant cohorts, the teaching provider will be the provider that delivered the majority of the teaching in the student's first year of study.
 - ii. For student experience measures based on the NSS, the teaching provider will be the provider that delivered the majority of the teaching in the year in which the student is identified for inclusion in the survey target list.
- h. Where there is no majority, 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 teaching provider would be set as the registering provider. However, if neither is the registering provider, then the teaching provider would be set as unknown.
- i. Once sufficient years of data have been collected, we expect to review the differences, and relative advantages, of our proposed approach and one based on information collected for the first time in 2020-21 HESA student data collections which will identify the provider that will deliver the majority of the teaching across the whole course for students at their point of entry to higher education.

Entrant and qualifier populations:

- j. Students would be counted in headcount terms throughout our definitions.
- k. A student who was actively studying multiple instances of higher education at the same registering provider, at the same broad level of study (undergraduate or postgraduate) in the same reporting period, will only count towards our indicators once per year.
- l. Entrant cohorts would include any student with a course commencement date between 17 July and the following 16 July, unless those students were actively studying at the same registering provider, at the same broad level of study (undergraduate or postgraduate), at any point in the previous calendar year.
- m. Qualifiers would include all students reported to have been awarded a higher education qualification, with progression measures then relying on the target list for the Graduate Outcomes survey.
- n. Degree outcomes measures reported in the access and participation data dashboard would focus on students awarded undergraduate degree qualifications at Level 6+, until such time as extensions made within the collection of 2020-21 HESA student data returns to record all qualification classifications allow us to review the potential to develop outcomes measures that can be reported for other qualifier populations.
- o. Higher education students recorded in the ILR as ending their learning aim are reported with an outcome of partial achievement, or of 'learning activities complete but the

outcome is not yet known', would be included as qualifiers being awarded a higher education qualification.

Intercalating students:

- p. Are included in the definition of entrant cohorts for the provider registering the student for their intercalation year, where this differs to the provider registering them for their clinical degree, for purposes of the continuation and completion indicators.
- q. Are excluded from the calculations of access to higher education measures, whether the intercalation year is spent at the same or a different provider.
- r. Are excluded from the calculation of student experience measures based on the NSS because they will not currently be surveyed in respect of their intercalation year alone. We would expect to consult on revised approaches at a future point in time if the NSS coverage were to be expanded to include these students.
- s. Are excluded from the calculation of progression measures because they do not currently fall within the target list for the Graduate Outcomes survey, whether the intercalation year is spent at the same or a different provider.
- t. Intercalating students who gain an award from their intercalation year will otherwise be included in qualifier student counts and calculations for degree outcomes measures.

284. We asked respondents to what extent they agreed with the proposed definitions of: mode and level of study; teaching provider; and entrant and qualifying populations.

Responses relating to proposal 4

Defining mode and level of study

285. Most respondents agreed with the proposed definitions of mode and level of study. Many respondents welcomed the consistency of the proposed definitions with current and future regulatory reporting, such as current HESA returns and Data Futures. They recognised that these are definitions with which the sector is already largely familiar and that stakeholders understand. Some respondents welcomed what they saw as simple, clear and concise definitions.

286. Some respondents commented on the burden of understanding that they associated with both the proposed definitions and the granular nature of the data reporting structure into which they feed. Others thought there was a lack of historical data for some of the categorisations proposed, such as postgraduate research, postgraduate taught, higher technical qualifications and degree apprenticeships. It was suggested that further work or a phase-in period may be needed to allow the sector to adjust to using these definitions.

287. Some respondents expressed support for a future OfS consultation, and the OfS working closely with the sector, to develop definitions and approaches suitable for module-based provision. This support repeated that identified in responses to proposal 3.

Defining modes of study

288. Many respondents specifically agreed with our proposals for mode of study. This included support, from the limited number of respondents who commented on it, for the proposal to

define as part-time any student whose expected course length is less than 24 weeks, regardless of the intensity of study.

289. Some respondents commented on potential disadvantages of the proposed categories for mode of study:
- a. The proposal seemed too rigid to accommodate modular or flexible provision, or blended learning, for which the lines between full- and part-time provision are increasingly blurred, which may undermine efforts to expand delivery of modular provision through the Government's higher education reforms.
 - b. Lack of an online learning mode, which could affect the development of this type of provision and limit its use to part-time study so that providers benefit from the lower minimum thresholds set for this type of course in the OfS's regulation of student outcomes.
 - c. Courses categorised as part-time can be materially different in respect of their student profile and student experiences, so would benefit from further disaggregation.
 - d. Persistent inconsistencies of mode of study definitions between HESA (and hence this proposal) and Higher Education Students Early Statistics (HESES), for instance in relation to students with expected course lengths less than 24 weeks, which HESES definitions may treat as full-time in the circumstance that it attracted an approved full-time fee.
290. Most respondents specifically supported the inclusion of apprenticeships as a distinct mode, agreeing with the reasoning set out in the consultation proposals which recognises that these are a distinctive type of course on which students have very different experiences from more traditional modes of study.
291. Conversely, some respondents did not support this approach to apprenticeships. This was because they thought that:
- a. It would increase both regulatory and data reporting burden for courses that are already inspected by Ofsted.
 - b. Data for apprenticeships would be sparse, which would affect the reliability of relevant indicators.
 - c. Recognising apprenticeship as a distinct mode of study would be problematic, on the basis that it has much in common with other courses that combine academic and work-based learning. Respondents suggested that in some cases students who are on the same course may or may not be completing that course as part of an apprenticeship, including instances in which an employer had not yet secured approval from the Institute for Apprenticeships and Technical Education for it to be labelled and funded as an apprenticeship.
292. One respondent asked whether apprenticeships should be split further into full- and part-time modes, as the reasons for splitting full-time from part-time elsewhere may also apply to apprentices.

293. Some respondents sought further information about the identification and inclusion of apprenticeships in the indicators. Requests here repeated those made in response to proposal 3, which are responded to in paragraph 256 above.

Approaches to reporting mode of study

294. Many respondents agreed with the proposed approach to attribute students to the mode reported in the first year of their course. Respondents considered that this would accurately reflect students' intentions at the start of their course, and the data could then be easily reconstructed by providers. Also, as there is a relatively low prevalence of students switching modes of study during their course, this approach would be appropriate for the majority of students. It was also commented that this approach is more appropriate in the case of students changing from full-time to part-time in their final year of study as a result of needing to take re-sits.
295. Some respondents thought that the proposed approach did not take sufficient account of the issue of students changing mode during their studies, and that this risked misrepresenting students' experiences and outcomes. By discounting other modes of study (especially for what could be the majority of a student's engagement), respondents thought that the approach could fail to recognise a provider's role in supporting these students, and that it may mean that its continuation and completion outcomes are assessed inappropriately.
296. Some respondents also considered that the proposed approach risked creating additional burden for understanding and explaining the data to users. They gave examples of the proposed approach differing from established sector reporting, such as current reporting of NSS data by mode of study, and from approaches used by HESA and league table compilers with respect to qualifier populations.
297. Adoption of the 'substantive mode' of study approach, also described by the consultation, was supported by the majority of those disagreeing with the proposed approach. They considered that this would more accurately reflect students' experiences and that the benefits of this approach would outweigh the disadvantages the consultation had described.
298. One respondent thought more information about the numbers of students switching mode of study would be helpful, as well as information on what points in their course they make these changes. Similarly, it was also suggested that we create a 'variable mode' category for students who switch mode of study, to allow differentiation of these students and those who followed the same mode throughout. It was suggested that this would allow reporting on the numbers of students changing mode of study and the potential impact on student outcomes to be accounted for.

Levels of study

299. Many respondents supported the proposed definitions of levels of study. There was also support for reporting apprenticeships across two levels of study as opposed to the more granular categories used for full-time and part-time modes, on the basis that this would avoid creating small populations and presenting excessively detailed information.
300. Some respondents commented that they would prefer the adoption of definitions consistent with the HESA derived field specifications. Some respondents suggested that producing and engaging with indicators across too many levels would result in excessive burden and data suppression. Alternative approaches suggested by these respondents tended to seek

alignment to the approach proposed for the TEF, in which the separate undergraduate levels of study were aggregated when constructing indicators and only considered separately as a set of level of study split indicators. Respondents thought that a similar approach could be used in respect of postgraduate students, whether all postgraduate study was grouped together, or a distinction was made between taught and research postgraduate courses.

301. Several respondents commented on issues they perceived in relation to certain level of study categories. These comments covered the following issues, which we describe in thematic order below:
- a. Opportunities to further disaggregate level of study categories.
 - b. A lack of clear distinction between some levels of study.
 - c. The potential impact of the proposed postgraduate 'in time' approach.

Opportunities to further disaggregate level of study categories

302. While respondents welcomed the recognition of 'other undergraduate' qualifications, some suggested that Level 4 and 5 qualifications should be presented separately because this would reflect the different outcomes and experience of students, especially in the context of government proposals to expand provision at these levels. Some respondents also commented on the inclusion of students on courses which were not eligible for OfS funding in the 'Other undergraduate' category and suggested that these should be reported as a separate level of study to avoid any anomalies in the data.
303. Some respondents requested that integrated foundation years be treated as a separate level of study, because they considered these to have a different student population, who typically hold non-standard entry qualifications. Respondents thought that this would facilitate an understanding of how outcomes for these students differ from those studying at other levels, and considered this important because students on an integrated foundation year have historically been less likely to continue. While a few respondents agreed that such students had signed up to the same learning outcome as any other student registering on a first degree course, some respondents thought that aggregating them with other first degree students could distort interpretations of overall performance, and considered that this would be especially undesirable because courses with an integrated foundation year were seen to provide an important role in widening participation.
304. A few respondents commented more generally on the 'other postgraduate' category, suggested that it was too broad because it includes both academic and professional courses, which they consider lead to markedly different student outcomes.
305. One respondent encouraged the OfS to explore the feasibility of splitting research masters' courses out as a distinct level of study, since the nature of these courses and student progression differs from doctoral study.

A lack of clear distinction between some levels of study

306. Some respondents did not agree with separating 'undergraduate with postgraduate components' level from 'first degree', because they considered that three-year degrees and integrated masters' courses are very similar, in terms of student compositions, teaching and assessment, funding, postgraduate career paths. They identified the ability for students to

transfer between these courses. One respondent suggested that a four-year integrated masters' course is more similar to a first degree (which we proposed to categorise as a different level of study), than to a pre-registration medical degree which we proposed to categorise in the same 'undergraduate with postgraduate components' category.

307. Respondents also commented that the distinction between first degrees and undergraduate courses with postgraduate components would result in very small numbers in the latter category in some cases, and thought that this would make the data unusable. Some also asked whether this category of courses would be sufficiently well understood by users of the data, because the labelling of this category did not sufficiently describe what it included. It was suggested that the undergraduate courses with postgraduate components category covered a large number of healthcare courses which, for many providers, would not be recognisably distinct from other types of taught postgraduate courses which were included in other level of study categories.
308. One respondent commented on the reporting of teaching education qualifications in the lifelong learning sector, as the proposal means reporting in three different areas (Certificate in Education or Level 5 Diploma in Education and Training under 'other undergraduate'; Level 6 Professional Graduate Certificate in Education under 'PGCE'; and Level 7 Postgraduate Certificate in Education under 'other postgraduate'). A system where all types of teacher education courses in the lifelong learning sector were reported under the PGCE level of study category was suggested, on the basis that this would give a clearer and more balanced view of this type of provision.

The potential impact of the postgraduate in time approach

309. Several respondents commented on the 'other postgraduate' category and its expansion to include qualifications that are postgraduate in time but may be undergraduate level according to the sector-recognised standards in the OfS's regulatory framework.⁵¹ Some respondents welcomed the proposal, commenting that it recognises students' prior engagement with higher education. However, other respondents disagreed on the following grounds:
- a. Because the consequence of the proposal is that students on these courses would no longer be counted as undergraduates, and so would not fall in scope of the TEF, they considered it undesirable to discount their student voice and prevent their NSS responses from contributing to the TEF assessment process.
 - b. They thought the proposal did not recognise the potential difference in progression outcomes between undergraduate and postgraduate courses (as defined by the sector-recognised standards in the OfS's regulatory framework).
 - c. They had also understood that continuation and completion measures would treat students changing from a postgraduate level course to an undergraduate level course as a negative outcome, which they then took to mean that where a student moves from an integrated masters' course to a three-year course, or decides not to undertake the final year of study, a negative continuation and completion outcome would be generated.

⁵¹ See <https://www.officeforstudents.org.uk/media/53821cbf-5779-4380-bf2a-aa8f5c53ecd4/sector-recognised-standards.pdf>.

They considered this would therefore misrepresent the outcomes for students studying at and across the boundary between undergraduate and postgraduate levels.

310. Some respondents sought further information about which of the students who had previously been categorised as 'undergraduate with postgraduate components' would be reclassified as 'other postgraduate', noting that this would be particularly important to understand the impact on access and participation data. They considered it likely that for some providers it would mean that their entire population would be reclassified as postgraduate in time and so fall out of scope for access and participation purposes.

Definition of teaching provider

311. There was broad support for the proposed definitions of teaching provider, with respondents recognising the complex nature of higher education partnerships and that our proposals would accommodate these to best extent possible. The majority of respondents agreed with our proposal to define teaching providers in a given year depending on the measure, as it would identify the provider exerting the greatest influence on student outcomes and experience, allow for variations year on year and be understandable for students and other stakeholders. The approach also aligns with definitions already used for the NSS and the Graduate Outcomes survey.
312. Some respondents commented on the proposed definition of teaching provider, suggesting that the proposed approach:
- a. May understate the roles and responsibilities of other providers that have played a role at different stages in a student's lifecycle (including in relation to the provision of careers advice and guidance), meaning that it has the potential to discourage innovative and flexible provision, and to limit widening participation.
 - b. May attribute student outcomes to a provider that was not contractually responsible for students at the time, with what respondents considered to be the previous challenges TEF has encountered when calculating continuation outcomes for students who are taught at different providers in their first and second years cited as an example.
 - c. Is likely to need further explanation to users, in particular about how it would apply to joint ventures and other flexible delivery models.
 - d. May not be suitable for apprenticeships, as it would not account for the on-the-job and distinctive features of these courses, which included preparation for end point and workplace assessments, and that the taught classroom hours may not necessarily have the most influence over the apprentice's employment prospects upon completion.
 - e. May not be suitable to accommodate flexible delivery models and any changes to the way that courses are designed and delivered as a result of the Government's implementation of the LLE.
313. Some respondents expressed a preference for defining the teaching provider as the provider delivering the majority of teaching across an entire course, and noted that changes to HESA data collections would support this (specifically, the recently added delivery organisation and delivery organisation proportion fields). Where two or more providers deliver equal amounts

of teaching in a given year, one respondent suggested treating these providers as 'joint providers', citing similarities with the approach taken for the Unistats return.

Definitions of entrant and qualifying populations

314. Most respondents agreed with the overall proposed approach for defining and reporting on entrant and qualifier populations. Some respondents welcomed the proposals on the basis the definitions are consistent across measures and draw on existing sector practices.

Person-level counts

315. Most respondents agreed with the proposal to consider students in headcount terms rather than FTE in the student outcome and experience indicators. Reasons given in support were that the approach reflects the objective of regulating in the interests of individual students, emphasises how many students engage, is more transparent and understandable, and avoids possible distortions to data that may occur using a volume-based measure such as FTE, especially for smaller providers.

316. One respondent thought that a provider's impact on its students was more closely aligned with FTE than headcounts. While they did not describe the comparator data they were referring to, another respondent thought that there was a risk of increased complexity as a result of stakeholders not being able to accurately compare data. We understand this to mean that data users will need to understand whether and how data outputs constructed using these definitions differ from other data outputs (such as those produced by HESA) when they are labelled as reporting on an entrant or qualifier population.

317. The importance of clearly communicating the use of headcount (full-person equivalents – FPE) rather than FTE was also noted. It was apparent that some respondents were unclear whether FPE or FTE would be used for creating data at subject level.

Entrant definition

318. Most respondents agreed with the general proposed definition for reporting on entrant cohorts, although some sought further information on points such as whether a student who intermits for at least one academic year is counted as a new entrant on their return. Others suggested that the OfS's entrant definition should align with the designated data body's and identify course commencement dates between 1 August and the following 31 July because the proposed dates of 17 July to the following 16 July span two academic years, which they considered would make it difficult for providers to reproduce the data internally. Two respondents also commented that apparent inconsistencies between the proposed approach and the HESES survey were unhelpful, citing the example that HESES considers whether a student was active in the previous two academic years when defining an entrant.

319. Many respondents agreed with our approach to top-up and sequential provision and the treatment of multiple student instances in a given year, though some respondents suggested that the proposals may need to be reviewed in light of future reforms such as the LLE. In relation to our proposal to only count each student once per year if they are studying multiple instances at the same provider in a given year, there was some confusion about which instance of study would be retained. One respondent thought that it should be one with a positive outcome, another respondent thought it should be the one with the highest qualification aim.

320. Some respondents suggested that there was not parity in the OfS's treatment of undergraduate and postgraduate entrants based on our proposals in paragraphs 130 and 131 of the consultation. For these respondents, the approach appeared inconsistent and risked favouring those providers with a greater proportion of entrants at postgraduate level. Some respondents also made comments about including students who follow non-standard academic years of study in this category, which they thought could lead to anomalies in the data.

Qualifier definition

321. While most respondents agreed with the general proposed definition for reporting on qualifier cohorts, some respondents commented on students being counted twice for the purposes of the progression indicators and suggested there could be a risk of skewing the data and creating additional burden for providers.

322. Some respondents agreed with the proposal to deem students with 'partial achievement' as having achieved a higher education qualification, believing that this offers benefit of the doubt and ensures learners leaving with a higher education qualification, albeit not necessarily the one they originally aimed for, are recorded positively. There was also agreement with the proposal to explore the feasibility of accessing the Learning Records Service to confirm the actual qualification awarded to a student.

323. Some respondents specifically supported our proposal to extend the scope of degree outcomes data to include qualifications at Levels 4 and 5, considering that this would improve recognition of all levels of undergraduate study and align with the current government focus on other undergraduate awards such as HTQs.

Intercalating students

324. Some respondents specifically agreed with the proposed approach to intercalating students, recognising that it was appropriate to exclude these students from certain indicators (for example, excluding them from student experience measures through the NSS). One respondent thought that intercalating students should be counted as an entrant in their intercalation year even where the provider of the intercalation year is the same as that for the clinical degree, so as to ensure a level playing field. Some respondents thought that including intercalating students in measures would create additional burden for the benefit of including only a small number of students, suggesting there was particular complexity for providers with joint medical schools where HESA student data may be randomly assigned across providers.

OfS response

325. We welcome respondents' general support for our approach to defining the populations of students included in student outcome and experience measures, and their recognition that these definitions normally seek to use or improve upon previous or established approaches.

326. We recognise that respondents have, in several places, sought further information about population definitions and variations in coverage. We provide relevant information below, and will incorporate this into supporting documentation and user guidance so that we support users' understanding.

327. We also recognise that throughout this proposal respondents have commented on the complexity, and therefore burden, of understanding and using the volume of indicators, especially with regard to the mode and level of study definitions. Volume of data and regulatory burden are discussed and responded to in the overarching themes from the analysis of responses section above. We do not repeat that discussion here, but confirm that it has informed our decisions about these definitions.

Defining modes of study

328. We proposed adopting mode of study definitions that are consistent with the longstanding and well understood HESA derived field specifications,⁵² which have been replicated such that they can also be applied to student records sourced from the ILR. We also proposed reporting apprenticeship students as a distinct mode of study, because of the distinctive characteristics of these courses. We maintain the view that continued use of these definitions is the most appropriate and proportionate approach, and that our proposal achieves an appropriate balance between the number, size and homogeneity of categories for the purposes of constructing student outcome and experience indicators. We will therefore adopt the proposal.

329. We recognise that while the definitions of full-time and part-time modes are broadly aligned to those used in the HESES data return, there are a small number of differences between the definitions. We consider this to be appropriate because the HESES definitions are tailored to the specific funding purpose they serve. This means that they prioritise measurement of the load on the provider (rather than representation of the student experience). For example, we consider that it would be inappropriate to count, and hence fund, students on sandwich years at the same rate as full-time students. We intend to consult on a revised approach to funding in due course, and in doing so we will consider where definitions can be further aligned. In the meantime we will seek to improve our supporting technical documents to ensure data practitioners understand these differences.

330. We have considered comments from respondents that these definitions are too broad to accommodate an appropriate range of the different structures and delivery methods for higher education courses. However, for the reasons that follow, we consider that it would not be practical or meaningful to disaggregate the mode of study categories further. We also note that increasing the number of categories would increase the burden and complexity of our approach.

331. We continue to take the view that, while we recognise that online, distance and blended learning courses may have distinctive features, the changes made in response to the coronavirus pandemic has blurred the distinctions between these and is likely to continue to do so into the future. In addition, we note that while distance learning courses can be identified within student data returns, blended learning courses currently cannot. This means that mode of study categories that relied on this distinction would not be possible without requiring additional data collection. Given points about that distinction blurring, we do not consider that an increased data reporting burden to facilitate this would be appropriate.

⁵² See derived field specifications for XMODE01 within the HESA Student record, at www.hesa.ac.uk/collection/c19051/derived/contents, and XMODE02 within the Student Alternative record, at www.hesa.ac.uk/collection/c19054/derived/contents.

332. We take a similar view in respect of further disaggregation of courses categorised as part-time. While we recognise that there are a wide range of part-time courses and their delivery methods, we consider that it is this diversity that prevents a further disaggregation of this mode category from being meaningful. There is no single categorisation that will accommodate the many and varied ways in which part-time study is delivered across the sector. We consider that this is particularly important with respect to student outcome and experience measures representing a reasonable mechanism for the purpose of informing the OfS's regulatory approaches, including for access and participation purposes. We note that the student support regulations, and the access and participation provisions within the HERA, do not disaggregate part-time for the purposes of defining qualifying students on qualifying courses. Consequently, we consider that any benefit of introducing such disaggregation into student outcome and experience measures – and hence into the access and participation data dashboards – is outweighed by the potential for it to result in increased complexity and ambiguity in the context of access and participation plan development and monitoring.
333. We note that points about further disaggregation of the part-time mode of study were sometimes expressed in reference to flexible and module-based provision which, as discussed in response to proposal 3, remains out of scope for student outcome and experience measures when the qualification aim for the course refers to a module or the student has gained an award of higher education credit. The proposal 3 response describes the influence of the Government's implementation of the LLE as prompting further consultation on approaches to module-based provision, which would need to consider its treatment within mode of study definitions.
334. We have also considered comments from some respondents that the proposal to report apprenticeships as a separate mode of study would increase the burden of data reporting, and of using and understanding student outcome and experience measures, and fails to recognise the challenges involved. We recognise that the positioning of mode of study towards the top of the hierarchical reporting structure means that our approach to apprenticeships contributes to an increased volume of indicators and split indicators. However, we maintain our view that apprenticeship student outcomes remain subject to OfS regulation (as described in our response to proposal 3) but that it would not be appropriate to pursue this without taking appropriate account of the distinctive characteristics of these courses. While we accept that there are other course types which combine academic and work-based learning in broadly similar ways to apprenticeships, we consider that the structure and funding arrangements for apprenticeship courses influence student and provider experiences in a different way to other types of course. We have also confirmed that apprenticeships will remain within the datasets produced to inform TEF assessments, with onward inclusion in providers' TEF submissions being optional.⁵³
335. We therefore consider that the volume of data that results from reporting apprenticeships as a separate mode of study is appropriate to achieve our regulatory objectives. We note that reporting apprenticeships as a separate indicator received a high level of support from respondents to the phase one consultation. We also note that this view has generally been supported by respondents to this consultation, including in relation to application of the proposal to the access and participation data dashboards. Previous approaches which failed

⁵³ See our response to proposal 6 of the TEF consultation response.

to report apprenticeships separately were shown to introduce challenges to the processes of developing and monitoring appropriate access and participation plan commitments.

336. We do not consider that further partitioning the apprenticeship category to make a distinction between full-time and part-time versions would be meaningful. In our view the full- and part-time distinction is less clear cut than for other types of higher education course, due to the balance of activities that an apprentice spends their time on across the different components of that apprenticeship. We consider that further disaggregation of the apprenticeship category would also sit in tension with more widespread issues relating to the volume and sparsity of data and would therefore be disproportionate to our regulatory objectives in this area.
337. While, at present, indicators and split indicators calculated for the apprenticeship mode of study are more sparsely populated than others, the indicators calculated to date refer to a period of growth for the development and delivery of apprenticeships; we consider that any data sparsity is likely to decrease over time. We also consider that our approach to communicating the statistical uncertainty associated with the observed indicators (as described in proposal 11) mitigates many of the issues that respondents have cited as a consequence of data based on smaller populations. Our responses to the consultations on regulating student outcomes and the TEF describe the ways in which assessment processes will use information about statistical uncertainty.⁵⁴

Approaches to reporting mode of study

338. In terms of reporting our student outcome and experience measures to show performance separately for full-time, part-time and apprenticeship modes of study, we proposed that students are always attributed to these categories based on the mode of study reported in the first year of their course. We agree with respondents who considered that this would accurately reflect students' intentions at the start of their course, avoid misinterpretation of a student's mode of study following a change because of needing to take re-sits, and be appropriate for the significant majority of students. We will therefore adopt the proposal.
339. We have considered comments from respondents that the proposed approach may misrepresent student outcomes, and hence misinterpret a provider's performance, if students have switched modes of study during their course. We consider that the relatively low prevalence of students switching mode of study mitigates this risk to the extent that is necessary. We take the view that alternative approaches would introduce equivalent risks which could have a greater impact on account of the numbers of students that could be misrepresented. For example, inflated populations of part-time final year students and qualifiers, because of re-sits prompting a switch to a part-time mode having otherwise followed a full-time course.
340. While we recognise that a 'substantive' mode of study approach is an alternative, with similarly low risk of misrepresenting student outcomes as our proposed approach, we maintain the view that the further complexity it would introduce would be disproportionate and create additional burden for understanding our data. As we described in the consultation,

⁵⁴ See 'Proposal 6: addressing statistical uncertainty in the assessment of condition B3' of the regulating student outcomes consultation response.

See 'Interpretation of data' of the TEF consultation response.

attributing students to their substantive mode of study would result in a mismatch between definitions of mode of study for entrant and qualifier populations and requires potentially arbitrary categorisations in the event that students spend equal time in each mode of study. It would also be challenging for providers to replicate in their own data and as a basis for developing and monitoring appropriate access and participation plan commitments. We consider that the relatively low prevalence of students switching mode of study mean that adopting a substantive mode of study approach in preference over our proposed one would not be appropriate.

341. We take the same view in respect of the suggestion that we create additional categories to report on students who had switched mode of study separately from those who had remained in the same mode throughout their course. We consider that this would increase the burden and complexity of approach, as it would increase the volume of indicators and be challenging for providers to replicate.

Defining levels of study

342. We proposed adopting level of study definitions consistent with those that had received support through the phase one consultation on quality and standards, and that were, in most cases, established definitions already used by the OfS in outputs such as the access and participation data dashboard. We maintain the view that use of these definitions is the most appropriate and proportionate approach, and that our proposal achieves an appropriate balance between the number, size and homogeneity of level of study categories for the purposes of constructing student outcome and experience indicators. We will therefore adopt the proposal.
343. As described in our response to the TEF consultation, we have adopted the proposal that, for TEF purposes, we would report indicators based on combining students at all undergraduate levels of study, with the separate levels of undergraduate study included within the split indicators.⁵⁵ This is because we have taken the view that combining students at all undergraduate levels of study is appropriate to inform a single judgement by the TEF panel about the student experiences or student outcomes of all of a provider's undergraduate students who are in scope of the TEF. However, we do not consider that the same is true of data intended to inform regulation of student outcomes and access and participation. For those purposes, we consider that it is appropriate to separately report indicators for each level of study category and we therefore take the view that the proposed level of study definitions represent those which are required to support this.
344. We have considered comments from respondents that the granularity of the proposed level of study categories seemed to result in increased data suppression and burden of understanding and using the indicators. However, we maintain the view that it is important that we construct an evidence base that will allow us to identify groups or pockets of provision where we see differences in student outcomes or experiences as a result of structural differences in the design and delivery of different courses. We consider that this is essential for the OfS's risk-based approach to regulation and ensuring that all students are afforded the same regulatory protections. A more aggregated approach to level of study categories may mean that the minimum expectations we establish for student outcomes would take insufficient account of those structural differences and so either fail to provide the

⁵⁵ See our response to the 'Proposal 9: Indicators' section of the TEF consultation response.

regulatory protections that students deserve, or result in minimum expectations that are unattainable for many providers.

345. Similarly, we consider that it is appropriate for the access and participation data dashboard to include breakdowns of student characteristics within levels of study categorised at the proposed level of granularity. This is because we recognise that the student groups undertaking different types of undergraduate courses can vary in ways that it is important to understand and account for when developing and monitoring access and participation plan commitments. Concentrations of students with particular characteristics being hidden through aggregation of the level of study categories may limit the effectiveness of access and participation regulation at supporting equality of opportunity for all student groups.
346. We therefore consider that the burden of understanding and using indicators based on our proposed level of study groupings is appropriate and proportionate for achieving the intended regulatory objectives for quality and access and participation. We also consider that our approach to communicating the statistical uncertainty associated with the observed indicators (as described in proposal 11) mitigates many of the risks that respondents have cited as a consequence of level of study categories resulting in indicators based on smaller populations. Our responses to the consultations on regulating student outcomes and the TEF describe the ways in which assessment processes use information about statistical uncertainty within their interpretations and onward uses of the data.⁵⁶
347. We have also considered requests for further disaggregation of the level of study categories, including to separately report on other undergraduate qualifications at Levels 4 and 5, to treat integrated foundation years as a separate level of study from first degrees and to differentiate between research masters' and doctoral degrees. We consider that further disaggregation of the level of study groups would sit in tension with the more widespread points respondents made about the volume of data. Furthermore, in relation to creating separate indicators for integrated foundation years, for courses delivered at Levels 4 and 5, and for professional postgraduate courses, we note that the comments repeated (and did not expand upon) those made in response to the phase one consultation, to which we previously responded in our 'Analysis of responses in relation to regulating student outcomes and setting numerical baselines'.⁵⁷ Our response to these points remains unchanged.
348. We have considered comments that suggest courses with an integrated foundation year should be considered separately from first degree courses because of the characteristics of the students who are generally recruited to these courses. We recognise that there is evidence that such courses have historically produced lower continuation rates and that this may be a reflection of the entry qualifications of students recruited to these courses. Because these courses allow entry for (often mature) students without the formal qualifications necessary for entry to higher education, we recognise that they can be an important mechanism for widening participation. However, we remain mindful that:

⁵⁶ See our response to the 'Proposal 6 – question 12' section of the regulating student outcomes consultation response, and to the 'Benchmarking and statistical uncertainty' section of the TEF consultation response.

⁵⁷ See paragraphs 129 to 157 (and paragraphs 148 to 150, and 152 in particular) of the 'Analysis of responses in relation to regulating student outcomes and setting numerical baselines' at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/.

- a. Some respondents to both this and the phase one consultation made the point that students register on courses with an integrated foundation year in order to progress to a first degree, and therefore sign up to the same learning outcome as any other student registering on a first degree course.
- b. Students on these courses also pay the same fee for the foundation year as for the first degree, and these courses therefore represent a more expensive route into higher education than many alternatives (for example access courses).
- c. There was strong agreement in responses to the phase one consultation that we should not set separate numerical thresholds for regulating student outcomes based on student characteristics.

349. We therefore proposed in our January 2022 consultations to construct a split indicator for course type which would show full-time first degree courses with an integrated foundation year separately in the data, but not as a separate level of study with a separate numerical threshold. We made this proposal because the learning aim of the course onto which a student registers is the same as a first degree. We considered that separating out courses with integrated foundation years as a split indicator will allow us to see whether there are differences in a provider's performance between different course types without providing an incentive to accept weaker performance for courses with an integrated foundation year. We continue to take this view.
350. In relation to creating separate indicators for courses delivered at Levels 4 and 5, rather than combining them in the 'other undergraduate' category, we proposed in the January 2022 consultations that we would show these as split indicators reporting on separate course types, but that they would not have separate numerical thresholds. We continue to take the view that this is an appropriate and proportionate approach. Constructing separate indicators for each of Level 4 and Level 5 would result in large numbers of sparsely populated indicators, which would increase the burden of understanding and engaging with our approach without a marked improvement to our ability to meet our regulatory objectives.
351. In relation to creating separate indicators for research masters' and doctoral degrees, we consider that this would result in large numbers of sparsely populated indicators and create additional complexity for students following the MPhil/PhD pattern, which is common in many providers. We consider that this would increase the burden of understanding and engaging with our approach, without a marked improvement to our ability to meet our regulatory objectives.
352. In relation to comments about the potential lack of distinction between some of our proposed level of study categories, we note the specific examples cited by respondents with regard to differences between first degree and undergraduate courses with postgraduate components, and in respect of the treatment of teaching education qualifications across academic Levels 5, 6 and 7 not all mapping to the PGCE category. We understood respondents' preference in these instances to be that undergraduate courses with postgraduate components should be aggregated with first degree, and that teaching education qualifications not currently included in the PGCE category should be moved there.

353. We consider that the inclusion of postgraduate components within undergraduate courses must represent distinctive features of this provision which will influence student motivations and behaviours, and ultimately the outcomes they achieve, and are therefore important to take into account. We note here that our proposed numerical thresholds were set based on the proposed levels of study, which show that there is a notable difference in performance across the sector between first degree courses and undergraduate courses with postgraduate elements, which we consider offers evidence of the appropriateness of separation. We consider that a more aggregated approach to these qualifications may mean that the minimum expectations we establish for student outcomes would fail to provide appropriate regulatory protection for students because the numerical thresholds would be set too low for these courses.
354. Our proposal to report on the PGCE level of study as distinct from other level of study categories reflects the volume of students who study on Level 6 PGCE courses and the expectation that these students would achieve similar outcomes. We do not consider it would be appropriate to extract other types of teaching education qualifications from the level of study categories in which they otherwise fall to create a single level of study for teaching education qualifications. This is because it would compromise the consistency and coherence of our definitions and compromise their suitability for use in the TEF in particular. For example, some of the teaching qualifications at Level 5 for which students study as an undergraduate 'in time' fall within scope of the TEF: it would add complexity to the TEF approach if these students were to be included in the PGCE level of study category, for which we do not calculate TEF indicators. Equally we do not consider that it would be appropriate to obfuscate the differences between the PGCE and 'other postgraduate' levels of study, because this would obscure the differences in structure for these courses.
355. We recognise that while the level of study definitions are broadly aligned to those used within the HESA derived field specifications, there are a small number of differences between the definitions which relate to our adoption of the postgraduate 'in time' approach. We acknowledge that a single set of definitions would eliminate any risk of confusion among providers or users of the student outcome and experience indicators. However, we consider that the existing HESA categories represent groupings which are informed by both the academic level of a qualification and its level in time, which can make those categories difficult to interpret. We take the view that it is preferable to categorise courses either by academic level or by level in time, especially in contexts where that distinction is important. We consider that our regulation of quality and access and participation are contexts in which that distinction is important and have therefore prioritised our ability to do this over alignment of our level of study definitions with the HESA derived field specifications.
356. We have considered comments about the suitability of definitions which rely on level 'in time' interpretation of levels of higher education study. We continue to take the view that when a course is, by design, timed to follow the award of an undergraduate degree, and normally requires at least an undergraduate higher education qualification as a pre-requisite for entry, it will have been designed and delivered with an expectation that its students will already have demonstrated successful prior engagement with higher education study. We consider this to be a distinctive feature which it is appropriate for our regulation of student outcomes to take into account.

357. We also take the view that students studying on courses which are postgraduate in time have passed the point which is the main focus of our regulation of access and participation, because such students are likely to have already successfully completed an undergraduate course.

358. We have also considered comments that our proposed use of the postgraduate in time approach to categorising levels of study did not recognise the potential influence of students' prior study on their progression outcomes, meaning that their student outcomes may not be comparable with others in the 'other postgraduate' level of study. The consultation described our expectation that commencing study of one of these qualifications will engage with their higher education experience in a materially different way to students starting undergraduate courses for their first experience in higher education, and we maintain our view that this will be the case. We also accept that it is likely to influence their progression outcomes, but consider that their prior successful engagement with higher education means that this influence is likely to be positive. The sector distributions of student outcomes published alongside the consultation indicate that, across the sector as a whole, there are marked differences in progression outcomes between the 'undergraduate courses with postgraduate components' and 'other postgraduate' levels of study, with the latter showing higher rates of progression into managerial or professional employment, further study or other positive graduate outcomes. Together with the influence on progression outcomes anticipated as being positive, we take this to suggest that the postgraduate in time courses now being categorised as 'other postgraduate' achieve outcomes more comparable to those of other courses categorised at this level and less comparable other 'undergraduate courses with postgraduate components'.

359. Other comments on our proposed use of the postgraduate in time approach requested further information about the impact of the resulting reclassification of some students and courses. We note that the categorisation of each individual student was available to providers in the individualised student data files released to providers alongside the consultation in order that they could understand the impact of this and other proposals on their own student data. For the avoidance of doubt, we confirm that the reclassification does not apply with respect to integrated masters' degree courses, which remain categorised as 'undergraduate courses with postgraduate components'. Nor does it apply with respect to students who progress from a Level 5 qualification (such as a foundation degree or HND) to a Level 6 degree qualification as different stages of a top-up course. We confirm that these students and courses will continue to be categorised as undergraduate in time, on the basis that when the qualification is considered standalone from its use within these top-up arrangements, a Level 6 first degree qualification is not, by design, timed to follow the award of an undergraduate degree qualification.

360. We also note that some respondents had misunderstood that continuation and completion measures would treat students changing from a postgraduate level course to an undergraduate level course as a negative outcome, which they then took to mean that if a student moves from an integrated masters' course to a three-year course, or decides not to undertake the final year of study, that would generate negative continuation and completion outcomes. This is not the case, and we confirm in our response to proposals 5 and 6 that continuation in, or completion of, study of any higher education qualification at the same provider counts as a positive outcome for these measures, regardless of whether this qualification is at the same level as the course they originally started or a higher education

qualification at a higher or lower level. Together with our confirmation that integrated masters' courses continue to be categorised as 'undergraduate courses with postgraduate components', we do not consider that our proposal risks misrepresenting student outcomes for those studying at and across the boundary between undergraduate and postgraduate levels.

Defining teaching provider

361. We proposed to report breakdowns of student outcome and experience measures for different views of a provider's student populations, including the population of students taught by a provider. We proposed defining a student's teaching provider as the provider where they received the majority of their teaching in the year that relates to the calculation of the indicator in question.
362. We welcome the recognition from respondents that the complex nature of higher education partnerships supports our proposed approach as a rational and proportionate one that made best use of the currently available data. We continue to take the view that it is appropriate to define students' teaching providers as the provider where they received the majority of their teaching in the relevant years because it means that they will, at each stage of the student lifecycle, be attributed to the provider that is likely to have had the greatest influence on the outcome or experience being measured. We note that each provider in a partnership arrangement is subject to the provisions of condition B3 and this may mean that more than one provider is responsible for the outcomes of the same students. We will therefore adopt the proposal.
363. As we described in the consultation, information collected in 2020-21 HESA student data collections will, for the first time, identify the provider that will deliver the majority of the teaching across the whole course for students at their point of entry to higher education. While we welcome the support that use of this information received, we continue to take the view that it is not feasible at the current time to make use of this information to define a student's teaching provider. This is because of issues with partial coverage (the information will not be available from ILR student records, and only one of the years contributing to the data indicators we are able to construct for the first implementation of new approaches to condition B3 and TEF assessments). We therefore confirm our expectation that we will review the differences, and relative advantages, of this and our current approach, once sufficient years of data have been collected to inform this analysis, and to consult on any resulting changes at a future date.
364. In relation to comments that the approach may understate or misrepresent the roles and responsibilities of different providers at different stages of the student lifecycle, we note that the consultation discussed a range of alternative approaches. These included methods that determine 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, which had been used in previous TEF assessments and observed as introducing numerous challenges of misinterpretation. For example, a provider that delivers a foundation year might be identified as the teaching provider for a student who goes on to complete a three-year degree at their registering provider, leading to student experience and progression measures for this student, measured at the end of four years of study, attributed to the provider who taught the foundation year. We maintain our view that this alternative

approach would introduce equivalent risks which could have a greater impact on account of the numbers of students that could be misrepresented.

365. We consider that the suggestion from one respondent that providers are treated as joint providers in cases where two or more providers deliver equal amounts of teaching falls in scope of the second alternative method we described in the consultation, which would seek to count students at all of the providers delivering teaching on the course. We do not consider that, in general, identifying a provider as a teaching provider for the purposes of assessments of quality would be appropriate in cases where a provider is subcontracted to provide a small minority of the teaching, such as a single module on a four-year course. Nor do we consider that there is any clear and consistent minimum that could be adopted for the purposes of identifying a student's minority teaching provider(s). We therefore maintain our view that such an approach would make understanding, interpretation and accountability for student outcomes and experiences disproportionately complex and burdensome for providers and other users to understand.
366. We are aware that some respondents thought that the proposed approach to defining a student's teaching provider would need further explanation to users. We will seek to improve our supporting technical documents to this end. In relation to comments that further explanation would be particularly welcome about how it would apply to joint ventures and other flexible delivery models, we note that our proposed definitions rely on the reporting of teaching provider information within HESA and ILR student data records submitted by a students' registering provider. We are aware that joint ventures are often more complex than single provider or traditional subcontractual arrangements, and that the arrangements for registering students vary in different joint ventures, and other flexible delivery models. These variations mean there is therefore no single explanation that works for all models, and that these will need to be tailored to the particular circumstances of the partnership in question. We note that the attribution of each individual student to a teaching provider for the purposes of constructing student outcome and experience measures was available to providers in the individualised student data files released to them alongside the consultation, as well as the availability of the provider metrics helpdesk for queries about these files.
367. We have considered comments that the proposed approach to defining a student's teaching provider may not be suitable for apprenticeship provision. We consider that these comments need to be considered in the round, recognising our proposed consideration of both the teaching and registering providers as a basis for reporting on the different views of a provider's student populations (as discussed in our response to proposal 2), and that we will report separately on any higher education qualifications that sit within an apprenticeship but not on the apprenticeship overall (as discussed in our response to proposal 3). We do not consider that it would be appropriate to take a different approach to reporting on registering and teaching providers with respect to higher education qualifications that happen to be delivered through an apprenticeship. We recognise that a significant part of learning is delivered by the employer and the need to demonstrate occupational competencies is distinctive for apprenticeships. While we accept that delivery and assessment of these has the potential to influence a student's outcomes and experiences, we do not consider that this influence means that it is not appropriate to hold providers accountable for the delivery of the formal qualification that is part of the apprenticeship.

368. We have also considered comments about potential changes to the ways that courses are designed and delivered in response to the Government's implementation of the LLE, and that these may not be accommodated by the proposed definition. As discussed in our response to proposal 3, we consider that the influence of this policy may prompt further consultation on approaches to flexible and module-based provision, which may include consideration of how to define the teaching provider for students on such courses. In the meantime, we note the confirmation in our response to proposal 3 that student outcome and experience indicators will not, at this time, include any student studying modules of higher education provision for credit only.

Defining and reporting entrant and qualifier populations

369. We welcome respondents' general support for proposed definitions of entrant and qualifier populations. We continue to take the view that these definitions are appropriate for the purposes of constructing student outcome and experience measures to inform our regulation of student outcomes and access and participation, and to inform TEF assessments. We agree with respondents who commented that these definitions are consistent across the different measures and with established sector-recognised approaches. We will therefore adopt the proposal.

370. We note the support for our proposal to consider students in headcount terms throughout the construction of student outcome experience measures and maintain our view that the approach best reflects our regulatory objective to protect the interests of students. We also agree with the respondents who recognised the transparency of the approach, and its potential to avoid misrepresenting the size of a provider's student population.

371. We do not agree with respondents who commented that the use of headcounts would increase the complexity of the approach or compromise its comparability with other data outputs. For the avoidance of doubt, we consider that a headcount approach is directly equivalent to one that reports on full-**person** equivalents (FPE), which is appropriate and commonly used for the purposes of reporting on data at subject level: we proposed to use this approach for the purposes of constructing student outcome and experience measures at subject level, and not one based on full-**time** equivalents (FTE). We note that, with the exception of data approaches concerned with the funding and finances of higher education providers, a majority of data outputs produced by the OfS, HESA, the ESFA and other higher education bodies already count students in headcount (including FPE) terms.

372. We recognise that while the definitions of entrant and qualifier cohorts are broadly aligned to those used for OfS funding purposes and within the collection of the HESES data, and within HESA student data reporting, there are a small number of differences between the three sets of definitions. While we recognise that reducing these to a single definition may be considered helpful, we consider that this is not currently feasible or appropriate. We take the view that the definition we proposed for the purpose of constructing student outcome and experience measures is conceptually consistent with that used in the HESES data return: both seek to ensure that an entrant cohort attributed to a given higher education provider includes only genuine new entrants to higher education study at that provider. We maintain our view that students with whom a provider has already had success or failure as an entrant should not skew interpretations of performance on student outcome and experience measures in either a positive or negative direction. However, we consider that – for these purposes – performing the check that an entrant is genuinely a new entrant over a period

longer than the previous calendar year would introduce disproportionate and unnecessary complexity to the student outcome and experience measure data definitions. We will consider whether there is scope to review the entrant definition used in funding in future, with the aim of bringing it into closer alignment. We will also work with the designated data body to understand whether there is any opportunity and benefit to its application of a similar check that an entrant is genuinely a new entrant. In the meantime, we will seek to improve our supporting technical documents to support data practitioners.

373. We do, however, recognise that the feasibility of improving the alignment of entrant and qualifier definitions may need to be reconsidered in future on account of potential changes to the ways that courses are designed, delivered and funded in response to the Government's implementation of the Lifelong Learning Entitlement. We consider that the principles which underpin our proposed entrant definitions will – for the purposes of constructing student outcome and experience measures – remain robust to any such changes, in particular because those studying module-based provision for credit only are not included in the coverage of these measures. As discussed in our response to proposal 3, we consider that the influence of the government's LLE policy may prompt further consultation on approaches to flexible and module-based provision, which may include consideration of how to define entrant and qualifier cohorts.

Entrant definition

374. We consider that comments about whether the approach to defining an entrant cohort with reference to course commencement dates of 17 July to the following 16 July was appropriate (because it spans two academic years) sit in tension with points made about the inclusion of students who follow non-standard academic years. Given that the student data collection reporting periods currently span 1 August until the following 31 July, the proposal that we consider course commencement dates of 17 July to the following 16 July is the one that facilitates the appropriate inclusion of students who follow non-standard academic years. We maintain the view that the proposed approach allows us to conduct appropriate checks that any student who may be in scope for categorisation as an entrant – including, and especially, any student following a non-standard academic year – has not left their programme of study within 14 days of their commencement date without gaining an award: as discussed in our response to proposal 3, we have confirmed that such students will be removed from the coverage of all student outcome and experience measures.

375. We note the comment that respondents would welcome confirmation of which instance of study would be retained in the circumstance where we proposed to only count each student once per year if they are studying multiple instances at the same provider in the same calendar year. We would recommend that data practitioners review the definition of the variable IPENTRANTEXCL4 within the 'Core algorithms' technical document we published alongside the consultation, and will update later this year.⁵⁸ In broad terms we prioritise (in order):

- a. Active records over dormant or inactive ones.

⁵⁸ See IPENTRANTEXCL4 at page 116 of the 'Core algorithms' supporting technical document, at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

- b. The record with the highest level of study.
- c. Any record without an end date, if such a record exists, otherwise the record with the latest end date.
- d. The mode of study is taken into account with the following priority order applied:
Apprentice, Full-time, Part-time, Writing up – previously full-time, Writing up – previously part-time.
- e. The record with the highest FTE volume.

376. In relation to comments that our proposed approach to students who are engaged in sequential collaborative provision favoured postgraduate cohorts, we continue to take the view that a change in accountability and responsibility for a postgraduate research student's supervision and academic experience follows from a change to the provider which registers them. We do not agree that it is reasonable to expect a change to the registering provider partway through a course, as an integral part of that course design, for students and courses outside of doctoral training programmes. We note that respondents did not provide examples of undergraduate courses for which these changes were integral to the course design, and that the only information collected through HESA and ILR data that facilitates robust identification of formal sequential collaborative arrangements relates to the supervision of postgraduate research degrees.⁵⁹ We therefore consider that adjusting our entrant definition to accommodate the point at which a postgraduate research student registers with a provider, as well as their point of entry to that higher education course overall, remains an appropriate and proportionate approach.

Qualifiers definition

377. In relation to comments about qualifiers being surveyed multiple times in respect of the Graduate Outcomes survey, we recognised this possibility within the consultation. We are aware that a student on a top-up course, or one that involves sequential instances of other undergraduate study within the same provider, will potentially count more than once among the cohorts of qualifiers included in progression measures. We continue to take the view that it is appropriate to capture progression outcomes following the completion of any course which leads to a higher education qualification, including where a student has been awarded multiple such qualifications at different stages of their engagement in higher education study, from the same or different providers. We consider that this view extends to understanding these student outcomes for the purposes of regulating student outcomes and access and participation, and to inform TEF assessments. We note that the Graduate Outcomes target list removes students who gain multiple qualifications from the same provider in the same survey period, which means that students' inclusion in multiple of the surveys involves capturing their outcomes at different times. We consider that the survey is sufficiently clear about the higher education experience a student is being asked about and so this approach means that student outcome measures can be constructed which provide comprehensive coverage of outcomes achieved by the whole cohort awarded each type of higher education qualification.

⁵⁹ See specifications for the data items COLTOPROV, COLTODATE, COLFROMPROV and COLFROMDATE at www.hesa.ac.uk/collection/c19051/index.

378. We welcome respondents support for the approach to including within qualifier cohorts those higher education students who are recorded in the ILR as ending their learning aim and reported with an outcome of partial achievement or 'learning activities complete but the outcome is not yet known'. We continue to take the view that the low prevalence of these categories within the ILR data means that it is appropriate and proportionate to afford benefit of the doubt when considering what constitutes a positive outcome for the purposes of constructing continuation and completion measures. We confirm that students reported with an outcome of partial achievement are removed from Graduate Outcomes target lists⁶⁰, because we cannot be clear whether a student has been awarded any qualification, and if so whether it is a higher education qualification. As we described in the consultation, our approach recognises that the current ILR data reporting does not provide sufficient information on qualifications awarded to establish whether the outcome should be viewed as positive in some or all cases. We do though recognise the wider benefits – including for further education colleges themselves – of improved clarity about the specific higher education qualifications awarded to students at providers which are required to submit ILR data. We will work with the ESFA to understand whether there is any opportunity to make such improvements.
379. We also welcome and agree with the support expressed by respondents for reviewing the coverage of degree outcomes measures, with a view to constructing similar information about qualifier populations other than first degree qualifiers over a longer timescale. Following collection of award classifications being extended within HESA data reporting requirements for 2020-21 onwards, we therefore confirm that we will explore the outcomes that can be reported in respect of other qualifier populations. We anticipate that an appropriate understanding of patterns and trends in awarding of qualifications to these wider populations will need to be informed by multiple years of the HESA and ILR student data. We will therefore consult at a future date on any student outcome and experience measures we develop as a result of this work.
380. In relation to comments from the small number of respondents who thought it would be more appropriate for a qualifier's level of study to be categorised according to the level of qualification awarded (rather than the level of their qualification aim), we continue to take the view that it is appropriate to consider the outcomes students achieve relative to outcomes they likely anticipated when they commenced their studies. We do not consider that it would be in students' interests to consider outcomes that follow from the award of interim or exit qualifications as if these had been the outcome in which those students had made financial and other investments. We note that these comments were normally made in the context of the proposed benchmarking approach. Respondents commented that the effect of benchmarking students by level of qualification aim was that students who achieved interim awards were being expected to achieve progression outcomes equivalent to those of students who achieved the intended qualification. We have considered the numbers of students who leave with a qualification other than the one that they were aiming for and observe that this affects about 5 per cent of students each year. We therefore consider that any effect within the benchmarking is outweighed both by the approach favouring the student interest, and the likelihood that the alternative approach – based on level of qualification

⁶⁰ See the definition of GOEXCL2 within '2020-21 ILR – GO20 target lists and technical document' available at www.officeforstudents.org.uk/data-and-analysis/data-checking-tool/2020-21-ilr-data-checking-tool/ and equivalent for earlier years within the documentation archive available from that webpage.

awarded in benchmarking – would introduce small populations. We note that introducing small populations into the benchmarking method raises the risk of self-benchmarking and that this would compromise the statistical integrity of the benchmarking approach. We also consider that the alternative approach would add to the complexity and burden of understanding and interpreting student outcome and experience measures, especially if it introduced disparity between the approach to determining level of study for the purposes of constructing the indicator and its corresponding benchmark. We will therefore adopt our proposed approach.

Intercalating students

381. We welcome respondents' general support for proposed approach to the treatment of intercalating students across the different student outcome and experience measures. We continue to take the view that these approaches represent the best use of the currently available data, and are appropriate and proportionate for the purposes of constructing student outcome and experience measures. We agree with respondents who commented on the benefits of the consistency of the proposal with established sector approaches. We will therefore adopt the proposal.
382. In relation to comments that intercalating students should be treated consistently within continuation and completion measures whether their intercalation year is spent at the same provider or different, we continue to take the view that the provider at which a student intercalates is accountable for the quality of the academic experience of that separate instance of the student's higher education study. Where students intercalate within the same registering provider, that provider is already being assessed for the quality of academic experience for that student through their inclusion in continuation and completion indicator calculations, based on their commencement of their main qualification. We therefore consider that it would not be appropriate to risk the potential for skewed interpretations of student outcomes by including intercalating students as new entrants for a second time at the same provider.
383. We have considered comments about the burden of understanding continuation and completion measures that include students who study their intercalation year at a different provider than the one registering them for their clinical degree. We take the view that the number of such students is not likely to be material for many providers, but note that these students represent a sizeable group across the sector as a whole. We therefore consider that it is important that they are afforded the same regulatory protection wherever and however they study, and that our approach is reasonable and proportionate.
384. We have also considered comments about the complexity that some respondents thought this proposal might introduce in respect of understanding courses delivered by joint medical schools. Joint medical schools are often more complex than single provider or traditional subcontractual arrangements. The arrangements for registering students vary between joint medical schools and other similar joint ventures, and there is therefore no solution that works for all models. We consider that our proposed approach to measuring student outcomes on the basis of both their registering and teaching providers, for the purposes of regulating student outcomes and in the TEF, mitigates many of the risks around the complexity of understanding indicators which report on students studying at joint medical schools. This includes the likelihood that intercalation may happen at one or both of the partners involved.

Decision

385. We have considered the points made by respondents in relation to Proposal 4 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 4. However, to the extent that our decisions on proposal 4 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision on publication described at paragraph 11a.

Proposal 5: Construction of continuation measures

386. Proposal 5 set out our proposals to measure the percentage of students who continue in the study of a higher education qualification (or have gained a qualification). We proposed to do this by identifying a cohort of entrants and following those students at an individual level through the early stages of their course, which allows us to track how many continue or qualify at the same provider in subsequent years.

387. The other key features of our proposals included:

Census points at which continuation outcomes are measured:

- a. Students with a full-time or apprenticeship mode of study would be tracked from the date that they commenced their studies to their activity on a census date one year and 15 days later.
- b. Students with a part-time mode of study would be tracked to a census date two years and 15 days later.
- c. Census points which refer to one or two years and 15 days would give us good confidence that the student has entered a subsequent year of study, because it would mean that minor year-on-year changes to term dates can be accommodated, and that a student's activity on and around the anniversary of their commencement date can always be understood from the most recent year of HESA and ILR data returns that are available.

Definition of positive continuation outcomes:

- d. A positive continuation outcome would require that we find the student continuing in the study of a higher education qualification registered at the same provider as at the relevant census date, or having gained a qualification from that provider at any point prior to that census date.
- e. The student need not be progressing through subsequent years of the same course, nor studying a qualification at the same mode, level or intensity of study, to count positively on this measure.

Students who transfer to another provider:

- f. If or when data collection could support it, a student who transfers through a credit transfer scheme – or otherwise carries credit with them – should count as a positive continuation outcome, whereas students who transfer without any credit should count as a negative outcome.
- g. In the meantime, based on current data collections, a student transfer involving study for a higher education qualification will be counted as a neutral outcome in our definition of continuation measures.

388. We asked respondents to what extent they agreed with the:

- a. Proposal that continuation outcomes are measured for entrant cohorts.
- b. Proposed census dates for measuring continuation outcomes for full-time, part-time and apprenticeship students, and whether they had comments on the advantages and disadvantages of using a one-year census date for part-time measures.
- c. Outcomes we proposed to treat as positive outcomes for this measure.
- d. Proposed approach to student transfers in measures of continuation outcomes.

Responses relating to proposal 5

389. Respondents to the consultation tended to support the inclusion of a continuation measure as one of the numerical measures used in assessments of condition B3 and under the TEF scheme, and reported through the access and participation data dashboard.

Measuring continuation outcomes for entrant cohorts

390. Most respondents agreed with the rationale we described in the consultation for constructing continuation outcome measures based on entrant cohorts and supported the proposal. The most common reasons for this were consistency with existing measures, and the importance of being able to assess students' early experience of higher education study and whether they were receiving a high quality academic experience and appropriate support early on in their courses, when withdrawals are most likely and student support can be more targeted. That the measure was complementary to the completion measure (which we proposed would identify withdrawals from later years of a course) was also recognised and supported by a few respondents.

391. A few respondents commented on possible consequences or considerations related to the proposal. These included comments on respondent' views of the importance of considering the context within which continuation outcomes were achieved for certain types of students and courses, for example students studying courses with an integrated foundation year and distance learning students. A likelihood that continuation and completion indicators would overlap was also identified, with respondents suggesting that both would be heavily influenced by the number of first-year withdrawals as they thought this was the stage of a course in which withdrawals were most likely.

392. Some respondents also suggested alternatives to our proposal, including replacing the continuation measure with one based on the rates at which students at a provider withdraw from their studies (which they considered to be a simpler approach), and measuring the continuation outcome for students in any and all years of their course rather than just for entrants.
393. A small number of respondents sought further information about whether students changing course or provider within their first year of higher education study (that is, prior to the continuation census dates), or switching to a higher qualification, would be defined as entrants. Several respondents also commented on the proposed approach to only excluding students who leave within two weeks of commencing their studies in the calculation of continuation rates. Comments here repeated those made in response to proposal 3 (common approaches to the populations of students included in student outcome and experience measures), so we have incorporated these comments into that summary of responses and responded to them there (see paragraphs 274 to 280).

Proposed census dates for measuring continuation outcomes for full-time, part-time and apprenticeship students

394. Many respondents supported our overall approach to census dates for measuring continuation outcomes, commenting on the broad alignment with established approaches as benefiting a wide range of providers. Some took the view that defining census dates based on a duration of study after commencement of the course was preferable to one that selected a specific calendar date, which had previously made it difficult to accurately reflect continuation outcomes for students and courses following non-standard academic years.
395. Some respondents explicitly supported the one year and 15 days census date for **full-time and apprenticeship** students, citing timeliness of the resulting measure as the key reason for this. They also recognised that most withdrawals happen within the first year so anticipated that the measure would also provide a reliable interpretation of continuation outcomes. However, a few respondents queried whether there were circumstances in which a student's enrolment into subsequent years of study would not have been finalised by the one year and 15 day census point, for example where there may be ongoing discussions about fee status. The appropriateness of a one-year census date for apprenticeships was also queried by a small number of respondents, who thought that these were better considered as part-time courses and hence measured against the proposed part-time census dates.
396. Some respondents agreed with our proposal for assessing **part-time** continuation outcomes two years and 15 days after entry, and explicitly opposed the alternative suggestion of a one year and 15 day census point for these students. Reasons given for this included alignment with existing approaches which had been embedded within providers' internal oversight and governance processes, and that it allows sufficient time for students to complete a material part of their course (similar to that completed by an equivalent full-time student at their one-year census point) and reach an assessment point. A few respondents commented that applying a one-year census point for part-time students would mean that it was less well suited to flexible and modular part-time provision.
397. However, several respondents commented in support of using a one-year census date for the **part-time** continuation measures. These comments preferred the improved timeliness of

this alternative and its resulting consistency with the full-time continuation measure which they considered would make the indicators simpler to use and understand. They also recognised that it could reduce the influence of life events which may be beyond a provider's control, and be more complementary to a completion measure that is intended to look at longer term outcomes, particularly for shorter courses where a two-year census would become more like a completion rate. A few respondents queried whether most students who withdraw do so within one year, and took the view that withdrawals are related to the amount of study completed rather than the length of time a student has been studying.

398. Several respondents commented on the use of the 'and 15 days' aspect of the proposed census dates, and made points consistent with those made in response to proposal 3 in relation to Students leaving within two weeks. They included comments about:
- a. Whether and how the proposal would be suitable for courses that allow the flexibility for students to step on or off.
 - b. Whether a student who transferred to another provider with different course dates would count as inactive rather than transferring because the receiving provider's courses did not start until later in the year.
 - c. Use of a 50-day period having been established by HESA in the UK performance indicators reporting on non-continuation rates, which they thought would increase the burden of understanding and engaging with a different approach.
 - d. Use of the 50-day period used by HESA taking greater account of the possibility that students from disadvantaged or underrepresented groups were more likely to withdraw from their studies during this period.
 - e. Data reporting scenarios in which postgraduate research students may be returned as being awarded a qualification from a dormant mode of study, with a corresponding end date that fell later than the proposed census date, which meant that they were counted as a negative continuation outcome.
399. A few respondents made other points about the proposed census dates for measuring continuation outcomes, including:
- a. The inclusion within continuation measures of students involved in placement activity, apprenticeships or the satisfaction of professional and occupational standards should be reconsidered because continuation of study may be dependent on external parties.
 - b. On the basis that postgraduate courses such as other postgraduate and postgraduate taught masters' courses were usually only one or two years in length, some respondents thought that measuring outcomes for these courses at the proposed census dates would require a different interpretation (more akin to that of completion outcomes) than those continuation rates calculated for longer courses.
 - c. One respondent suggested that the census dates were not appropriate for part-time or self-funded postgraduate research courses, which we understand to represent a concern that the financial and other circumstances of these students may cause them to leave or interrupt their studies for reasons that may be beyond a provider's control.

Definitions of positive continuation outcomes

400. There was general support for the proposed definitions of positive continuation outcomes, with many respondents being supportive without making additional comments. Where respondents made comments, reasons for support included that they thought the proposal was clear, rational and well-evidenced, and that it was consistent with established practices, and complementary to other proposed student outcome measures.
401. There was particular support for the proposal that a student does not need to be progressing through subsequent years of the same course, nor studying a qualification at the same mode, level or subject of study, to count positively on this measure. Respondents suggested that this may encourage providers to support students to succeed on alternative pathways.
402. On the other hand, two respondents suggested the continuation measures should be more restrictive in which outcomes count positively. They gave examples of requiring progression from the first year of a course, on the basis that students who fail to progress may have less chance in completing their course, and of not treating qualifications obtained at a lower level as positive – which they thought would improve the consistency of the measure across different levels of study.
403. Some respondents identified established sector patterns of differential continuation outcomes which have historically been observed for certain student groups, such as students from disadvantaged backgrounds, and those studying on courses with an integrated foundation year, who historically have tended to experience lower continuation rates than other students. These respondents took the view that these differences indicate that the outcomes were to some extent beyond the control of a provider and suggested that they may instead be influenced by personal, financial and other factors such as students' previous experiences in education. They sought further information about whether and how this context would be taken into account in assessments of these outcomes. It was also thought that the lower continuation rates historically observed for students on courses with an integrated foundation year would continue if the OfS did not recognise awards of credit or Level 3 qualifications as positive outcomes –the respondents thought this would be of material benefit to those students, many of whom had not previously held qualifications that would meet entry requirements for higher education courses.
404. Several respondents disagreed that students who changed to study for credit only, rather than a higher education qualification, should be treated as a negative outcome, whether the student changed to study credit at the same provider or different. They suggested that these should be treated as a positive outcome when they occurred within the same provider, and neutrally when a student transferred to another provider, since they considered these changes to be out of a provider's control. They further suggested that we should reconsider our approach alongside development and implementation of the Government's Lifelong Learning Entitlement and related reforms, and noted that treating changes to study credit rather than a qualification as a neutral continuation outcome would support a more flexible study model that government policy was seeking.
405. Some respondents commented specifically on the impact of the proposed approach in relation to dormant students (i.e. students who have ceased actively studying their course but have not yet completed or withdrawn from it), and that such students should not be counted as a negative outcome. Reasons for this included:

- a. Temporary suspension can happen for a variety of reasons with the student's best interests in mind and may allow for a flexible learning pathway for students.
 - b. Periods of dormancy may be enforced by external parties where this relates to assessment of professional competencies or placements.
 - c. There is the potential for inconsistency depending on whether or not the dormancy period spans the entire data reporting year in which the census falls.
 - d. Introduction of the HESA Data Futures model and in-year reporting requirements may lead to increased occurrences of students reported as dormant who were awaiting results.
406. A few alternative suggestions were put forward in relation to these issues, including considering and comparing continuation outcomes at two separate census points, for example one year and two years, to identify any resumptions of study, or treating periods of dormancy as a neutral outcome since a student has not withdrawn and could return to their studies.

Students who transfer to another provider

407. Most respondents agreed with the proposed approach to counting a student transfer involving study for a higher education qualification as **neutral** in our definition of continuation outcome measures. The comments that respondents made in support of this approach included:
- a. It would allow fairness in cases where the decisions taken by students are beyond a provider's influence.
 - b. Student data collections currently do not distinguish between transferring with credit at a new provider and starting a new course, and therefore between transfers which might be considered positive and negative.
 - c. The relatively small numbers involved mean that this is a proportionate approach.
 - d. Challenges that providers encounter in identifying these outcomes from their own data alone, meaning they are often unable to replicate the OfS calculated continuation in the data available to them.
408. However, many respondents disagreed with treating transfers as neutral outcomes and considered that transfers to other providers should be counted as **positive** outcomes. Reasons given for this included:
- a. The OfS's condition of registration F2 requires a provider to facilitate student transfers and means that students are often supported to remain in higher education, such that the moves we observe as transfers might benefit a student.
 - b. It would be more consistent with the approach taken to students who change course within a provider.

- c. Transfers often happen for reasons beyond a provider's control, and so the respondent considered that the proposed approach does not align with the principle of giving the benefit of the doubt when defining positive student outcomes for the purposes of constructing these measures.
- d. Providers based in London may be more affected by the proposals due to them seeing more transfers as a result of a higher concentration of providers and wider student choice.
- e. Treating transfers as neutral – or, in future, negative – outcomes could act as a disincentive in relation to:
 - i. Credit transfer schemes where the original provider is often not in control of whether a recipient provider will recognise the credit that has been awarded to a student and accept them on a credit-transfer basis.
 - ii. Foundation year courses, where transfers to another provider for the substantive period of degree level study were common.
 - iii. Pathway programmes, such as those supporting TNE arrangements, which might involve students transferring internationally or to other providers which are not required to submit student data to either HESA or the ESFA.

409. A few respondents to the TEF consultation commented there that continuation data across the UK nations is not comparable, which we understand to refer to the higher rates of student transfer from study in further education colleges as part of an articulation arrangement.⁶¹ The prevalence of these articulation arrangements means that a higher proportion of students treated as entrants in Scotland will have previously experienced higher education.

410. A small number of respondents made alternative suggestions to our proposed approach to student transfers. These included treating transfers as negative outcomes, treating transfers with credit as positive outcomes, and providing information about transfers to providers to allow measures to be replicated and monitored internally. Some respondents queried the longevity of our approach to transfers in light of the Government's implementation of the LLE.

Requests for further information

411. A few respondents appeared to misunderstand which outcomes we had proposed to treat as positive for the purposes of constructing continuation measures. Examples are comments that transfers should not be treated as negative outcomes, and that allowances should be made for students moving between subjects or modes of study, or on sequential collaborative postgraduate research courses. In addition, some respondents sought further information about the treatment of students changing course or provider; with multiple outcomes; or who had outstanding re-sits or received an exit award. Further information about how the implementation of the Data Futures data model would affect these proposals was also requested.

412. Some respondents also commented that they thought our proposals were less optimal for flexible provision and noted some of the challenges they considered this to cause, including

⁶¹ See our response to the 'Continuation indicators' section of the TEF consultation response.

occasions where there is no student activity (zero FTE), but a student has not withdrawn from the course. They suggested that a more suitable approach to measuring outcomes in these circumstances might be based on credit accumulation or expected length of study, rather than a fixed census point, and that providers with substantial part-time modular provision could be subject to bespoke treatment. They further considered that credit accumulation and credit transfers would be an important aspect of LLE reforms which would require the OfS to reconsider its approach to measuring continuation outcomes in future.

OfS response

413. We welcome respondents' general support for the use of a continuation measure, and for our approach to constructing it. We note their recognition that the approach we proposed remains broadly consistent with existing, established continuation measures.
414. As described in our responses to the regulating student outcomes and TEF consultations, we have decided to adopt a regulatory approach that includes use of a continuation measure to inform regulation of quality (including through the TEF).⁶² The measure will also continue to inform our regulation of access and participation. We respond below to the points made by respondents in relation to the technical detail of how this measure will be constructed, but confirm that we will adopt the proposal, with some minor amendments.

Measuring continuation outcomes for entrant cohorts

415. We proposed measuring continuation outcomes for entrant cohorts because the measure is intended to focus on student outcomes in the early stages of a course, and we recognise that many respondents agreed with this approach. We continue to take the view that it is important that a continuation measure is complementary to, rather than duplicative of, a completion measure that looks over the whole of a student's engagement with a course and that this results in a continuation measure based on entrant cohorts and their activities in the early stages of a course. This is because we agree with respondents who have commented on the likelihood that it is student outcomes in the early stages of a course which will provide a strong and important indication of whether a student has been appropriately recruited onto a suitable course that matches their abilities and aspirations, and whether they then receive the support they need to continue on that course. We will therefore adopt the proposal.
416. Respondents also recognised that our proposed approach was consistent with previously existing measures of continuation outcomes, which they described as having been embedded within providers' internal oversight and governance processes. We consider that an alternative approach which looked at a wider cohort of students than entrants to the course, or at withdrawal rates rather than continuation rates, would therefore increase the burden of understanding our definitions and indicators in a way that is neither appropriate or proportionate for the purposes of meeting our regulatory objectives.
417. We have considered comments about the importance of considering the context within which continuation outcomes are achieved for certain types of students and courses, and of recognising the potential for continuation and completion outcomes to both have been heavily influenced by the same set of first-year student withdrawals. We accept that, to the

⁶² See our response to the 'Construction of a continuation measure' section of the regulating student outcomes consultation response, and to 'Proposal 9: Indicators' of the TEF consultation response.

extent that continuation and completion measures report on the same entry cohorts of students, it is inevitable that first-year student withdrawals influence both measures. In our view it would not be appropriate or proportionate to make any adjustment to the definitions of our measures to prevent this. There are two reasons for this. First, within any publication of the indicators data, there will be limited overlap between the entry years that the two measures cover in their respective four-year time series of the most recent cohorts available. For example, for full-time students the indicators constructed for the first implementation of the new TEF scheme and condition B3 assessments will report on 2016-17 entrants at the first year of the four-year time series included for continuation measures, whereas they are the last year of the equivalent time series included for completion measures. Second, we consider that any such adjustment would increase the complexity of the definition of a completion measure and hence the burden of understanding it. We take the view that our assessment approaches for regulating student outcomes and the TEF, and their consideration of context for an individual provider, will mitigate the issues raised. We note that our regulatory judgements will consider all relevant factors in the round and – whether for the purposes of regulating student outcomes or access and participation, or for conducting TEF assessments – will be informed as appropriate by a consideration of student outcomes and experiences across multiple stages of a student’s lifecycle in higher education.

418. We have noted the requests for further information about whether our proposed definition of entrants would include students changing course or provider within their first year of higher education study. We confirm that students who change course or provider within their first year will count towards the entrant cohorts for whom continuation outcomes are measured if they meet the definition of an entrant proposed within the consultation:
- a. We note that when a student changes **course** within the same level of study during their first year of study, this will not always result in a provider submitting multiple student records for that individual (for example, from BSc Mathematics to BSc Economics, from an HNC to an HND programme, or from a course involving a sandwich year to one that does not). This means that these sorts of course changes are not often evidenced within HESA student data, which will report only the course that a student was studying at the end of the data reporting period. It follows that they cannot trigger the criteria within our entrant definition which excludes students who were recorded in student data as actively studying at the same registering provider, at the same broad level of study (undergraduate or postgraduate), at any point in the previous calendar year.
 - b. When a student changes **provider** during their first year then this will normally result in both of the providers at which the student registers returning student data about that student. If that data indicates that the time spent at one of those providers was less than two weeks, this would result in the student being excluded from all student outcome and experience measures in relation to study at that provider (see Students leaving within two weeks). If the data shows that the student spent at least two weeks at each provider, that student would contribute to the entrant populations of both the provider they changed from and the provider they changed to. This is because the previous study we identify for that student in the previous calendar year was not at the same registering provider.
419. We note that the categorisation of each individual student, and information on whether or not they counted as an entrant for the purposes of constructing continuation measures, was

available in the individualised student data files released to providers alongside the consultation in order that they could understand the impact of this and other proposals on their own student data.

Proposed census dates for measuring continuation outcomes for full-time, part-time and apprenticeship students

420. We proposed a census date of one year and 15 days after a full-time or apprenticeship student commenced their studies, and a date of two years and 15 days for part-time students. We considered that these achieved an appropriate balance between timeliness of the measure and a point at which students have had the opportunity to undertake a material part of their course. In doing so we took the view that these census dates represented no significant departure from established approaches previously used in the construction of similar continuation measures, and that this was likely to minimise the burden of understanding and engaging with our regulatory approach to these student outcomes. We continue to take this view.
421. We welcome the support that our proposals, and the reasons for them, received from many respondents. In particular, we agree with comments that confirmed that the resulting measures were appropriately timely for providing a reliable interpretation of continuation outcomes, and that defining census dates based on a duration of study after commencement of the course was preferable to one that selected a specific calendar date. This is because a duration-based census date will be better able to accommodate the diversity of providers in the sector, many of which deliver higher education courses which commence at different or various points across the year. An alternative approach based on a specific calendar date would risk the chosen date falling before students who started in the summer months have had the opportunity to undertake a material part of their course.
422. In relation to comments about a different interpretation of continuation outcomes being required for shorter courses, we are aware that the timeframes in which it is reasonable to expect that students will have completed their course can vary markedly across different modes and levels of study. As we described in the consultation, we consider that unique census points for each combination of mode and level of study would introduce unmanageable complexity into the definition of our measures. We also consider that this would not be practical within the limits of existing data collections and reporting practices, which do not provide sufficient granularity on changes to study throughout the year and instead capture students' activity as at the end of the reporting period. We therefore acknowledge that for some course types – including the example of postgraduate taught masters' given by respondents – the continuation measure is more similar to a completion measure than is the case for other course types. However, we do not consider that it is appropriate to make any adjustment to the definition of the measure to change this. We take the view that our assessment approaches and their ability to consider student outcomes at different stages of the student lifecycle, together with their consideration of context for an individual provider, will appropriately address the points made.
423. We have also considered similar comments about the importance of considering the context within which continuation outcomes by these census dates were achieved for certain types of students and courses, especially where these were influenced by personal, financial and other factors that may be beyond a provider's control. We want to be clear that our use of the proposed continuation definitions does not mean that we consider that other interpretations

of a positive higher education experience for individuals or cohorts of students are without merit. We take the view that our assessment approaches and their consideration of context for an individual provider will appropriately mitigate the issues raised.

424. We have considered further comments about the appropriateness of a one-year census date for apprenticeship students. We note here that we have observed a notable difference in continuation outcomes between part-time students and those studying apprenticeships when both are considered on the basis of the same census date, and that continuation rates for apprenticeships more closely resemble those of full-time students. We do not therefore agree that it would be more appropriate to measure these outcomes against the same two year and 15 days census date proposed for part-time students. In addition, we note that apprenticeship students have previously been grouped with full-time students, resulting in continuation outcomes calculated at a one year and 15 days census date, for the purposes of constructing the access and participation data. This means that we consider it likely that any such change would increase the burden of understanding and engaging with a different approach to measuring continuation outcomes for apprentices.
425. In addition, we have also considered comments about the potential influence of third parties, responsible for assessment of occupational competencies, on the continuation outcomes of apprentices and other students (such as those on courses that involve industrial and other placements). While the need to demonstrate occupational competencies is distinctive for apprenticeships and some courses with placements, and we recognise that this has the potential to influence a student's continuation or completion of a higher education qualification, the need to demonstrate wider competencies beyond the subject matter for a course is not. We therefore do not consider that it would be appropriate to make an adjustment to the definition of our measures to account for this.

Part-time census dates for continuation outcomes

426. We acknowledged in the consultation that the proposed census date of two years and 15 days for part-time students was a finely balanced issue, with the alternative of a one year and 15 day census date representing a viable alternative because of the potential benefit of creating a more timely measure defined consistently with that used for full-time and apprenticeship students.
427. In light of the consultation responses we received, we consider that the selection of a census date for assessing part-time continuation outcomes remains a finely balanced issue. We note the support from some respondents for an approach that aligned with existing approaches which they described as having been embedded within providers' internal oversight and governance processes. In reaching our decision we have accounted for the consequence of adopting the proposed two years and 15 days census date being no material change to the burden of understanding and engaging with our approach to this measure. We have also recognised that reducing the census date to one year may make it less suitable for flexible and module-based part-time provision.
428. While we take the view that improved timeliness of the one year and 15 days alternative, and its resulting consistency with the full-time continuation measure, would deliver a series of benefits, as described by both the consultation and respondents, we do not consider that these benefits outweigh the costs of increased burden that would result from a change to the established approach. We agree with the comment that withdrawals are more likely related to

the amount of study completed rather than the length of time a student has been studying, and therefore consider it important to prioritise capturing part-time students' continuation outcomes once they have undertaken a similar amount of study as a full-time student.

429. Having considered the points made by respondents in relation to the part-time census date, and on balance, we take the view that the rationale we set out in our original proposals remains reasonable and appropriate. We will therefore adopt the proposed census date of two years and 15 days after a part-time student commenced their studies.

Confirmation of our approach

430. In relation to comments about the 'and 15 days' aspect of the proposed census dates, we are aware that there may be some circumstances in which a student's enrolment into subsequent years of study will not have been finalised by the census point. This may be because of issues such as fee status, or the flexibility afforded to students to 'step-on and step-off' from their studies. It may also be because of differences between the course dates operated by a provider to which a student has transferred which mean that they have not yet commenced studying at the second provider by the anniversary of their start date at the first provider. We consider that the circumstances of delayed enrolment in the subsequent year would not typically be widespread, or material for a particular provider, and because we consider that these circumstances may be affected by any census date we choose, especially in respect of students stepping-off from flexible programmes of study which could occur at any time, the benefit of making these changes would be disproportionate to the burden of understanding for providers because it would depart from established approaches. While these points are finely balanced, it is our view that it is important to maintain a coherent link between definitions of positive continuation and completion outcomes, with the population coverage for student outcome and experience indicators and our definitions of entrant cohorts, and that to do otherwise would increase the complexity and burden of our approach.
431. In relation to comments about the use of the 'and 50 days' approach used by HESA in the UK performance indicators, we note that this issue was discussed in our response to proposal 3 and consider that the same arguments apply here. In particular, we note that the OfS has, since its first publication of the access and participation data dashboard in early 2019, based its indicator definitions on a coverage that excludes students who leave their course within two weeks of their commencement date, and on measuring continuation outcomes with reference to a census date which mirrors this. This means that we do not agree with comments that use of our proposed approach, rather than the HESA one, would increase the burden of understanding and engaging with these measures. Furthermore, we do not accept that use of the 'and 15 days' approach to defining census dates for measuring continuation outcomes would adversely impact on students from disadvantaged or underrepresented groups compared with the 'and 50 days' approach. This is because we consider that if such a student were more likely to withdraw from their studies between these points, having already studied with a provider for one or two years, this may be more indicative of the support they receive from their provider through subsequent years of study, and hence a provider's performance, than the characteristics or background of the student.
432. We therefore confirm that we will adopt census dates of one year and 15 days after course commencement for full-time and apprenticeship students, and two years and 15 days after course commencement for part-time students. As described in the consultations,

assessments of student outcomes will take into account the context of a provider for which the circumstances of individual students are likely to be a material issue for making judgements about its performance.⁶³

433. In relation to the comment about postgraduate research students counting as a negative outcome if they were returned as being awarded a qualification from a dormant mode of study, with a corresponding end date that fell later than the proposed census date, we confirm that this consequence of the proposal was interpreted correctly by the respondent. We also confirm that this is legitimate and expected reporting practice in respect of providers returning HESA student data on postgraduate research students, and equally that it is not legitimate reporting practice for students who are dormant at other levels of study (where a qualification awarded from a dormant mode of study should have a corresponding end date that identifies the date at which a student's learning was completed). The proposed approach failing to count qualifications from a dormant mode of study as a positive outcome for postgraduate research students was therefore a methodological oversight within the definition of the measure. **We have therefore decided to make a small change to our methodology and allow for additional benefit of the doubt in respect of awards made to postgraduate research students.** For these students we will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is award before or after the census date.

Definitions of positive continuation outcomes

434. We proposed to take a broad view of the activities that would count as a positive continuation outcome, such that the approach remained similar to that used in previous continuation measures, including those published by the OfS in the access and participation data dashboards. By not requiring that a student be progressing through subsequent years of the same course, nor studying a qualification at the same mode, level or intensity of study, to count positively on this measure, we consider that our proposed approach makes best use of the available data. We note that, within the specifications of the existing student data collections, it can be difficult to establish when a student is continuing on the same course that they started because course changes are not often evidenced within HESA student data when they occur at the same level of study, with that data only capturing details of the course that the student was studying at the end of the data reporting period. Furthermore, we considered that this was an appropriate and proportionate approach because the data cannot tell us when students are making conscious choices that they view as positive or negative outcomes in their own individual circumstances. We continue to take this view and will therefore adopt the proposal.
435. We have considered the comments suggesting that continuation measures should be more restrictive in terms of which outcomes count positively to identify genuine progression through a course, for example by not treating students who leave with a lower level of qualification at the end of the year as positive. These arguments may have particular merit when considering the definition of continuation measures intended to directly inform student choice (for example, for the purposes of reporting continuation outcomes to prospective students at course level through the Discover Uni website). However, we do not consider that this would be appropriate for the purposes of informing OfS regulation of quality and access

⁶³ See the proposal 5 section of the regulating student outcomes consultation response.

and participation. This is because we agree with respondents who commented that counting students who changed between modes, levels or subjects of study recognised and may encourage the support that providers offer to students to enable them to succeed on alternative pathways. We also note that taking a narrower view of continuation outcomes would sit in tension with the more widely supported view that it is possible that students change or withdraw from their course for personal reasons, rather than as a result of the quality of their course and inadequate support from the provider, which respondents commented would provide important context for assessments of their performance.

436. We have also considered those comments on the possibility that students change, become temporarily dormant on, or withdraw from their course for personal reasons which may be beyond a provider's control, and that possibility might extend to students from disadvantaged backgrounds and those studying on courses with an integrated foundation year. On balance, our view is that this possibility does not warrant amendment to our proposed construction of the continuation outcome measure. This is because, as we noted in our consultations, we accept that student outcomes may be interpreted differently in the different circumstances of the individual students, qualifications and providers involved at any given time. We take the view that our assessment approaches and their consideration of context for an individual provider, will further address the points made.
437. In relation to the possibility that students on courses with an integrated foundation year are more likely to be categorised with a negative continuation outcome by our proposed approach, we note the discussion of this issue within our response to proposal 4. We consider that the same considerations apply, namely that while we recognise that there is evidence that courses with an integrated foundation year have historically produced lower continuation rates, the learning aim of the course onto which a student registers is a first degree. We do not therefore consider that the award of Level 3 qualifications or credit represent a positive outcome for students who intended to gain a first degree. For the reasons discussed in our response to proposal 4, we consider that it is important that students on these courses are afforded the same regulatory protections as other first degree students. It would therefore not be appropriate for our data definitions to provide an incentive to accept weaker performance from these courses.
438. In relation to comments that students who changed to study for credit only should not be treated as a negative outcome, we continue to take the view that a student who has started higher education study with the expressed intention of gaining a qualification (and has potentially secured access to student loan funding on that basis) is unlikely to view an outcome of higher education credit as positive. In addition, we continue to take the view that it is important that we do not incentivise increased reporting of study or awards of higher education credit for students who leave their courses, when these are perhaps not warranted. We are aware of the development of the Government's proposals to introduce LLE and related reforms, which would enable students to seek student finance in relation to modules rather than whole courses where this is their intent. The Government has not confirmed the way in which it will proceed with these proposals. We are committed to developing our approach to accommodate such changes in the future as appropriate. However, for the reasons given here, we maintain the view that our approach is reasonable and proportionate until there is further information about the Government's approach to LLE. We take the view that our assessment approaches and their consideration of context for an individual provider, will address the points made.

439. We have also considered comments about our proposed approach to dormant students, which would count many of these students as a negative continuation outcome. We consider that we have addressed the points made about supporting alternative and flexible learning pathways, and about the potential influence of third parties assessing occupational competencies, in our response to proposal 3. We take the view that those positions also apply when a period of dormancy is involved. We note that our algorithms will only treat a student as in a dormant mode of study if the student was not actively studying at any time during the reporting period – as such, we do not agree that there is potential for inconsistency on this basis. The exception here is for postgraduate research students, which we discussed at paragraph 433.
440. In relation to the alternative suggestion for considering and comparing continuation outcomes at two separate census points, to identify any resumptions of study, we consider that the inclusion of both continuation and completion measures facilitates an understanding of student outcomes at both earlier and later stages of their course. We take the view that it would be disproportionate to introduce a secondary continuation measure, because this would result in a significant increase to the volume and complexity of the data indicators that would be constructed and that we would be minded to publish for a provider – and would add little value in addition to the completion measure. We consider that creating additional measures would sit in tension with more widespread concerns expressed by respondents about the volume of data indicators. We also note that the categorisation of each individual student for the purposes of constructing both continuation and completion measures, was available in the individualised student data files released to providers alongside the consultation in order that they could understand the impact of this and other proposals on their own student data.

Students who transfer to another provider

441. We proposed that a student who was actively studying a higher education qualification registered at a provider other than the one where they commenced their studies would be counted as a neutral outcome for the purposes of constructing student outcome measures. This was because there is currently an absence of comprehensive, sector-wide information about student transfers that means we are unable to differentiate between the transfers that we consider are likely to be positive and negative. We therefore sought to offer benefit of the doubt in the way these outcomes contribute to our continuation measures. We continue to take this view and will therefore adopt the proposal.
442. We welcome respondents' general support for this proposal, and their comments that this was a proportionate and reasonable approach that accommodated the possibility that students transfer for a range of reasons including personal circumstances that may be beyond the control of a provider.
443. We have considered the comments from respondents who disagreed with the proposed approach and considered that student transfers should be counted as positive outcomes. We do not agree with the comment that treating these outcomes as neutral, rather than positive, was inconsistent with our intention to offer benefit of the doubt when defining student outcome measures. The consultation described that, where it is not clear whether a particular outcome should be viewed as positive (because either interpretation of the outcome is debatable, or existing data does not provide sufficient granularity of information), we have

proposed to interpret it as either positive **or neutral** for the purposes of constructing student outcome measures, rather than treating it negatively. The consultation also described:

- a. Our awareness that student transfers will represent a mix of positive and negative outcomes depending on the individual circumstances of a student, and our view that transfers will normally be considered positive when a student transfers through a credit transfer scheme or otherwise carries credit with them, and negative when they do not (requiring that the student starts higher education study afresh, potentially incurring additional costs in doing so).

We continue to take this view, and we consider that there is greater ambiguity over whether transfers are positive or negative outcomes compared with changes between different higher education qualifications within the same provider.

- b. That existing student data collections did not explicitly include information about a higher education student's entry via a credit transfer scheme, or whether they hold any higher education credit. We note that while this information was collected in 2020-21 HESA student data returns for the first time, the information is not collected from providers that are required to submit ILR student data to the ESFA, and will remain partial in respect of the time series that will inform our measures over the coming years.

We continue to take the view that existing data does not provide sufficient granularity of information and that an approach which offers benefit of the doubt by treating the outcome as neutral remains reasonable at the current time.

- c. Our expectation that the Government's implementation of the Lifelong Learning Entitlement may, in the medium to longer term, suggest further extensions to the specification of the HESA and ILR data collections which could then support an improved understanding of student transfers which involve a student carrying credit with them. We also set out our expectation that, in such a circumstance, we would be likely to consult as appropriate on the adoption of an approach which treats students who transfer through a credit transfer scheme or otherwise carry credit with them as a positive outcome, and students who transfer in any other ways as a negative outcome.

We confirm that this remains our intention.

444. We confirm that we are minded in due course to publish sector-level analysis of student transfers in 2020-21 using the new data items collected in the HESA student data returns, which we anticipate will begin to develop understanding of the feasibility of alternative future approaches. We expect, within this work and any subsequent consultation, to consider the potential for unintended consequences of any alternative future approaches, including the possible disincentives that respondents identified for credit transfer schemes, courses with an integrated foundation year and courses involving international transfers.
445. In relation to comments that registered providers may take steps to reduce the availability of credit transfer schemes or courses with an integrated foundation year, we do not consider that treating student transfer outcomes as neutral should create any such disincentives. This is because being treated neutrally means that a student is removed from both the numerator and the denominator used to calculate the continuation rate and so exerts no influence over the measure, either positive or negative. This neutral treatment therefore means that there

would be no negative impact on a provider. Moreover, we note that our assessment approaches, and their consideration of context for an individual provider, will further address the points made.

446. We recognise that the circumstances in which a student may transfer to a provider outside of the UK, as may be the case with the pathway programmes commented on by respondents, it will be counted as a negative, rather than neutral, continuation outcome. This is because individual-level data about students studying overseas is not available to the OfS and we are therefore unable to determine that a transfer has occurred. We note that the future approach to TNE students described in our response to proposal 3, in which the detail of data requirements for students of UK higher education providers studying overseas will be the subject of further consultation, may afford opportunities to address this point and allow transfers from UK-based to overseas study to be counted as neutral in future. At this time, however, the OfS is unable to make any adjustment to our definitions to identify those transfers. We take the view that our assessment approaches and their consideration of context for an individual provider, will appropriately address this point.
447. The understanding of how we will implement the neutral treatment of an outcome also means that we do not agree that there is any differential impact of our proposed approach for providers operating in London compared with other parts of the country. While we recognise that there is a higher concentration of providers in London, and that this may translate to more options available more locally for some students, we take the view that any student transfers that follow from this will still represent a mix of positive and negative outcomes depending on the individual circumstances of a student. We do not therefore consider that this is a reason to adjust our proposed approach.
448. We do though recognise that comments about the comparability of continuation data across the UK nations have some merit and note that these issues have previously formed an important component of the national contextual statements produced to support providers participating in the TEF, and the assessments by the TEF panel members.⁶⁴ This is because the prevalence of articulation arrangements (which involve student transfers from study in Scottish further education colleges to study in Scottish higher education providers) means that a higher proportion of students treated as entrants in Scotland will have previously experienced higher education. The OfS is unable to make any adjustment to our definitions to identify those entrants because we do not have access to relevant data about students at Scottish further education colleges. We confirm in our response to the TEF consultation that the TEF panel will consider the quality and context of all relevant evidence, whether from the indicators and split indicators the OfS constructs, a provider's own evidence or the student submission.⁶⁵ That response also notes that we will provide training for the TEF panel on the indicators, and this will include where they may need to be interpreted in the context of understanding the different features of higher education provision in different parts of the UK.
449. We note that the categorisation of each individual student for the purposes of constructing continuation measures, including whether or not they were observed to transfer to another registering provider, was available in the individualised student data files released to

⁶⁴ See www.officeforstudents.org.uk/publications/teaching-excellence-and-student-outcomes-framework-year-four-procedural-guidance/.

⁶⁵ See our response to the 'Construction of the TEF indicators' section of the TEF consultation response.

providers alongside the consultation, so that they could understand the impact of this and other proposals on their own student data.

Further explanation

450. We have identified areas in which respondents appear to have misunderstood which outcomes we had proposed to treat as positive or have otherwise sought further information about the treatment of students in certain circumstances. We have explained approaches throughout our response to this proposal, and we provide further relevant information below.
451. In relation to requests for further information about the continuation outcomes for students who are identified as achieving multiple outcomes as a result of changing course or provider, or who had outstanding re-sits or received an exit award, we will ensure that supporting documentation explains these points so that we support user understanding. We would recommend that data practitioners review the definition of the variables IPENTRANTEXCL, IPCONINDFULL_YX, IPCONQUAL, IPQUALIFIER and IPAWARDLEVEL within the 'Core algorithms' technical document when we publish an update to this later this year.⁶⁶
452. In relation to the comments on implementation of the Data Futures data model, we expect to publish an indicative set of core algorithms documents which accommodate the new data model during 2023, on which we will invite feedback from data practitioners and any other interested parties.
453. We have also considered the comments from respondents about the potential to adopt an alternative approach based on credit accumulation, or otherwise to apply a bespoke approach to providers with substantial part-time provision. Our response to proposal 3 describes the influence of the Government's implementation of LLE as likely to prompt further consultation of approaches to module-based provision, which may need to consider the detail of data requirements for credits studied and accumulated. At the current time, we continue to take the view that data limitations prevent us from developing and adopting such a method, with the absence of information collected about the number of credits achieved being a particular issue in this regard. We also note that bespoke approaches and definitions would result in different numerical thresholds being used in the regulation of student outcomes for different providers, and we maintain the view that it is important that all students are afforded the same regulatory protection. We take the view that our assessment approaches, and their consideration of context for an individual provider, will appropriately address these points.

Decision

- 454.** We have considered the points made by respondents in relation to Proposal 5 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 5. However, we have decided to make a small change to the approach described at consultation in relation to our continuation algorithms, to allow for additional benefit of the doubt in respect of awards made to postgraduate research students. For these students we

⁶⁶ See IPENTRANTEXCL4 at page 116 of the 'Core algorithms' supporting technical document, at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is awarded before or after the census date. Our reasoning for this change is set out in paragraph 433.

Proposal 6: Construction of completion measures

455. Proposal 6 set out two potential methods of measuring the rates at which students completed a higher education qualification: a cohort-tracking measure and a compound indicator of completion outcomes. In summary, the key features of the methods were as follows:

Cohort-tracking method:

- a. Closely aligned to the continuation measure described in proposal 5, as it tracks a cohort of entrants through each subsequent year of their course at an individual level, up to a census date at which we determine how many students have gained a qualification from the same provider or are continuing to study with them.
- b. Full-time or apprenticeship students would be tracked to their activity on a census date four years and 15 days after they commenced their studies, and part-time entrants would be tracked to a census date six years and 15 days later.
- c. A positive completion outcome would require that we find the student as having gained a qualification (from the same provider as they initially registered) at any point prior to the census date, or was continuing in the study of a higher education qualification at that provider.
- d. Positive, neutral and negative completion outcomes would otherwise be defined in the same way as for the proposed continuation measure.

Compound indicator method:

- e. Constructed from an understanding of the rate at which students have withdrawn from their higher education study in a given academic year, and the stage of study from which they were withdrawing.
- f. Identifies all of the students who withdrew from the study of a higher education qualification, without gaining a qualification, and considers the course commencement dates of these students to establish what proportion of their entry cohort they represent as leaving at a particular stage of their course, relative to the number who started studying at the same point.
- g. Assumes that the observed propensity to withdraw at a given stage of a course is representative of the provider's current performance in supporting students to complete their qualifications, so used as the basis for an informed estimate of the number and proportion of entrants who will ultimately complete a qualification.
- h. Uses information about six entry cohorts to estimate the completion rates for students with a full-time, part-time or apprenticeship mode of study.
- i. Recalculating the latest year of the compound indicator each year, in order to identify the appropriate completion outcomes in cases where a student is identified as withdrawing but it cannot be known whether they were awarded a qualification (because their outcome is currently recorded as learning complete but results not yet

known) or transferred to another provider, until the next year of data becomes available.

- j. Treating students who have been reported as dormant for two successive years as withdrawing from study, with dormancy not otherwise being treated as a negative outcome.

456. The proposal also outlined the key advantages and disadvantages of each method and our need to balance the timeliness of the measure and its precision, complexity and effectiveness, noting that it was necessary to make compromises on these qualities. The consultation stated that the OfS had no preference for one method over the other, and that there were generally fairly strong positive correlations between the values calculated by the two alternative methods.

457. We asked respondents:

- a. Whether they had a preference for one of the proposed approaches to measuring completion outcomes over the other, and to describe any strengths and weaknesses of the two methods.
- b. To what extent they agreed with the definition of the cohort-tracking measure and with the definition of the compound indicator measure.

Responses relating to proposal 6

458. Around a third of respondents did not express a preference for one measure over the other. Of the respondents who did express a preference, about two-thirds preferred the cohort-tracking method, compared with about one-third for the compound indicator. Many respondents caveated their preference with comments about wider comments about the method.

459. A few respondents suggested that there was value in retaining both proposed completion measures, as they have different advantages and provide different information that could provide a fuller picture of student outcomes when taken together. However, other respondents took a different view. Comments included:

- a. Support for the OfS taking forward only one of the proposed approaches, to limit the complexity and burden of our overall approach.
- b. Neither of the proposed measures added sufficient value to the current continuation measure as the information they provided was similar and overlapping. That the compound indicator in particular was too closely correlated with the continuation measure for the most recent entrant cohort was also suggested.

460. Some respondents sought further information about the relationship between the two proposed measures and the OfS's publication of the 'Projected completion and employment

from entrant data (Proceed)' measure, and also with the Table 5 method from HESA's UK performance indicators.⁶⁷

461. Others commented on the Government's implementation of the LLE, and asked how each of the proposed measures would treat flexible provision, and study for credits. Some suggested that the OfS should reconsider the use of a credit-accumulation measure in future, as an alternative to the proposed completion measures because this would more accurately record positive outcomes for students studying on a flexible modular basis. Another suggested that leaving with credit but not a qualification could be a positive outcome for many students and this is not currently captured within either completion measure.

Complexity and regulatory burden

462. Many respondents were in favour of the cohort-tracking approach on the grounds of simplicity and transparency, with the familiarity of the methodology and the consistency with the proposed continuation measure also identified as benefits. Many of these respondents were supportive of the definitions of positive completion outcomes that resulted from the alignment with the continuation measure.
463. In terms of the compound measure, respondents suggested a number of challenges, including the complexity of the method and difficulty explaining it. Potential sources of complexity and burden were identified as:
- a. The methodology is complex and novel, so it may be difficult for non-expert stakeholders to understand, and required more comprehensive explanation.
 - b. It was difficult to relate the values produced by the compound measure to specific entrant cohorts (because six cohorts of entrants are used within the measure) or individual students (who may contribute to many years of the measure as an entrant but at most one as a withdrawal). This also means that it would be challenging for providers to replicate or rebuild these measures from individualised student data, including for internal modelling purposes to look at these outcomes for other student groups (such as different subject characteristics).
 - c. It may be challenging to understand changes from one year to the next, because the measure relates to multiple entrant cohorts and changes could be caused by many factors, including structural changes (such as changes in partnerships, mergers or course closures), anomalous outcomes for a particular entrant cohort, and random variations, as well as changes in a provider's performance. They thought that this would create a need for providers to have a deep understanding of the method, to understand what is driving changes in the measure. They thought that identifying which students might be having the greatest influence over the calculations would be especially important when changes in the measure are anomalous or based on small cohorts. The resulting increase to burden was seen as being a particular issue for small providers and providers without teams of data experts.
464. Respondents thought that these challenges could limit the usefulness of the measure for providers' internal quality enhancement processes, and that further supplementary guidance

⁶⁷ See www.officeforstudents.org.uk/publications/proceed-updated-methodology-and-results/.

(such as diagrams and worked examples) would be needed to help overcome them. Respondents often drew a link between these challenges and a potential increase in regulatory burden associated with its use.

465. Conversely, some respondents thought that the compound indicator would give a clearer indication of trends by academic year, for example to highlight the effect of the pandemic on withdrawal rates over time. A few respondents suggested that withdrawals commonly occur within the first year, and therefore considered that the compound indicator was preferable to cohort tracking because the year one withdrawals it was including were based on recent entrant cohorts rather than very historic ones.
466. A few respondents expressed support for the supplementary information shared with providers alongside the consultation that showed the individual withdrawal rates for each entry cohort that make up the compound indicator. This was considered to be helpful for understanding withdrawal rates at different points of a course, contextualising anomalies over time, and understanding the impact of different groups of entrants.

Timeliness

467. Many respondents were in favour of the compound indicator approach on the grounds that it was timelier, or 'more current' than the cohort-tracking method.
468. Respondents described a number of reservations they had about the time lag in the cohort-tracking measure, which they considered to be mitigated to some extent by the compound indicator approach. They commented that the time lags were a particular concern for part-time courses, given the longer census date involved (where a completion outcome might not be available for up to seven years following a student commencing their studies). Some respondents suggested that if the OfS used the cohort-tracking approach, rather than the compound approach, this would limit the use of the data for providers' internal processes for the oversight and governance of quality because it was too lagged to use as a basis for developing new initiatives for current and prospective students. They thought that providers would likely use or develop internal projections themselves to facilitate a more timely understanding and interventions, and to evidence the impact of the work of their staff (who may have left by the time this could be evident in the cohort-tracking measure) or of structural changes in provision (such as changes in partnerships, mergers or course closures). Other respondents thought that the indicators would lack relevance for prospective students, as they related to entrants from a long time ago who may have had very different circumstances, experiences or characteristics.
469. However, a few respondents thought the time lag was not significantly reduced by using the compound indicator and considered that it was still too lagged. Respondents commented that it would be particularly important for assessments of completion outcomes data to take sufficient account of a provider's context and the lagged nature of completion data. A more timely alternative to both of the proposed methods was suggested as a measure based on 'on-time' completion that could use information about a student's expected course length to establish whether a qualification had been awarded at the expected time.
470. Some respondents suggested that timeliness was not a high priority for the completion measure because:

- a. A lagged completion measure may be mitigated by the inclusion of the timelier continuation measure.
- b. It was necessary to wait until students have completed to measure completion robustly.
- c. Most providers do not experience major changes in the outcomes of their students over short periods of time, and we had proposed that four years of data would be considered.

Accuracy and reliability

471. Many of the respondents with a preference for cohort tracking said that this was a more accurate measure and that it was presenting observed outcomes for individual cohorts which was a particular strength of the approach.

472. Most of the comments about the accuracy and statistical features of the proposal focused on the compound indicator method. Here respondents made a series of comments about the potential for misleading results that could result from use of this measure:

- a. As the measure was considered to give an estimate or projection of student completion, some respondents took the view that it would be unfair to regulate providers on this basis, and that engaging in arguments about the accuracy of the measure would increase the burden of the approach and act as a barrier to its use. Respondents considered that the measure may be better suited to playing a contextual role in assessments, rather than being relied upon as a primary measure within OfS regulation.
- b. The potential for the compound indicator value to overstate the likelihood of students leaving their course (and in extreme cases could be calculated as a negative number) as a result of totalling the six successive cohort withdrawal proportions: if one or more was an anomalous outcome this would result in a completion rate that understated the normal rates of completion. This possibility was identified by a few respondents as problematic for users' understanding of the data and the reliability of assessments that it would inform. They suggested that, if used, the compound indicator should be capped at zero.
- c. One respondent thought it likely that the compound indicator would be suppressed more often than a cohort tracking one due to the need for multiple entrant cohorts to exceed the minimum population size proposed (of 23 students), and that this would limit its use.
- d. Challenges in identifying and applying appropriate approaches to the calculations of benchmarks and the statistical uncertainty associated with the compound indicator meant that it may be appropriate for the OfS to seek advice from statistics experts on the validity of the proposed methodologies. Respondents suggested that reliance on an assumption that intake profiles remain stable over the six entrant cohorts used, and issues with small cohorts being involved, would warrant these assurances being sought.

473. A few respondents suggested that, because of potential issues with accuracy of the compound indicator and its novelty, there should be an ongoing review of its methodology and ongoing comparisons against eventual completion outcomes. Differences between the values produced by the two proposed completion measures, in the data dashboards provided to providers as part of the consultation, were highlighted. Some respondents were concerned by these differences, particularly for part-time courses or when considering

specific student characteristics through the split indicators. While some of these respondents thought that these differences provided evidence that the compound indicator was not accurate, others suggested this was a reason to keep both measures as it demonstrates that they can provide different information.

The definition of positive outcomes and withdrawals

474. Respondents were generally supportive of the breadth of outcomes treated as positive by each of the proposed measures. In particular, respondents expressed support for:
- a. Students counting positively when still continuing in study on the cohort-tracking census date; one respondent described the assumption that these students will ultimately have a positive outcome as practical, safe and fair.
 - b. Counting continuation and qualification positively regardless of whether students have changed mode, level, or subject of study (for the same reasons as discussed within proposal 5 above).
 - c. The approach taken to temporary breaks in learning in the compound indicator, where students will not count as a withdrawal if they return to study within the subsequent academic year.
475. One respondent suggested that the proposals were too generous in considering continuation or qualification at a lower level than the original qualification aim as a positive outcome. They argued that this may be misleading and that, by accepting exit awards that can be achieved after one year of study as positive outcomes, we were limiting the additional value provided by a completion measure beyond what can be understood by the proposed continuation measure.
476. Another respondent commented that, in the cohort-tracking measure, students in HESA data with an end date but where their results are not yet known are treated negatively. They noted that this is addressed within the compound indicator by looking at data for the next year, meaning this method was more generous. Respondents also suggested that extensions to final assessments were more common during the pandemic.
477. A few respondents noted that withdrawal from study may not always be a negative outcome for the individual concerned, or that students often withdraw for reasons unrelated to the quality of provision. Their reasons for these views were consistent with those provided in response to proposal 5 above and are not repeated here.

Dormancy and flexible provision

478. Some respondents suggested that dormant students should not count negatively in the proposed measures. In relation to the cohort-tracking measure, comments included:
- a. Students taking a break from study on the cohort-tracking census date, undergoing assessments, or having submitted their thesis but not yet awarded a PhD, may count as zero FTE and therefore as a negative outcome on this measure. Respondents thought that this would not represent those students' outcomes accurately, and may be a particular issue for more flexible courses, apprenticeships and those courses involving professional practices or development. However, one respondent suggested that

students need not have been active in the interim years to count positively, so thought that many breaks in learning would be accommodated by the method.

- b. Postgraduate students may have their HESA records closed-off from a dormant state for valid reasons. Respondents did not elaborate on their reasons for suggesting that these students should not count negatively but may have been referring to postgraduate research students, for whom HESA's guidance stipulates that the qualification (and associated end date) should be recorded when the provider's Senate, or other body or person empowered, formally approves the award of a qualification. This means that the end date may follow a period of dormancy while a student is waiting for their qualification to be awarded.

479. Similar comments in relation to the compound indicator focused on whether the assumption was reasonable that, within the compound indicator, students who are dormant for two consecutive years will not complete. One respondent suggested that there is not always a clear point when a student has left a provider following a period of dormancy, so instances in HESA data may be closed by providers at points that are arbitrary and unevenly distributed across reporting years, which could lead to instability in the compound indicator. Respondents also expressed similar thoughts to the comments above on the suitability of the compound approach for flexible, professional and postgraduate courses, which they considered would have more breaks in learning or extended periods of dormancy.

Other comments on the cohort-tracking measure

480. Some respondents expressed support for the full-time census date being set at four years and 15 days, balancing timeliness with the need for enough students to have withdrawn or completed. A small number of respondents expressed support for the part-time census date being set at six years and 15 days.

481. Other respondents considered the full-time census date may be too soon, suggesting that many students on longer courses, or students from underrepresented groups, may not have qualified within four years and 15 days. They questioned whether the methodology would be biased in favour of longer courses and providers that recruit a large number of students from underrepresented groups, who may be more likely to take longer to complete. In some cases, it was unclear whether respondents had understood that students who are still actively studying on the census date would be counted positively by the measure.

482. A few respondents also commented on the proposed part-time census date:

- a. Part-time postgraduate research students are likely to take longer than six years to complete.
- b. Setting the census date at eight years would be an approach that was proportionate in relation to the full-time census date.
- c. The selection of a census date for part-time students should not be based on untested assumptions about their intensity of study, which was often not 50 per cent of the intensity of full-time students.

483. Some respondents asked more generally whether it was appropriate to have the same census dates across all levels of study, commenting on:

- a. The impact on courses for which the use of completion measures is untested across providers, such as postgraduate research provision, degree apprenticeships and higher technical qualifications.
- b. An unnecessary time lag being introduced for shorter courses, considering that an additional census date for shorter courses could be a more robust way to improve timeliness than using the compound indicator.
- c. Whether it would be more meaningful to measure completion outcomes at a census date one year after the expected course end date.

484. A few respondents sought further information about how census dates would be applied in the case of top-up degrees.

485. A few respondents expressed support for the proposed approach to counting transfers to another provider at any point in the interim period between a student's commencement and census dates as neutral outcomes. However, a few others suggested that this should count positively, particularly for students who go on to complete at the second provider, carry credit with them when they transfer, or transfer internationally to a provider that does not submit individual-level student data returns.

486. Respondents' other comments on the approach to student transfers repeated and did not expand upon those made in response to proposal 5 about the construction of continuation measures. We described these comments in our summary of responses to proposal 5 and have responded to them there.

Other comments on the compound indicator

487. A few respondents expressed support for the use of withdrawal rates for six entrant cohorts within the construction of the compound indicator, with one suggesting that this allows longer for students to withdraw or complete than the four-year full-time census date proposed for cohort tracking – so could be considered fairer. However, some thought that the approach may disadvantage shorter courses (where most students complete or withdraw in much fewer than six years) or longer courses (where students who started more than six years ago are not considered within the calculation).

488. A few respondents commented on the proposed approach in which the latest year of the compound indicator may change once the next year of student data is available, in order to make use of the more recent data to clarify outcomes for students reported with results not yet known or who transfer to other courses. These respondents did not agree with the provisional nature of the most recent year of the time series, and commented that recalculating the data retrospectively added complexity to the approach. They considered that the most recent year presented should be one that allowed time for students to return in the subsequent academic year and for this to be evident in the data returns.

OfS response

489. We proposed to construct a completion measure because we consider that completion is one of the most relevant measures of student outcomes available and tells us whether a provider is recruiting students who are able to succeed through to the end of their courses. We

continue to take this view and welcome respondents' general support for the use of a completion measure.

490. As described in our responses to the TEF and regulating student outcomes consultations, we have therefore decided to adopt a regulatory approach that includes use of a completion measure to inform regulation of quality (including through the TEF).⁶⁸ The measure will also be introduced to the access and participation data dashboard, to inform our regulation of access and participation.
491. Having proposed two potential methods for constructing a completion measure, we have considered responses in respect of which approach should be adopted. We note that there was not a strong preference explicitly expressed by respondents to this consultation about whether to adopt the cohort-tracking or compound indicator method, and that the same pattern of responses was also seen in responses to the regulating student outcomes and TEF consultations. The responses we received largely reflected the trade-offs that we set out in the consultation document between ease of understanding the measure and timeliness.
492. We have noted that the compound indicator is new and uses a novel method, whereas respondents recognise the cohort-tracking method as being an extension of the continuation measure and so it is more familiar and established. The comments we received on the compound indicator demonstrate that, while the principles behind the approach were well understood, respondents were still gaining familiarity with the measure. This may have affected the level of support for it as its methodology was less well understood in technical and practical terms.
493. We were clear in the consultation that we did not have a clear preference for one measure over the other as we viewed them both as having strengths and weaknesses.
494. While recognising that there are finely balanced arguments to support the use of either approach **we have decided to adopt the cohort tracking method for use in regulating student outcomes**. The main reasons we have decided to adopt this approach are that:
- a. We take the view that the cohort-tracking method is conceptually easier to understand and our analysis of consultation responses suggested that it was, in general, better understood across the sector and by other stakeholders.
 - b. We are aware that providers find it easier to replicate and further interrogate the cohort-tracking method within their own data, so take the view that its use will reduce burden on providers.
 - c. It is a genuine measure of completion and is therefore less susceptible to methodological issues, including the need for large cohorts over a number of years which are required for the compound method.
495. The key weakness of the cohort-tracking method is its timeliness and we recognise the comments made by respondents in this regard. However, we also accept the arguments

⁶⁸ See our response to the 'Respondents' comments relevant to B3.5' section of the regulating student outcomes consultation response, and to the 'Proposal 9: Indicators' section of the TEF consultation response.

made by respondents that this weakness is largely mitigated by the presence of continuation indicators – recognising that, for most courses, the most significant attrition occurs in the first year. We consider that the completion measure is therefore acting as a check on the longer-term outcomes for students, and consider that the time lags associated with the cohort-tracking method are not disproportionate for this purpose.

496. We have considered the suggestion that we should retain and make use of both methods for constructing completion measures. We think this proposal has merit given the way the methods complement each other, and we continue to recognise that the compound indicator method gives a more timely view of performance which is an advantage. However, we are also aware of the points made by respondents about the volume and complexity of the indicators we proposed to construct, publish and assess with reference to minimum numerical thresholds for student outcomes. Our response to the regulating student outcomes consultation confirms that we have therefore decided that we should only set minimum thresholds in respect of indicators constructed using the cohort-tracking method. However, we recognise that the compound indicator method can provide useful context and a check on more recent changes in performance. We therefore intend to continue to produce, and are minded to separately publish, completion measures based on the compound indicator method so that we, and providers, can draw on the more timely view of completion outcomes it provides, as context. We confirm in our response to the regulating student outcomes consultation that this means we may use the data in our general monitoring activities.⁶⁹
497. While we think that completion measures based on the compound indicator method can provide useful context for assessments of compliance with condition B3, we describe in our response to the TEF consultation our view that it is preferable that only a single completion measure is used in TEF assessments.⁷⁰ This is because the value delivered by the inclusion of an additional measure is likely to be low relative to the complexity it would add to the process. We will therefore not include indicators based on the compound indicator method in the evidence base for TEF.
498. Given that we do not intend to set minimum thresholds in relation to the compound indicator method, we have not explicitly addressed comments made about this method in our response. We will do so as we further develop it.
499. We have considered the comments from respondents about the potential to adopt different approaches as the Government implements the LLE, including the potential benefits of developing credit accumulation measures. The proposal 3 and 5 responses describe the influence of the Government's implementation of the LLE as prompting further consultation on approaches to module-based provision, which may need to consider the detail of data requirements for credits studied and accumulated. At the current time, we continue to take the view that data limitations prevent us from developing and adopting methods based on credits, due to the absence of information collected about the number of credits achieved being a particular issue in this regard.

⁶⁹ See our response to the 'Construction of a completion measure' section of the regulating student outcomes consultation response.

⁷⁰ See our response to the 'Proposal 9: Indicators' section of the TEF consultation response.

500. Some respondents asked about the relationship of the completion measure with Proceed data. We intend to update the Proceed measure to use the cohort-tracking method of completion in order to reduce the number of indicators used. This change will allow us to expand the types of provision covered by the indicator.

Complexity and regulatory burden, and other comments on the cohort-tracking measure

501. The comments that we received in respect of the construction of the cohort-tracking method mirrored those that were made in respect of the continuation measure, reflecting the similarity in their construction. We are of the view that burden and complexity are reduced by aligning the definitions between the two measures. We have included our responses to these issues under proposal 5.

Timeliness

502. We have considered the suggestions that we could improve the timeliness of the cohort-tracking method where typical course lengths are shorter, for example postgraduate taught masters' courses and other undergraduate courses. We accept that this could improve the timeliness of the measure for these students. We have also considered arguments put forward that the census dates may be too soon for some courses or may favour longer courses by counting continued study at the census date positively. We recognise that in each individual case there may be a benefit of choosing a longer or shorter period, as it may improve either the timeliness or the accuracy of the measures. However, we take the view that there are significant benefits in taking a consistent approach to census dates within modes and levels of study in terms of the complexity for providers and, in the case of undergraduate study, for the ability to combine into a single undergraduate measure for each mode of study for use in TEF. We consider the arguments relating to consistency and complexity to outweigh the relatively minor improvements to the indicators of using different periods. We therefore intend to continue to use a single census date for each mode of study.

503. We have also considered the suggestions that the part-time census date should be extended and, in particular, whether this should be extended in respect of research students where the data published in the consultation showed that 29.9 per cent of these students were continuing at six years. The cohort tracking method necessarily has to balance timeliness and completeness. The treatment of students who are continuing to study at the census date as a positive outcome gives students on longer courses the benefit of the doubt. In forming our proposals we considered longer periods and, considering the relatively small numbers of students involved, the overall impact on the calculated indicators was relatively small. The most significant impact was on part-time research students but even then it was less than five percentage points. We therefore conclude that setting a census date at six years represents the right balance between timeliness and precision.

The definition of positive outcomes

504. We have noted the suggestion that patterns of study and examinations during the pandemic may have led to an increase in students leaving their course but the results being not known. Respondents argued that, because of this change in behaviour, students whose learning is complete but their results are not yet known should be treated as a positive outcome. While recognising that this scenario may have been more common during the pandemic, we remain of the view that, in general, this should be treated as a negative outcome. We

therefore do not propose to alter the definition of the completion measure, which we expect to use into the future, to accommodate temporary changes in data reporting and qualification awarding practices necessitated by the pandemic. Where this has been a material issue for a provider in 2020 and 2021, we would consider the longer-term outcomes of these students as part of our consideration of context.

505. We have considered the comments from respondents that counting students leaving with a lower qualification is too generous. We consider that treating students achieving a lower qualification, rather than credit, as positive is consistent with our general approach of giving the benefit of the doubt.
506. In line with the decision we have taken in respect of the construction of continuation measures, and for the reasons discussed at paragraph 433, **we have decided to make the same small change to our methodology and allow for additional benefit of the doubt in respect of awards made to postgraduate research students.** For these students we will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is award before or after the census date.

Dormancy and flexible provision

507. In relation to comments that dormant students should not count negatively in completion measures, we note that the number of students who are dormant for a full year is relatively small. We take the view that the impact of counting them negatively is proportionate. If we were to count such students positively or neutrally, this could create an incentive to record students as dormant who did not intend to complete their studies.

Decision

508. We have considered the points made by respondents in relation to Proposal 6 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above there, we have decided to adopt the approach set out in Proposal 6, subject to the following:
- a. To the extent that our decisions on proposal 6 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision described at paragraph 11a.
 - b. Otherwise, we have decided to implement the proposal 6 in the same form as we consulted on, with the following changes:
 - i. In relation to potential measures of completion, we have decided to adopt the cohort tracking method for use in regulating student outcomes and the TEF. This means that we will not set numerical thresholds in respect of indicators constructed using the compound indicator, and we will not include indicators based on this method in the evidence base for the TEF. We intend to continue to produce completion measures based on the compound indicator method, and confirm in our response to the regulating student outcomes consultation that this means we may use the data

in our general monitoring activities.⁷¹ Our reasoning for this change is set out in paragraphs 491 to 497.

- ii. We have decided to make a small change to the approach described at consultation in relation to our cohort-tracking algorithms, to allow for additional benefit of the doubt in respect of awards made to postgraduate research students. For these students we will treat any qualification awarded in the data reporting year in which the student's census date falls as a positive outcome, regardless of whether this qualification is awarded before or after the census date. Our reasoning for this change is set out in paragraph 506.

⁷¹ See our response to the 'Construction of a completion measure' section of the regulating student outcomes consultation response.

Proposal 7: Construction of progression measures

509. Our consultations on regulating student outcomes and the TEF proposed that the proportion of students progressing to managerial or professional employment, or to further study, would be reported as one of the numerical measures used in assessments of condition B3 and for the TEF. It is also one of the student outcomes measured through the access and participation data dashboard.

510. Proposal 7 set out our proposals to measure the percentage of students who progressed to managerial or professional employment, further study or other positive graduate outcomes after they completed a higher education qualification. We proposed to do this based on graduates' responses to the Graduate Outcomes survey, reflecting a student's outcomes approximately 15 months after they have been awarded a higher education qualification.

511. The main features of our proposal were:

International students:

- a. Those whose domicile prior to entry was outside of the UK would not be included in the coverage of the progression measures.

Approach to survey non-response:

- b. A response rate threshold of 30 per cent would be applied; indicators with response rates below this threshold would be suppressed to guard against the risk of response bias.
- c. Individual responses would not be weighted to account to response bias (so each response would have the same weight within an indicator).

Partial responses:

- d. Graduates who made a partial response to the Graduate Outcomes survey would be counted within our progression measures if they responded to the first two questions.

Definition of a positive outcome:

- e. All graduate activities during the week of the census would be considered when categorising outcomes (as opposed to just considering the main activity of the respondent, for example).
- f. A respondent would be categorised as having a positive outcome if they were engaged in any of the following activities:
 - i. Managerial or professional employment, as defined by Office for National Statistics' (ONS's) Standard Occupational Classification (SOC) 2020 major groupings 1 to 3
 - ii. Further study of any level

- iii. Caring for someone, retired, or taking time out to travel.⁷²
- g. A response from an employed graduate which could not be mapped to a SOC code would be apportioned to both a positive and negative outcome based on the ratio derived for the provider, mode and level of study associated with that graduate.
- h. Unless they were also engaged in any of the activities considered positive (outlined above), the following graduates would be categorised as having a negative outcome:
 - i. Those in employment with a SOC code not categorised as managerial or professional
 - ii. Unemployed graduates
 - iii. Those who responded that they were 'doing something else' during the week of the census
 - iv. Those who were due to start employment or study within a month of the census.

Interim activities:

- i. Neither interim study or interim employment would be considered when attributing graduates to a positive or negative outcome. If we were to consider these interim activities in this way, we would need to extend the Graduate Outcomes survey infrastructure, but we considered this was undesirable due to the increased cost to providers.

Use of reflective questions:

- j. Measures should not be constructed using the graduate reflection questions at the current time, but that these questions may have value in future.⁷³

512. We asked respondents:

- a. To what extent they agreed with the proposal to exclude international students from the calculation of the progression measure.
- b. To what extent they agreed with our proposed approach to survey non-response (including the requirement for a 30 per cent response rate, and not weighting the Graduate Outcomes responses).
- c. To what extent they agreed with our proposed approach to using partial responses.

⁷² We are aware of an inconsistency between the explanation of our proposed approach to these activities between the consultation document and the algorithms and illustrative data released alongside the consultation. As noted in the consultation document, the formulation of our proposals in algorithm form provided the definitive representation of our consultation intention. For the avoidance of doubt, we intended that students who report travelling, caring for someone else or retirement in any activity would count as a positive outcome.

⁷³ In responding to the survey, graduates are asked three questions to summarise their feelings about their activities at the time of the survey.

- d. To what extent they agreed 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.
- e. To what extent they agreed with our proposed definition of negative progression outcomes.
- f. For their comments on the advantages and disadvantages of the proposed definition of managerial and professional employment.
- g. For their comments on our proposed approach to interim activities and on the costs associated with extending the Graduate Outcomes survey infrastructure if we were to pursue an alternative approach.
- h. For their comments or suggestions on the potential future use of graduate reflective questions.

Responses relating to proposal 7

513. Many responses agreed with the proposals, especially with the proposed approach to survey non-response, to using partial responses and with the exclusion of international students from the calculation of a progression measure.
514. Some respondents disagreed with some aspects of the proposed progression measure and other respondents disagreed with its use in regulation. The following points were made:
- a. Progression was not considered to be a good indicator of course quality because, in the view of respondents, it is affected by several factors that are outside the control of a provider including geographical, economic, cultural and socio-economic factors. It was thought that use of a progression measure may have a negative effect on providers focusing on widening participation because the measure would not, in respondents' view, take into account the complex range of social and structural factors shaping graduates' outcomes and that had historically resulted in students from underrepresented groups being less likely to progress to managerial or professional employment. Some respondents requested further information about how these sorts of contextual factors would be communicated alongside public-facing data. Others welcomed the attempt to control for geographical influences on progression outcomes through the inclusion of the geography of employment quintiles as split indicators and through benchmarking.
 - b. The proposed measure risked overlooking the range of motivations students have for entering higher education and the broader benefits it can provide in the longer-term.
 - c. Some student groups or courses could be less likely to progress to professional or managerial careers. For example, qualifiers from sub-degree provision may have lower chances of securing a managerial or professional employment compared to graduates from a first degree; another example was apprentices who it was suggested may not always be 'swiftly' promoted following completion of their course. Comparing these groups was considered unfair.

- d. The definition of positive outcomes was too narrow because it failed to fully capture progression into some careers, such as the arts and humanities and social care.
515. Some respondents suggested that, rather than measuring progression to managerial or professional employment, the OfS should develop a more holistic view of value gained from completing a higher education qualification, incorporating aspects such as wellbeing, civic engagement, productivity and the views of graduates and employers. This could help steer providers towards offering what was most beneficial for individual students and the local community. One respondent highlighted a University and College Union study of an approach to measuring a provider's contribution to the local economy.
516. Other respondents suggested that the measure should be a scale instead of a binary judgement of progression. Many respondents made comments about the binary nature of the proposed indicator, which included:
- a. It exacerbates the challenges involved in defining managerial or professional employment, which are of particular relevance in some sectors such as education, health and social care. We take this to be a point about common career patterns in some sectors including jobs which are not classified as managerial or professional.
 - b. It does not take sufficient account of the likely longer-term positive outcome of some forms of employment that some graduates undertake at the start of their career to build a portfolio of work.
 - c. A non-binary indicator could allow greater account to be taken for the 'doing something else' category which was proposed as a negative outcome. For example, differentiating between 'doing something else', 'other activities' and 'unemployed' could allow users to understand the variation within outcomes treated as negative by the progression measure.
517. A few respondents commented on the impact of the coronavirus pandemic, speculating that the most recent Graduate Outcomes surveys (and any progression measures calculated from them) would not be representative – because they thought:
- a. The pandemic had artificially suppressed the job market in some industries (such as the creative and hospitality industries).
 - b. The pandemic could lead to more flexible, shorter-term project-based working, which would make the Graduate Outcomes survey's census-based approach less meaningful.
 - c. A lack of work experience opportunities could have had a greater impact on graduates from underrepresented groups who may lack social capital.
 - d. More limited access to careers services providing students with appropriate advice and guidance may have affected the work opportunities that graduates had sought out.

The Graduate Outcomes survey

518. Some respondents appreciated the use of Graduate Outcomes survey data on the basis that it is already used and understood by the sector. Other respondents made the following comments about this dataset:

- a. It should not be employed for regulatory purposes due to its experimental nature and because at the time the Graduate Outcomes survey was developed, it was not anticipated the data would be used in this way.
- b. The OfS should make students aware when completing the Graduate Outcome survey that their responses could be used for regulatory purposes and be clear about how outcomes are measured.
- c. The survey design and census approach may not be suited to capture freelance or occasional work undertaken by some graduates to build a portfolio or at the start of some careers. This can often be the case in creative industries, agriculture, and construction.
- d. Response rates were considered too low. This was linked to the survey's reliance on voluntary responses from graduates many months after finishing their course. It was also mentioned that some graduates refuse to share their contact details with HESA and hence could not participate in the survey.
- e. Accuracy of the data from the survey relied on both the graduate accurately describing their job and HESA interpreting this correctly.
- f. The survey does not capture all provision because not all graduates respond and not all courses are surveyed (for example, higher education courses which are not recognised for OfS funding), and this may adversely affect small and specialist providers that do not have the resource to develop their own, more appropriate, dataset about graduate outcomes.
- g. Making changes to the survey at this time may be more appropriate than later, because respondents understood that the survey was still experimental. They also considered, though, that the potential burden of any changes should be understood and disruptions managed.

519. Some respondents opposed the use of survey data based on a particular census date, arguing that the benefit of a higher education qualification continues throughout a graduate's life and may not be fully recognised at the point of survey. It was also suggested that in certain careers it may take longer to achieve a graduate-level role and that the earning gap between subjects reduces over time. It was suggested that the survey, or an additional survey, be conducted three and half years (as the longitudinal Destinations of Leavers to Higher Education [DLHE] survey did), or five years after graduation.

520. Some respondents suggested changing the survey to deal with the limitations of the census date, with some suggesting moving the date to 12 or 18 months after graduation, so that graduates progressing to a one-year course would either count as a positive outcome during their further study or have enough time to find positive employment.

521. Two respondents expressed a desire for the OfS and HESA to explore opportunities for data linking to augment existing data or improve its quality. They suggested linking with graduate employer data and linking with student data to improve understanding of those in further study (which they considered was under-reported in the Graduate Outcomes data) or to assist in categorisation of graduates with partial responses.

Exclusion of international students

522. The majority of respondents expressed support for excluding international students from the calculation of the progression measure. Reasons given for support were:

- a. The small population and low response rates of international graduates meant that the data would be unrepresentative of the overall cohort and not be robust enough to substantiate regulatory assessment.
- b. The increase in burden of data collection from international graduates if HESA were to follow up to improve response rates, and mapping overseas jobs against UK occupational classifications.
- c. It was thought the data was often poor quality and difficult to check or interpret and could lead to misleading comparisons with UK-domiciled graduate occupations. If performance prompted the OfS to review further, it would also be difficult to make judgements on factors like overseas job markets or visa arrangements.
- d. There was little that providers could do to influence international recruitment markets.
- e. International students are funded differently to home students, therefore the 'value for money to the taxpayer' argument should not apply.
- f. It aligned with the scope of access and participation plans and progression outcomes.

523. Some respondents thought international students should be included, for the following reasons:

- a. The volume of students that would be excluded. Respondents thought that this would particularly affect small providers and in disciplines such as engineering, with significant numbers of international students, and would make such courses difficult to regulate because the indicators would be less complete in relation to an overall student cohorts.
- b. International students invest significantly both financially and otherwise in UK higher education and should have the right to expect the same outcomes and experiences as UK students.
- c. It was important to report on the employability of the whole student population, particularly given the OfS's stated regulatory objectives, the UK higher education's global standing, and to show the value of UK degrees. Respondents suggested that the proposal meant that there would be lower levels of transparency for the outcomes for international students, and this risked providers focusing investment on their UK-domiciled students, which could send a negative message to international students.
- d. It would be better for student populations to be consistent across all measures, and for different regulatory functions, because this makes them easier to compare and understand.

524. Some respondents suggested alternative approaches for international students:

- a. Exclusions should be based on employment location rather than student domicile before starting a course.
- b. Separate data on international students could be collated or published, potentially on an 'opt-in' basis, to better inform students considering UK study.

Approach to survey non-response

525. Many respondents were supportive of our proposed 30 per cent response rate threshold for data suppression, believing that this would give adequate coverage of outcomes across groups and avoid too many instances of non-reportable indicators.
526. However, many others thought that the proposed threshold was too low to ensure a representative population from which to infer reliable judgements, particularly given the potentially serious regulatory implications that arise for an individual provider. Some considered that suppression should be consistent with the 50 per cent threshold used in the National Student Survey (NSS) and others suggested a more conservative threshold should be used until further research was carried out and independently verified.
527. A few respondents agreed that indicators with a response rate between 30 per cent and 50 per cent threshold should be published, but they thought that guidance should be provided to assessors and end users to treat them with more caution, because lower response rates may not be representative or as reliable.
528. Some respondents thought that split indicators should not be published at all as most, if not all, would be too volatile to be meaningful (given the combination of relatively small numbers of respondents and the potential for response bias). Others suggested that the suppression of split indicators may affect perceptions of quality, repeating reservations expressed elsewhere that users may view suppressed data negatively.
529. Some respondents made other suggestions, including that:
- a. Further efforts to improve response rates should be made, with specific targets set. A few thought that it had been a mistake to remove providers' ability to be actively involved in the collection of Graduate Outcomes data and wanted providers to be more 'hands on' in future.
 - b. The OfS should use a provider's data even if response rates fell below 30 per cent because confidence intervals would help indicate statistical uncertainty.

Weighting responses to mitigate response bias

530. Most respondents agreed with the proposal not to weight data to account for survey non-response. Reasons given were that weighting data could skew the results and would add complexity and burden for providers trying to replicate their progression measures. One thought that weighting data would make it more difficult for end users to interpret. Many others were reassured by HESA's conclusions that weighting was unnecessary.
531. Some respondents thought that the Institute for Social and Economic Research's investigation as to whether to weight responses was not necessarily applicable because it had made different assumptions about minimum populations that could be included to inform their modelling, and therefore the conclusions were unreliable.

532. A few respondents thought that the data should be weighted to avoid data bias, particularly within the split indicators where there might be smaller student populations that might be more subject to data bias.

Partial responses

533. Most respondents supported the proposal to use partial responses to the Graduate Outcomes survey. Many recognised the value of this data and thought that it was sufficient for use in determining a graduate's progression outcome, and agreed that its use would improve response rates and reduce the risk of response bias.

534. Some respondents also supported the consistency of the approach with HESA's, or their own internal analysis.

535. However, some respondents thought that the use of partial responses may skew the data and lead to unreliable results, particularly for providers or subgroups of students with larger proportions of partial responses, and others suggested that their inclusion would artificially inflate response rates.

536. Other reservations about their use included that:

- a. It may be difficult for providers to replicate the measure.
- b. Contextual information provided by other questions would be unavailable for the partial responses.
- c. Partial responses may not provide sufficient information to derive the geography of employment quintiles, if they are used in benchmarking or in splits.

537. Some respondents made further suggestions about the use of partial responses, including:

- a. The number of partial responses used should be published to aid transparency.
- b. A maximum proportion of partial responses should be set, above which an indicator should not be used.
- c. Partial responses could be treated as neutral outcomes as this may make the approach simpler and easier for providers to replicate.

Definition of positive outcomes

538. Many respondents expressed general support for the proposed definition of positive progression outcomes and the graduates we proposed to count as progressing to managerial and professional employment or further study.

539. Some respondents agreed that graduates engaged in multiple activities should be considered as a positive outcome if any one of these resulted in a positive outcome. Some also agreed that it was best not to rely on a graduate's subjective judgement as to their most important activity.

540. Some respondents thought that activities such as setting up a business or working abroad should be counted as a positive outcome due to the benefits to the economy or the graduate.

Other respondents suggested that 'developing a creative, artistic or professional portfolio' should be counted as positive outcome in a similar way to further study, as it was a positive choice to develop skills in preparation for future work. There was also a suggestion that Longitudinal Education Outcomes (LEO) earnings data could be used to capture positive employment outcomes for those who were not covered by the definition of professional and managerial employment, which could be helpful for those in portfolio careers or self-employed.

Further study

541. Some respondents agreed with the proposal that a graduate who identified any level of further study among their activities would count as a positive outcome, as otherwise this risked excluding industry accreditations or other lower-level qualifications required for particular roles. Conversely, one respondent questioned whether courses below higher education level were relevant, and a few commented that including any level of further study risked incentivising providers to offer lower-level qualifications to coincide with the census point.
542. Some respondents commented that providers delivering foundation degrees and HNDs would not get recognition for a student that goes on to complete a top-up degree, because the top-up would likely be finished before the census date and a student may not have had sufficient time to find professional or managerial employment (or another activity counted as positive). It was also suggested that data is linked to cover graduates being surveyed twice in these cases.

Caring, retired and travelling

543. Many respondents agreed with the proposal that caring, travelling and retirement are counted as positive outcomes, as these activities could be beyond a graduate's control and prevent them from achieving other positive outcomes. Another considered their inclusion helpfully expanded the definition of a positive outcome to reflect a wider range of possible motivations for study.
544. Some respondents thought that caring, travelling and retirement should be treated as a neutral outcome and removed from the denominator, because they considered them to be somewhat ambiguous outcomes and were not the purpose of higher education. Some respondents considered it to be common practice to exclude those not actively looking for employment or study. Another respondent suggested that in some cases graduates could have been retired or caring before their higher education course, and so it would not be right to treat them as a positive outcome afterwards.
545. Some respondents thought that counting travelling as a positive outcome could bias the results, as mature graduates and those from less affluent backgrounds would be less likely to travel. Others expressed the view that travelling did not contribute to the UK economy or society so should not be counted positively.

Apportioning outcomes to those with missing SOC codes

546. Some respondents disagreed with our proposed approach to apportioning employed graduates who could not be mapped to a SOC code. They considered that outcomes for graduates who made a partial response to the Graduate Outcomes survey should not be assumed, commenting that they thought the proposed approach was less robust and not suitable for regulatory indicators. Other points made included:

- a. It would make it difficult for a provider to reproduce its indicators.
- b. The approach was inconsistent with there being a minimum response threshold because it would inflate the number of responses.
- c. Subject should be included as a factor in the ratio calculation, to avoid risk of bias.
- d. Training those surveying graduates may improve the collection of SOC codes and hence make the survey more accurate.

547. Some respondents considered that all work and study should count positively, in part to deal with cases where SOC codes could not be accurately defined.

Doing something else

548. Some respondents were supportive of the proposal that graduates reporting 'doing something else' as their main activity, with no other activities that would count positively, would count as a negative outcome. Reasons given in support of this were that graduates had many opportunities to express a positive outcome during the survey, particularly if they were in conversation with an interviewer, and so few positive outcomes would be missed.

549. Many respondents made comments about the proposal:

- a. Some respondents thought that, by definition, it was unclear what a graduate was doing, and so it should not be counted positively or negatively. Others considered that it was important to distinguish graduates 'doing something else' from unemployment.
- b. Some respondents suggested that elsewhere the OfS gives the benefit of the doubt, so for consistency the same should be applied to 'doing something else'.
- c. Respondents suggested that 'doing something else' should not be counted negatively because it could be returned by graduates for several reasons, such as being on maternity leave or undertaking national service, which did not correspond to negative outcomes.

550. Some respondents disagreed with the OfS's suggestion that treating 'doing something else' as neutral would incentivise response behaviours that made more use of this category. They thought that graduates were unlikely to know that this response would be treated negatively, or indeed used in regulation at all, and are unlikely to be influenced by their providers given the survey was centrally administered 15 months after graduation.

551. Some respondents suggested that 'doing something else' should be treated as neutral. Reasons given included consistency with the approach generally taken elsewhere and better alignment with the Government's proposals for the LLE.

552. Some respondents suggested what they thought would be improvements to the approach to the 'doing something else' category:

- a. Use of an averaging model in a similar way to the proposal for dealing with graduates in employment without a SOC code.

- b. More should be done to understand what activities resulted in the return of 'doing something else', so that these could be added as options to the survey response. This would minimise responses to this category and possibly allow it to be removed.
- c. Collecting more information on whether 'doing something else' was a positive choice that their course had prepared them for, or whether they had failed to achieve their preferred outcome. One respondent suggested rephrasing 'doing something else' to 'doing something else my studies enabled me to do', which would be counted as positive.
- d. Giving graduates more information about the survey, and the 'doing something else' category in particular, informing them that this would be counted negatively.

Future study or employment

553. Some respondents made comments about our proposal not to count study or employment due to start within a month of the census as a positive outcome, and noted that it was possible that these students gained positive outcomes because they may be waiting to start a graduate scheme with a specific intake date or may have deferred entry. However, another respondent agreed with the proposal and preferred that future jobs were not considered due to lack of detail available.

Definition of managerial and professional employment

554. Many respondents supported the proposed use of SOC major groupings 1 to 3 to define professional and managerial employment, given that it is straightforward and well understood, but many others thought that the definition of managerial and professional employment was too narrow and that this approach actively discriminated against providers that specialised in some occupations. Examples given included:

- a. Graduates from art or other creative subjects with portfolio careers and graduates with their own businesses; some respondents suggested these activities may not be adequately categorised by the SOC coding. For those with portfolio careers, which often involve short-term projects, the focus of the survey on activities in the last week was a particular concern because the past week may not reflect their overall experience since graduation.
- b. Those undertaking vocational roles and technical education courses at Levels 4 and 5, which lead to occupations typically not classified within SOC groups 1 to 3.

555. Some respondents doubted the reliability of SOC codes, with some commenting that:

- a. There may be too much room for error between a graduate describing their job and a coder categorising the response according to the SOC.
- b. Providers are unable to correct SOC coding errors even when they are aware of them.
- c. Updating SOC codes every ten years was too infrequent and could penalise providers that adapt quickly to a changing economy. Respondents stressed the importance of the ONS reviewing and updating the SOC framework on an ongoing basis, in consultation with the sector.

556. Some respondents considered more generally that there were other useful and fulfilling forms of employment that are not classified as managerial or professional but that contributed to society. One thought the proposed approach was not in keeping with the Government's levelling up agenda, while another suggested it contravened what the respondent reported as the HERA requirement that the OfS is 'mindful of and protects the diversity of the HE sector'. Several respondents were supportive of our future intention to consider an approach based on skill level groupings 3 and 4 instead of SOC codes. Some agreed that this might have the benefit of aligning with Higher Technical Qualifications. Others did not support this intention, however, reasoning that SOC definitions were firmly established, and the use of any alternatives would increase burden on providers.
557. We received some other specific suggestions about how the current definition could be altered, including:
- a. One respondent considered that the full, 4-character SOC code should be used (to allow for specific groups codes of the first three major groups to count positively) while others stated that their preference would be to include the sub-major groups 51 to 54 at skill level 3. Another thought that the definition should expand to encompass SOC major groups 4 to 6.
 - b. Some respondents suggested that an additional list of graduate-level jobs be created, to reflect where SOC codes have not kept up with recent changes in the labour market. One respondent proposed that such a list could be developed by each sector, and thereby account for national and regional skills gaps.
 - c. One respondent thought that a data-led approach, similar to that used by Green and Henseke, would be better suited to judge the graduate nature of roles.

Interim activities

558. Some respondents agreed with the proposal that interim activities should not be counted positively. One reasoned that if they were treated as a positive outcome, this could present 'a distorted picture of social mobility'. This was because they considered it likely that for some students who had not been adequately prepared for entering the labour market by their undergraduate studies, entry to postgraduate study was a negative reflection on the course they had previously completed. Others considered that it was appropriate to base the measure on the activities after 15 months, given that that was the focus of the survey, and that inclusion of activities before or after that census point was inconsistent with the premise of a census point.
559. Many respondents disagreed with the proposal and thought that interim activities, particularly interim study, should be counted as a positive outcome given what they considered to be the increased career volatility for recent graduates. Those with one-year job postings or courses of study, and those who engaged in more transient employment, were given as examples that would benefit from this alternative approach. One respondent suggested it may fail to capture progression to postgraduate taught masters' courses, as these last typically 12 months, and the census date is at 15 months.
560. Many argued that interim study is likely to be a positive outcome for a graduate's career and gave other reasons for counting interim study positively, including that:

- a. Interim study courses typically commence in the September following graduation and last around a year, so there is little time to secure positive employment before the survey date. With this in mind, some respondents suggested that the proposed approach could:
 - i. Have a detrimental impact on providers where many graduates undertake further study with course end dates close to the survey census date. Postgraduate taught courses, which are often aligned with routes into graduate careers, were given as an example.
 - ii. Bias results against providers with many students from disadvantaged backgrounds who go on to further study, as they may take longer to find work than those with higher levels of social capital.
 - iii. Result in providers discouraging graduates from undertaking further study.
- b. There are some professional pathways, such as law, that require a qualification which typically finishes shortly before the survey date, resulting in graduates following these pathways to be less likely to be categorised as having a positive outcome.
- c. Excluding interim study was inconsistent with our approach elsewhere, where we seek to give the benefit of the doubt.

561. Some respondents also questioned the three rationales set out in the consultation for excluding interim study.

562. The first rationale was that the current data collection does not provide information on how long the interim study lasted or whether it resulted in a qualification, both of which could be important factors in determining the outcome. Some disagreed with this, noting that we count any study on the census date as a positive outcome regardless of these other factors.

563. The second rationale was that the measures could be skewed if interim study was included but interim employment excluded. Some respondents, while acknowledging that consistency would be desirable, stated that they would prefer interim study was counted positively even if interim employment was not. Reasons given for this view (in addition to those listed in paragraph 560 above) included:

- a. Periods of interim employment do not follow regular patterns and termination is an undesirable outcome, unlike further study which typically ends after a set period.
- b. The Graduate Outcomes survey data could be linked to other datasets to improve our understanding of interim study, but no such datasets are available for interim employment.
- c. The data currently collected is sufficient to accurately classify interim study using the same definition as study on the census date, but insufficient to accurately classify interim employment.
- d. Some graduates on a one-year course of further study may report that they are unemployed on the survey date, while others may report they are still studying. This is particularly relevant where courses end near the census date. Under the current

proposal, the former would count as a negative outcome and the latter as a positive, although there is no real difference.

564. The third rationale for excluding interim study was that, while linked data could be used to evidence interim study, it could not be done in a way that would avoid delays, or bias through incomplete coverage of study providers, or through increasing the effective response rate only for those in study:
- a. Some respondents made comments that using linked datasets would be a valuable addition to the Graduate Outcomes survey.
 - b. One respondent noted that HESA Data Futures would eventually make the availability of the linked data more timely.
 - c. A few respondents said the bias they considered to be introduced from excluding interim study would be more significant than any bias from missing some study outside of the English regulated sector. Another suggested that we could mitigate response bias by using linked study only for those who had responded that they were undertaking interim study.
565. Some respondents gave alternative suggestions, including:
- a. That graduates with interim study but no positive outcome on the census date should be counted as a neutral outcome. One respondent pointed to notes accompanying HESA's Graduate Outcomes survey results which suggested that excluding graduates with interim study is a fairer way to gauge unemployment.
 - b. We could apportion graduates with interim employment using the method proposed for respondents in employment but missing a SOC code.
566. There was widespread support for our recognition that extending the Graduate Outcomes survey to include interim study and interim employment accurately would not be desirable due to the increased costs of operating the survey, and the extra burden for graduates. However, some respondents disagreed and thought it would be beneficial to make use of interim activity information, requesting more information on the scale of, and reasons for, the increase to costs.
567. Some respondents thought that more Graduate Outcomes data should be collected if it meant that interim activities, particularly interim study, could be included. They valued the extra accuracy this would bring, and some mentioned other benefits beyond regulation, such as the insight it could give to providers. Others suggested redesigning the survey to focus more on capturing interim activities rather than using a census date. One respondent suggested that if linked data could be used, costs could be reduced by not surveying those already known to be studying.
568. Two respondents expressed the view that if interim activities are not being used then they should not be collected.

Future use of reflective questions

569. The majority of respondents considered that it was important to make use of graduate views and therefore supported our proposal to consider using reflective questions in the future, although some thought they should be used to construct measures immediately.
570. Some respondents suggested that these questions should be made mandatory, with one respondent suggesting they should be prioritised over other questions.
571. There was consensus that the use of reflective questions would provide a more sophisticated understanding of graduate outcomes (and the educational impact of a provider) and enable a wider range of positive outcomes to be captured than the proposed approach.
572. Many respondents considered the subjective nature of the reflective questions to be beneficial, as it enabled graduates to decide whether their goals had been met and whether their qualification was 'value for money'. Some thought that they would be more suitable for identifying perceived job quality than the SOC codes, citing studies of job quality, the Taylor Review on 'good work' and Universities UK's work on alternative measures of success. One respondent considered that using them would be consistent with the recommendations of the independent review of the TEF and another suggested that it could support levelling-up by counting graduates undertaking useful work within their local communities as positive outcomes.
573. However, some respondents had reservations about the questions' subjective nature, the potential volatility of the responses and the inability to identify to which of a graduate's activities they applied. One considered that the questions were difficult to analyse effectively, while another thought that their use would significantly reduce the transparency of the methodology.
574. Other comments from those not in favour of using these questions included that:
- a. While optional they have a low response rate so may be subject to an increased risk of response bias, but making them mandatory could further decrease the overall survey response rate.
 - b. They should be removed from the survey, due to collection cost, and to avoid non-essential questions.
 - c. Using them to create additional measures would increase the burden on providers.
575. Some suggestions for different approaches to using the graduate reflection questions were given, including that:
- a. They could be used to provide more information on partial responses or those in the 'doing something else' category.
 - b. They could be combined into a single indicator, like HESA's experimental composite measure.
 - c. They could be used to provide a qualitative aspect to complement the binary progression outcomes.

- d. They could be used for non-UK domiciled students, as this would provide a better understanding of international students' progression.

OfS response

576. We welcome respondents' comments on the proposal to construct student outcome measures based on the Graduate Outcomes survey and reporting on students' progression to managerial or professional employment, further study or other positive outcomes, and the range of points they have made about the strengths and potential weaknesses of the measure's definition.
577. As described in our responses to the TEF and regulating student outcomes consultations, we have decided to adopt a regulatory approach that includes use of a progression measure to inform regulation of quality (including through the TEF).⁷⁴ The measure will also continue to inform our regulation of access and participation. We respond below to the issues raised by respondents in relation to the technical detail of how this measure will be constructed, but confirm that we will adopt the proposal.
578. We note that comments which questioned whether progression was a good indicator of course quality repeated points made in responses to the consultations on regulating student outcomes and the TEF. As described in our response to the regulating student outcomes consultation, we take the view that considering the extent to which a provider is preparing students to be able to take up managerial or professional employment or further study is in the interests of both students and taxpayers. Low rates of progression into managerial or professional employment and higher-level study destinations commensurate with the qualification they have completed may suggest that a course has not equipped students with knowledge and skills appropriate to their intended learning aims, or that students were not effectively supported to transition into the workplace. We therefore consider that progression to managerial and professional employment or further study is a measure that is relevant to the quality of a course. While we recognise that there may be factors that influence progression rates that may be outside of the control of a provider, we take the view that our assessment approaches and their consideration of context for an individual provider will mitigate the issues raised. As described in the overarching themes from the analysis of responses, we think that there is likely to be significant value in publishing the outcomes of assessments in relation to condition B3, including those where we find compliant and non-compliant behaviour. If we proceed with publication of the data dashboards and other information about our assessments of providers, we are minded to provide links from those dashboards to details of the assessments we undertake after we have made final decisions.
579. In response to measuring progression to managerial or professional employment, or further study, we recognise that individual students will define their success beyond graduation in relation to their own goals and motivations and this may extend beyond definitions of higher-level study or managerial or professional employment. Some students may study for personal interest and we recognise that there are wider benefits of higher education than the direct employment outcomes they might achieve. However, we are of the view that most

⁷⁴ See our response to the 'Construction of a progression outcome measure' section of the regulating student outcomes consultation response, and to the 'Proposal 9: Indicators' section of the TEF consultation response.

people who enter higher education do so to improve their life chances, including their employment prospects. We therefore consider that it is important to ensure that graduates are achieving outcomes consistent with the higher education qualification they have completed. Low rates of progression into managerial or professional employment and higher-level study destinations commensurate with the qualification they have completed may suggest that a course has not equipped students with knowledge and skills appropriate to their intended learning aims, or that students were not effectively supported to transition into the workplace. Proposing a particular definition for use in our regulatory approaches does not mean that we do not consider that there are wider benefits of higher education for individuals or cohorts of students or society. We will endeavour to be clear in our communication of this measure which outcomes are measured as positive.

580. We considered whether it would be appropriate to supplement the progression measure by including further outcome measures that would provide information on the other, wider benefits that some respondents suggested, for example measuring wellbeing, civic engagement and productivity. In addition, we have had regard to respondents' comments about complexity, the number of indicators in our proposal and increased regulatory burden. Our view is that there are not reasonable measures currently in place to measure these wider outcomes that could be used for all providers. To measure these wider benefits, we would therefore need to introduce further data collections or surveys of students' views. Our view is that if we sought to introduce these further outcome measures, this would add to complexity and create substantial additional regulatory burden.

581. We have considered whether our regulatory objectives might be better met by measuring progression outcomes on a scale rather than in a binary way. We take the view that a non-binary indicator would add significant complexity for us, and providers, as we would need to form a judgement about performance against each category and establish how they worked together. We further consider that the benefit of the doubt that we have included within the proposed indicator means that the impact of considering additional categories of outcome is likely to be minimal. **We therefore conclude that we should continue with a binary indicator and the consideration of context in our assessments.**

582. Our consideration of context for an individual provider will further address points about the factors that could influence progression rates. This includes considering evidence of particular course or profession attributes that may not be classified as managerial or professional in the way the indicator has been constructed. We remain committed to the use of the Graduate Outcomes survey as we consider this is the most relevant data source with adequate levels of coverage across the sector. We may consider where graduates report through the Graduate Outcomes survey that they are using skills developed on their course, or where the LEO data demonstrates above average earnings, as positive context in relation to a provider's performance. We have also confirmed that the range of evidence a provider might wish to draw on in preparing its TEF submission could include Graduate Outcomes data not included in the progression indicator where it is relevant for its mix of students and courses.⁷⁵

583. We have also recently developed a geography of employment and earnings method, which we consider can help contextualise graduate outcomes by capturing some of the labour

⁷⁵ See our response to the 'Proposal 9: Indicators' section of the TEF consultation response.

market differences experienced by graduates in different parts of the UK. This quintile-based approach classifies travel to work areas based on the proportion of graduates based in that area who are in professional or managerial occupations or further study. We confirm that the split indicators constructed for progression outcomes will – for all levels of study – include the quintiles generated by this classification (see also proposal 9). Furthermore, we confirm that the same quintiles will be included in the benchmarking of progression outcomes.

584. We recognise that the Graduate Outcomes data used to date does not yet reflect the impact of the pandemic. We note that, across the sector, the overall employment rates during the pandemic have not been adversely affected.⁷⁶ Where there are effects of the pandemic, we consider that our assessment approaches, and their consideration of context for an individual provider, will mitigate the issues raised by respondents in relation to interim activities. Furthermore, we have also proposed that both year and subject of study are included as benchmarking factors for the progression measure.

The Graduate Outcomes survey

585. We welcome respondents' comments that use of the Graduate Outcomes responses meant that progression measures would be constructed from an established dataset that used and understood by providers and other stakeholders. We agree that use of established data will limit the burden of understanding and engaging with our student outcome and experience measures.

586. We recognise that there may be scope for improving the Graduate Outcomes survey as suggested by a number of respondents. However, we also note that some respondents already considered the survey to be too long or wanted a period of further stability in the survey before further changes are made. We therefore consider the proposed measures to represent the best balance between completeness of information and burden. We expect the designated data body to take steps to meet the target response rates set for the survey, this is likely to include requiring better contact details for graduates from providers.

587. We have considered points made by respondents that the Graduate Outcomes data is new and experimental. In many cases respondents appear to have misunderstood the official statistics classification of 'experimental' as meaning the data is unreliable. It is normal practice to flag all new official statistics as experimental while understanding of the statistics is improved. HESA removed the experimental label from its publication of the 2019-20 Graduate Outcomes data, reflecting its assessment that the survey is now well established and proven to be high quality. We agree with that assessment, a view echoed by the Office for Statistics Regulation.⁷⁷

588. A number of respondents thought the 15-month census point used in the Graduate Outcomes survey was too early to properly assess positive student outcomes after studying. We do not agree that this is case. The Graduate Outcomes survey replaced the DLHE survey which surveyed students six months after graduation. We note that the 15-month census was set following consultation with the sector. This recognised that it was likely to be more meaningful to survey students 15 months after graduation, when they could be

⁷⁶ See www.hesa.ac.uk/insight/16-06-2022/impact-covid-19-graduate-outcomes.

⁷⁷ See osr.statisticsauthority.gov.uk/correspondence/mark-pont-to-jonathan-waller-higher-education-graduate-outcomes-data/.

expected to have taken up employment or study opportunities. It was recognised that this extended period may however increase the likelihood of lower response rates, and this balance was tested through consultation with providers and others.

589. We also considered the effect that operating a different census date would have. An alternative census point, which allowed students more time after graduation to progress into managerial or professional employment, further study or other positive outcomes (for example by extending the Graduate Outcomes survey census date to 18 or 24 months), may increase the proportion of positive outcomes for individual providers and the sector average because graduates might reasonably be expected to have had more opportunity to progress into managerial or professional roles or further study over a longer period. For the reasons set out in the previous paragraph, we have decided that a 15-month census date strikes the right balance between allowing students reasonable time to progress and the risk of too lengthy a delay between graduation and survey census date which could lead to lower response rates (which is a key point made through this consultation). We also consider that changes to the Graduate Outcomes survey to accommodate an alternative census date would lead to a disproportionate increase in costs and regulatory burden, and the case for making such a change has, on balance, not been made out. We will, however, continue to consider whether there may be alternative ways to measure progression that could be used in the context of OfS regulation in future.
590. We have considered whether we could make increased use of linked data, in particular to reduce possible response bias. We do not consider the use of linked data to be without issue. In particular, we consider the benefits achieved through linking to LEO to be limited and offset by the additional delay required to include it. We have provided further details on the issues with linking to HESA and ILR student data for the purposes of identifying interim study in the section on interim activities.
591. We have also noted the comments that students should be made aware that their responses to the Graduate Outcomes survey could be used for regulatory purposes. We consider that the privacy notices for the survey are already clear that regulatory bodies will use the response information provided by graduates to fulfil statutory and public functions, and note that the wording included there has been used consistently since the survey was first operationalised with respect to 2017-18 qualifiers.⁷⁸
592. In response to the points about the survey not covering all graduates and all courses, we do not accept that this means that the measure is not appropriate for the students who are covered, or that it makes the survey inappropriate for use in regulation. We also note that any extensions to the coverage of the survey would increase the regulatory burden imposed by it so would need to be carefully considered in this context.
593. Respondents to the consultation repeatedly made points about the impact of using the Graduate Outcomes survey on small providers. While we accept the fact that it is a survey means that the number of respondents is smaller, we consider that our approach to statistical uncertainty adequately addresses this issue. We also recognise that for smaller cohorts the

⁷⁸ See 'Purpose 2' of the Graduate Outcomes survey privacy information at www.graduateoutcomes.ac.uk/privacy-info, and equivalents for previous years of the survey under the 'Previous Graduate Outcomes Privacy Information notices' section at www.hesa.ac.uk/about/regulation/data-protection/notices/previous.

risk of random response bias increases. However, we consider that this is adequately addressed by the response rate threshold. We do not accept that providers will need to create additional datasets to sit alongside the Graduate Outcomes survey in order to provide a fuller picture to support our regulation. We therefore do not accept that this creates a disproportionate burden on small and specialist providers.

594. Having considered consultation responses in relation to response bias and SOC coding, our view is that the GO survey is currently the best source of information available on what graduates are doing. We take this view because there is no alternative source of information which offers similar coverage the wide range of possible graduate outcomes. The cost of introducing an additional data collection or of expanding GO survey to increase its coverage would be significant. Having considered all of the points made in consultation responses, we consider that it is appropriate to use the GO survey for regulatory purposes. As we do so, we will consider whether the design of the survey and the policy choices we have made about the construction of progression indicators are relevant to our assessment of an individual provider's performance. We take assurance that GO survey results provide a representative sample of graduates' employment and study destinations for use in the assessment of compliance with condition B3.

Exclusion of international students

595. We welcome respondents' broad support for the proposal to exclude international students from the coverage of the progression measures. **We have decided to adopt the proposal in the consultation that international students are excluded from the construction of progression measures**, because we agree with respondents that the reasons described in the consultation are valid.

596. We have considered whether we should extend the coverage of the progression indicators to cover international students, given the responses to the consultation. We remain of the view that including these students would undermine the reliability of the indicators, for the reasons set out in paragraphs 243 to 245 of our consultation document. We consider that we would need to undertake a significant amount of work to understand the contexts within which the outcomes for international students were achieved and that this would not be proportionate to our regulatory objectives.

597. We have noted the alternative approaches suggested by respondents with regard to international students. However, we consider that the response bias that results in respect of graduates who remained in the UK after graduation, rather than returning to their home country, or were unemployed in the UK, means that it would not be reasonable for us to take these approaches. We therefore continue to take the view that such an alternative may be less representative of the outcomes of international graduates more generally, and that our proposed exclusion remains appropriate.

598. In relation to the suggestion that the OfS should construct separate data on international students, we note that this would expand the volume of indicators and split indicators we would construct and that this sits in tension with the more widely held views of respondents about the complexity and burden of understanding that results from our proposals. We confirm that we will in future include categorisations of Graduate Outcomes responses for international students within the individualised student data files we share with providers. We note that these, together with accompanying rebuild instructions, will provide a resource that

providers can use to model progression measures for international students for their own uses if they wish to do so.

Approach to survey non-response

599. We welcome comments from some respondents in support of our proposed approaches to survey non-response and use of a 30 per cent response rate threshold for data suppression. **We have decided to adopt the use of a 30 per cent response rate threshold proposed in the consultation.**
600. We have considered the sometimes conflicting comments made by respondents about whether we should set a response rate threshold and the level at which it should be set. While we recognise that increased response rates are likely to reduce any response bias and statistical uncertainty. We remain of the view that a response rate threshold of 30 per cent strikes the right balance between managing response bias and ensuring that we have data that we can use in regulation to ensure student interests are protected. We have considered whether we should 'flag' indicators which are based on response rates between 30 and 50 per cent. We consider that flagging in this way would introduce an arbitrary distinction which is better managed through guidance that covers response bias irrespective of the response rate. We have noted the points made about small cohort sizes at provider level and in splits and the impact this could have on the reliability of data. We consider that our approach to minimum response levels and communicating statistical uncertainty through our data dashboards adequately addresses these issues, as data based on small cohorts will have higher levels of uncertainty associated with it.
601. We have considered the comments about the risks of response bias. Views were mixed on whether we should take further steps to account for possible response bias. We agree with the conclusions reached by HESA following the research it commissioned on the possible response bias in the survey which found the possible effects of response bias on the survey overall to be low such that the additional complexity introduced by weighting was not justified.⁷⁹ We agree with HESA's conclusions on the applicability of weighting and consider that the approach to a minimum response rate will reduce the impact of response bias.

Partial responses

602. We have considered the arguments for and against including partial responses. We recognise that these responses contain less information than a full response. However, we consider that the reliability and robustness of the indicators is improved by including information where this is available and is sufficiently complete to derive the indicator. We recognise that partial responses may not contain the postcode for employment which may affect the benchmark value for these respondents, if we proceed with the proposal to benchmark progression measures using the area-based geography of employment quintiles (which rely on postcode information). We note that excluding partial responses would have the effect of treating them as neutral. Given the relatively low number of such students, and our understanding that the absence of postcode information is therefore unlikely to have a

⁷⁹ See www.hesa.ac.uk/files/ISER-Graduate-Outcomes-weighting-report-20210720.pdf.

material effect on the benchmarks we calculate, we have therefore decided to adopt the proposed approach and include these partial responses.⁸⁰

603. In response to suggestions that we should set a maximum number (or proportion) of partial responses, we do not consider that this is consistent with including such responses so will not adopt this suggestion. We can see how publishing the number of partial responses could improve transparency. However, it is not clear how users would use this data and we are aware of the points made throughout the responses about the number of data points included. Therefore, given the lack of a clear use case for this data we are not minded to publish this information.

Definition of positive outcomes

604. We welcome respondents' support for the proposal that when graduates are engaged in multiple activities (for example, a combination of working and further study), the student outcome will count as positive if any part of that combination would individually count as a positive outcome. We note that some respondents appeared to misunderstand that activities such as portfolio development and working abroad would not be counted positively by the proposed measure: we confirm that in the consultation we proposed to treat both of these outcomes as positive. **We have decided to adopt the proposal.**

605. We have noted the points made by respondents that the specification of the progression indicator may not adequately reflect progression for students whose career paths are more varied, such as those who studied creative arts or students from particular backgrounds. Prior to consultation, we carefully considered the varied career pathways taken by students, and have included a number of activities as positive outcomes that we think are particularly relevant to creative arts students. For example, freelance work, self-employment or activity creating a professional portfolio are all included as positive outcomes if they are accompanied by SOC codes that map to managerial or professional employment.

Further study

606. We have considered whether we should restrict counting further study positively only to cases where the study is at a higher education level. As set out in our consultation we consider that there would be significant issues in identifying which qualifications were higher education, at a higher level or otherwise represented a continuation of study, particularly for professional qualifications. It may be possible to enhance the data on qualifications via linking. However, we note that this is most likely to be problematic for professional qualifications that may not be offered at providers for which we have data. We therefore consider that the proposal to count all further study as positive continues to strike the right balance between complexity and rigour.

607. We note the potential for providers to use the generous treatment of further study in our indicators to improve their indicator by offering short courses to students who would otherwise be treated negatively. We note that this possibility would exist even if we only counted study at a higher level. While recognising the possibility for providers to influence the indicator in this way, we also recognise that there may be good reasons why providers may wish to offer further study opportunities to graduates. We do not consider that it would be

⁸⁰ We anticipate that the level of variation between benchmarking groups will be small when only a single factor (here, geography of employment quintiles) is varied, resulting in a small impact on the resulting benchmark value.

possible to collect robust data to differentiate between further study that was genuinely designed to support students transitioning into employment, and study designed to improve a provider's indicators. We therefore do not propose to change the indicator definition, we will however, continue to be alert to provider behaviour in this area.

Caring, retired and travelling

608. We have considered whether graduates who declare that they are travelling, caring or retired should be excluded from the calculations entirely as they are economically inactive. The effect of this would be to increase the proportion of students counting negatively – which could discourage providers from recruiting students who may be likely to proceed to these destinations; we do not consider that this would be desirable. We have considered whether counting graduates who are travelling positively creates a disincentive to recruit students who are less likely to travel after study, we consider this risk to be small.

609. We note the suggestion that students who declare that they are travelling, caring or retired both before and after study should not be treated positively. However, currently there is no data on students' prior activities so it would not be possible to adopt this approach without the collection of additional data which we do not consider would be proportionate.

Apportioning outcomes to those with missing SOC codes

610. We agree with respondents that in the longer term it is desirable to reduce the number of graduates where no SOC code is derived. In pursuing this, we would want to ensure that it did not undermine the robustness of the current SOC coding.

611. In terms of the more immediate approach, based on the data that has already been collected and coded, we have considered whether it would be more appropriate to treat graduates without a SOC code as neutral but consider that this would be discarding valuable information that a student is employed. We have considered the suggestion that the apportionment of outcomes for those with missing SOC codes could be further improved by applying the proportions at subject rather than provider level. However, our view is that this would increase complexity of the approach and therefore the burden for providers of understanding and engaging with the progression measures. We consider that, given the limited impact of the apportionment approach on this data, this complexity would not be appropriate or proportionate.

Doing something else

612. Respondents identified a number of situations where they considered that students may respond to the Graduate Outcomes survey indicating that they are doing something else, including where they could not clearly identify another category. We have considered these cases and the extent to which they are likely to be sufficiently widespread to have a material impact on the indicators. Given the overall low numbers of students indicating that they are doing something else, we do not consider that these behaviours are likely to be material for individual providers.

613. Notwithstanding the low numbers, we have specifically considered whether there may be a negative impact due to some women who are pregnant selecting 'doing something else'. We are aware that pregnancy and maternity is a protected characteristic under the Equality Act 2010. We note that there is no direct impact of our classification on individuals and therefore any negative impact will be small and indirect. We expect the number of such individuals to

be exceptionally low as we expect those women on maternity leave to continue to select that they are working. We therefore conclude that there is unlikely to be any negative impact.

614. We have also considered whether we should apply the principle of benefit of the doubt to graduates reporting that they are doing something else as we have in other cases where it is unclear whether the outcome is positive or negative. We remain concerned that doing so would misrepresent outcomes and incentivise response behaviours that make more use of this category in future in relation to outcomes that are predominantly negative. We continue to think that it is desirable to minimise the likelihood of a graduate reporting 'doing something else' – it does not assist in determining whether a graduate has achieved a positive outcome, or give insight into what a graduate is doing after achieving their qualification. We remain of the view that, given the comprehensive range of positive options available to graduates in the Graduate Outcomes survey, there is unlikely to be a significant number of graduates with positive outcomes in this group. Given the lack of information on what graduates doing something else are actually doing, we do not consider that there is a reasonable basis on which to apportion them between positive and negative outcomes or treat them neutrally. We will continue to treat 'doing something else' where there is no other positive outcome as a negative outcome. As we have identified in other instances, when undertaking assessments, we will consider issues relating to our approach to 'doing something else' where we consider this is relevant to our assessment of an individual provider's performance.
615. We have considered whether we should include additional context data in respect of students reported as doing something else. The numbers of students reporting this outcome are much smaller and on balance we consider that the additional burden caused by introducing further data is not justified by the benefits it would bring.
616. We have considered whether we should make it clearer to respondents to the Graduate Outcomes survey how their responses will be treated in OfS performance indicators, in particular with reference to the 'doing something else' category. We consider that this is likely to introduce bias to the data which would be undesirable so do not plan to adopt this approach.
617. In response to the suggestion that we should use an apportioning approach similar to that used for SOC, we do not accept that apportioning students in the 'doing something else' category would be a reasonable approach. By indicating that they are doing something else, these students have indicated that their activities are materially different to other students.
618. We note the suggestion that we should do more to understand the activities graduates are undertaking when they report that they are 'doing something else'. The range of options included in the survey was designed to provide appropriate alignment with categories of economic status used in national labour market statistics, as well as categories used to characterise participation in education, employment and training. Overall, the number of students in this category is small; therefore creating further disaggregation of this category is likely to create very small groups. While we recognise that we could then aggregate these we are also aware of the burden on respondents as the list already has 11 categories.
619. We have considered the suggestion that we should split the 'doing something else' category into outcomes a graduate considers positive or negative. We consider that this would add a

significant amount of subjectivity to the survey and consider that this distinction is likely to be better captured through the reflective questions already included in the survey.

Future study or employment

620. We have considered the comments about whether students who are due to start a job in the next month should be treated positively even where they do not have a positive outcome at the census date. We recognise that there will be some circumstances in which graduates are due to start activities that would otherwise be considered as positive outcomes. However, the numbers of graduates due to start a job or further study in the next month is relatively small and so the overall impact of this change would itself be small. We also note that this was not their activity on the survey census date itself, and that there is no guarantee that graduates responding in this way will be a comprehensive or reliable representation of the graduates for whom employment or further study will actually be their outcome. It cannot be known how many of the graduates who respond that they are due to start work or study subsequently change their plans, and nor is it known how many might very soon after completing the survey secure employment or a place of further study that they are due to start imminently. Introducing this change to the indicator would lead to graduates who had the same outcome being treated differently depending on what they knew at the census date. We do not consider that it is appropriate to introduce a bias in this way, especially given the small numbers of students affected.
621. Furthermore, we continue to take the view that an approach which places greater emphasis on activities due to start in the following month contradicts the overall approach of the survey, in which the consideration of activities on a census date has been fundamental to the design and development of the Graduate Outcomes survey instrument. We therefore consider that our proposed approach remains reasonable and appropriate and **we have decided to adopt the proposal described in the consultation and not include students who are due to start a job in the next month as a positive outcome.**

Definitions of managerial and professional employment

622. We recognise that some respondents thought that the definition of managerial and professional employment was too narrow, and have responded to these comments in our discussion at paragraphs 578 to 584 above.
623. We note the points about the use of SOC to capture positive student outcomes and the alternative approaches that were suggested. While respondents suggested a number of alternatives, such as maintaining a bespoke list of graduate jobs, we do not judge that any of these could be readily implemented. Furthermore, some of the issues raised with SOC relate to the mapping of job titles and duties to a standard classification which would apply irrespective of whether SOC or some other system was used.
624. While acknowledging that SOC codes will tend to lag changes in the labour market, we take the view that this is the UK standard for classifying occupations. The use of SOC major groups 1 to 3 is well established in higher education, is a transparent approach and relatively easy to understand so reduces burden. We recognise that the labour market is constantly evolving and that SOC is updated relatively infrequently. However, we also note that the use of major groups 1 to 3 is generous, reflecting our overall approach to giving the benefit of the doubt. We also note that where new career paths outside SOC major groups 1 to 3 become

common in particular subject areas, this will be reflected in the benchmarks for those subjects.

625. We note the points made by some respondents about the reliability of SOC coding and the fact that it relies on graduates clearly describing their roles. Reliable and consistent SOC coding is an important element of the Graduate Outcomes survey. The Graduate Outcomes survey currently provides opportunities for providers to flag where they consider that there may be systematic mis-coding of occupations. We consider that this process, alongside the assurance work that has been commissioned by HESA, provides adequate assurance that the coding is reliable and free from systematic errors.
626. We have considered the comment that a data-led approach would be better suited than the SOC major groups to establishing the graduate nature of occupations. We note that the consultation discussed alternative approaches, and the work by Francis Green and Golo Henseke.⁸¹ While we recognise the value of the data-led methods used in this work, we continue to take the view that it would result in the definition of progression measures that were more restrictive and less transparent than those we proposed. This is because they rely on advanced statistical concepts which can be difficult to understand or critically appraise within the contexts we are intending to look at progression outcomes.

Interim activities

627. We have considered whether the progression indicator should count both interim study and interim work as positive outcomes, as suggested by some respondents. We still consider it appropriate not to treat interim activities as a positive outcome for the reasons set out in our data indicators consultation, namely that the Graduate Outcomes survey infrastructure does not currently support taking an appropriate, consistent or comprehensive account of interim activities because:
- a. The survey does not collect information about whether 'interim study' resulted in a student gaining a qualification or how long they studied for. We consider that these may be important attributes for defining an appropriate student outcome measure.
 - b. The survey collects only very limited information about any employment within the interim 15 months, about whether a graduate was employed at any point and how many jobs they have had since qualifying. The survey does not currently collect any detail about the job and employer names and duties of any interim employment, and without these details, graduates who worked in managerial or professional employment in the interim period could not be differentiated from those whose interim employment was not managerial or professional.
628. For the reasons given in the previous paragraph, we consider that the Graduate Outcomes survey is not currently adequately equipped to accurately collect data in relation to interim activities. We take the view that it would be disproportionate for reasons of costs and survey burden to seek to amend the Graduate Outcomes survey and this could not be done quickly. Therefore, in the interests of students, taxpayers and in reducing regulatory burden for the sector, **we have decided not to seek to amend the Graduate Outcomes survey in order to collect data in respect of interim activities at this time.** We will, however, continue to

⁸¹ Green, F., Henseke, G. (2016). The changing graduate labour market: analysis using a new indicator of graduate jobs. IZA Journal of Labor Policy 5, Article number 14.

consider whether it may be appropriate to make such adjustments to the survey in future, or whether there may be alternative ways to measure progression that could be used in the context of OfS regulation in future.

629. We have considered the possibility of treating interim study, which by its nature is likely to be transitory, differently to interim work. We note that some respondents suggested that a skew in the progression measures that resulted from treating interim study and interim work differently could be tolerated, though they did not expand on why they thought that this was the case. However, we continue to take the view that this would create an inconsistency between the two outcomes and this would not be a rational or reasonable approach. We also consider that it would undermine the overall approach to the survey, in which the consideration of activities on a census date has been fundamental to the design and development of the Graduate Outcomes survey instrument.
630. We have considered whether treating students who have undertaken interim work or study and would otherwise be counted negatively should instead be counted neutrally and whether this would be consistent with the principle of benefit of the doubt. We consider that treating interim activity in this way would be confusing as it would change the definition of the indicator such that it was relying partly on activity at a date other than the census date and would therefore be harder to interpret.
631. We have considered the suggestion that we could apportion students who undertake interim study in a way similar to those with unknown SOC codes. We consider it reasonable to assume the small number of students whose SOC codes are distributed in the same way as those where the SOC code can be determined. We do not consider that there is a reasonable basis on which to apportion such students between positive employment outcomes and unemployed, as by definition those students not included in the apportionment who had undertaken interim study would have a positive outcome.
632. This means that we have decided not to amend the progression indicator to count interim activities as positive outcomes. We take the view that our assessment approaches, and their consideration of context for an individual provider, will mitigate the issues raised by respondents in relation to interim activities.
633. However, we are minded to publish information about the proportion of respondents to the Graduate Outcomes survey who reported interim study. We consider that this approach may provide valuable context for students who have followed HNDs and foundation degrees where a top-up year is common. This is similar to the approach we took in publishing the Proceed metric because we recognise that, in some cases, additional data on students whose outcomes are treated negatively in the indicators but have undertaken interim study may be relevant. Information about the proportion of respondents who reported interim study would support providers and other users in understanding the potential influence of these interim activities on a provider's performance in relation to student outcomes.
634. We considered the suggestion that we should use linked data to improve the capture of interim study. Using linked data in this way would increase complexity and decrease the levels of transparency that we could provide. In addition, as set out in the consultation, this would delay the current indicators due to the timing of data collection through the HESA student and student alternative records. Given the impact on complexity, transparency and

timeliness, we do not consider that a change to use linked data is justified given the limited impact on indicators for most providers. We note that the impact on timeliness will change with the collection of in-year data through Data Futures but that this will not happen until 2024-25.

Future use of reflective questions

635. We anticipate that there may be circumstances in which we use evidence from the broader question set in Graduate Outcomes to understand students' perspectives on outcomes: this might include the graduate reflection questions, such as whether students are using the skills developed on their course. This is because, as described in our response to the consultation on regulating student outcomes, when assessing progression indicators we will use information available to us to inform our judgement about whether a provider's outcomes are justified in its context.⁸² In doing so, we would use the reflective Graduate Outcomes questions as supporting information because the relevant questions are not currently mandatory within the survey.
636. We have considered the systematic use of additional questions from the Graduate Outcomes survey to generate indicators on student perspectives on the outcomes they have achieved. However, we note that this would expand the volume of indicators and split indicators we would construct and that this sits in tension with the more widely held views of respondents about the complexity and burden of understanding that results from our proposals. Therefore, we do not consider that routinely constructing these measures would be appropriate or proportionate to deliver our regulatory objectives.

Decision

637. We have considered the points made by respondents in relation to Proposal 7 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal, subject to the following:
- a. To the extent that our decisions on proposal 7 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision described at paragraph 11a.
 - b. Otherwise, we have decided to implement the proposal 7 in the same form as we consulted on, with the following change:
 - i. We have made a change to the approach described at consultation and decided that additional data will be constructed on the numbers of students counted negatively towards the progression indicator but who have undertaken interim study. Our reasoning for this change is set out in paragraphs 627 to 634.

⁸² See our response to the 'Construction of a progression outcome measure' section of the regulating student outcomes consultation response.

Proposal 8: Construction of student experience measures based on the National Student Survey

638. In proposal 8 we set out our approach to constructing student experience indicators, to be used in assessments conducted through the TEF scheme in 2022-23. The key features of our proposals included:

- a. Constructing these measures using the 2022 and earlier years of the NSS, with the population for those measures therefore defined by the current NSS target list.
- b. A future consultation on any revisions or refinements that may prove necessary for the construction of student experience indicators to be used in later TEF exercises, once the NSS review has completed.
- c. Calculating student-level agreement to each of the NSS scales, counting 'Agree' and 'Strongly agree' responses positively and all other responses negatively.
- d. Giving each student equal weight in the calculation of the measure, by omitting questions marked with N/A or not answered.
- e. Relying on the NSS responses as providing a representative sample of the final year student population, and so not applying any survey weighting techniques within the construction of student experience measures.
- f. Suppressing any indicator and split indicator results which rely on response rates below 50 per cent, to further guard against non-response bias.

639. We asked respondents the extent to which they agreed with the proposed calculation of NSS scale-based student experience measures and with the proposed approach to NSS survey non-response, including the requirement for a 50 per cent response rate.

Responses relating to proposal 8

640. Most respondents were supportive of the proposed approach to constructing student experience measures, with some commenting that it is consistent with the current NSS methodology and familiar to relevant stakeholders, straightforward and sensible. However, many respondents also commented on or made suggestions about specific aspects of the proposal, as described below, and some neither agreed nor disagreed with the proposals.

641. Some respondents commented on their agreement with the proposed NSS scales, the exclusion of questions 26 (which relates to students' union representation) and 27 (overall satisfaction), or the applicability of the different NSS scales to TEF assessment. These comments have informed our response to the TEF consultation and are not responded to here.⁸³

⁸³ See our response to the 'Construction of the TEF indicators' section of the TEF consultation response.

NSS as a survey instrument

642. Some respondents commented generally on the NSS as a survey instrument, as they thought that the features of the survey were key to understanding the validity and robustness of any measures to be created from it. The points they made included:
- a. Reservations about the value or reliability of the NSS for assessing teaching quality, noting that it is a measure of experience and it measures student views at a single point towards the end of their course.
 - b. The NSS target list excludes students who complete one-year courses, such as top-up courses, HNCs, HNDs and foundation degrees, meaning that a provider may have low numbers of eligible students and that the resulting measures may not be representative of its students' experiences.
 - c. The survey may be affected by events respondents considered to be outside of a provider's control, such as UK-wide or global events; industrial action; or boycotts. They took the view that these events may result in lower response rates to the survey or to lower results. The coronavirus pandemic was considered likely to have significantly affected students' views on their experiences, especially in subjects reliant on placements in the health professions.
 - d. Providers located in London, and cities more generally, have historically received lower scores and that this may indicate bias in the survey.
 - e. Certain subjects may be penalised by the inclusion of questions that were not relatable to students from those disciplines (such as creative arts and design) and so resulted in lower scores.
643. One respondent argued that the OfS producing national NSS indicators, as described through our proposals, would duplicate the annual NSS publication and may imply greater validity of the survey than is warranted given the comments above.
644. A small number of respondents commented on the challenges faced by providers when attempting to model NSS data for their own internal purposes, because of the absence of response data from the individualised student data files provided by the OfS.

NSS review

645. Many respondents commented on the impact of the ongoing NSS review, suggesting that the OfS should give further thought to the longevity of the current proposals or delay decisions until after the NSS review has concluded. Some commented that uncertainty about possible upcoming changes made it difficult to comment on the proposals at this time so they thought that a further review of the proposals, or another consultation, may be needed after the NSS review was completed.
646. Some respondents commented specifically on changes to the NSS target list that may result from the ongoing NSS review. These changes were described in our consultation document and might include students on one-year courses and shorter durations of study, intercalating students, or postgraduates. They suggested that if the NSS target population is widened, it might be difficult to consistently achieve a 50 per cent response rate for all groups. This was

because they took the view that administering the survey in all years of undergraduate study (rather than surveying final year students) and postgraduate students would likely increase survey fatigue among students and staff, and lead to a drop in response rates. It was also suggested that if students on one-year courses are included in the target list, their results should be reported separately as they would not be comparable to those of students who complete a three-year degree.

Construction of scale-based student experience indicators

647. Many respondents were supportive of the proposed approach to constructing student experience indicators using the NSS question scales and calculating the percentage agreement to the scale, which was considered relatively easy to understand and transparent. Some respondents appreciated the proposed approach being in line with the established methodology, meaning that it is already used for internal and sector-wide reporting.
648. However, many respondents commented on neutral responses ('Neither agree nor disagree') being treated as negative under the proposals. Comments on this approach included:
- a. Students who take part in the survey may consider 'Neither agree nor disagree' to be a neutral response so it should be treated as such, rather than being treated in the same way as 'Strongly disagree'. This would involve excluding them from the calculation as if they had not responded.
 - b. Distance learning students may frequently use the 'Neither agree nor disagree' response in the questions where they feel the questions do not apply to them, so the approach could misrepresent their views of their experience.
 - c. It would not be possible to distinguish between providers with high numbers of negative responses and those with high numbers of neutral responses.
 - d. The approach may be inconsistent with the OfS's stated intention of offering the benefit of the doubt when considering what counts as a positive outcome in student outcomes measures, and treating the neutral and 'not answered/NA' responses as positive should be considered as an alternative approach.
649. Other alternative approaches suggested by respondents were:
- a. Allowing providers to explain to students how the 'Neither agree nor disagree' category is classified within OfS measures.
 - b. Presenting both the percentage agree ('Agree' + 'Strongly agree') and percentage disagree ('Disagree' + 'Strongly disagree') so that users could see the impact of the 'Neither agree nor disagree' category.
650. In relation to the proposed method of calculating the level of agreement to the NSS scales, a few commented that, because it relies on the calculation of a mean, it requires additional work to model or interrogate further, and can be challenging to communicate effectively to providers' stakeholder groups. However, it was acknowledged that the calculation of a mean was appropriate for statistical analysis and used by some league tables. Some respondents also expressed a preference for different methods, including:

- a. Calculating the percentage of 'Agree' or 'Strongly agree' responses across the total number of responses of all students to all questions within the scale. This would mean that all individual question responses were weighted equally across the scale, rather than the proposed equal weighting for each student.
- b. Calculating the average agreement to each question based on all respondents, and then averaging those across the scale. This would mean that all individual responses are weighted equally within each question, but not necessarily across the scale.
- c. Making use of the full five-point Likert scale by assigning each type of response on the Likert scale a value and average across those values per student. Respondents thought that this would allow more of the information from the five-point scale to be retained and would help to address the low variance that exists with a binary approach. One respondent was in favour of treating the Likert scale as linear and assume an equal propensity to move between different points of the scale. Another respondent advocated calculating meaningful weights for the five response categories through a suitable model.

Approach to survey non-response

651. Some respondents commented in support of the proposal not to weight responses to account for survey non-response and considered that weighting would significantly add to the complexity of the measures. They thought that use of a 50 per cent response threshold mitigated the absence of survey weighting techniques from construction of the measures.
652. However, one respondent commented that further evidence to support a non-weighted approach would be needed and recommended that response bias analysis is undertaken and published. Similarly, a few respondents requested an independent statistical assessment of the case for, and impact of, the proposed 50 per cent response threshold, and one suggested that the OfS keeps the approaches to survey non-response under review.
653. Most respondents considered the proposed 50 per cent threshold for response rates was appropriate, improved robustness of the results and reflected the importance of protecting response anonymity. However, some respondents had reservations about the 50 per cent threshold, including that it:
 - a. May be too low to be statistically robust, especially in the case of small populations.
 - b. May be too high for large populations, because respondents thought that a sample below 50 per cent could still give robust results where lots of students are involved (particularly given that response bias was not considered enough of an issue to justify weighting responses).
 - c. May mean that a lack of student engagement went undetected, because this might be signalled by a low response rate.
 - d. Could disadvantage providers that were not able to publish student experience data, and that a blanket response rate risked feedback from thousands of students being ignored, which they considered to be unacceptable.

- e. Differs from the 30 per cent threshold proposed for the progression measure, for reasons that they did not think were sufficiently clear and thought would increase the complexity of our overall approach.

654. Some respondents reflected on the approaches used to promote the NSS to increase response rates. While a small number of responses agreed that taking steps to address low response rates were appropriate to avoid widespread suppression of NSS data for some providers, others commented on the resources outlay required for some providers to achieve the required response rates and the risk of negative feedback if students feel they are being pressured to respond. Reflecting on extending the timeline for the collection of survey responses where response rates are initially low, one respondent also considered that there was an increased likelihood of the survey period clashing with final year students receiving their grades. They argued that this has the potential to skew responses and introduce bias if only certain providers are targeted.
655. In relation to the proposed application of suppression where response rates were below 50 per cent, or the number of respondents was lower than 23, a few respondents sought further information about how these requirements would interact. Some respondents understood the combination of the requirements and commented on the resulting reportability of students experience measures. They suggested that small cohorts may result in a large amount of data being suppressed, especially for further education colleges which often have small cohorts of higher education students and a large proportion of students on one-year courses. Respondents suggested that providers could then be treated differently in TEF and other assessments, based on whether or not they have NSS responses.

OfS response

656. We proposed to construct student experience measures based on the NSS using an approach that was consistent with existing and established measures drawn from this data source. In doing so, we recognised that the NSS is currently subject to an ongoing review and that, at this stage, changing from established and reasonable approaches would be disproportionate in terms of burden of understanding our approach. As noted in our earlier responses and our consultation, we plan to consult on the future of the NSS. Changes to the NSS are likely to necessitate changes to our use of the NSS in constructing indicators in future. However, we consider that it is important that we do not delay the construction of indicators because we take the view that doing so would have the significant disadvantage that there was not a measure based on student views available to inform the TEF.
657. We welcome respondents' general support for our approach to constructing the student experience measures described in the consultation, and we confirm that we have decided to adopt our proposals in full.
658. Some respondents commented that the proposals risked duplicating existing NSS publications. We confirm that the indicators we are adopting are consistent with other reporting of the NSS results. We consider that this offers the benefit of the resulting measures being well understood by users. We do not agree that this equates to duplication that would be problematic, as we take the view that measures constructed for use in OfS regulation serve different purposes than the existing NSS publications. We take the view that

adopting a different approach would lead to inconsistency and that this would increase the burden of understanding and engaging with our approach for providers.

659. We also note the comments made by respondents about the coverage of the survey being partial with respect to students on shorter courses such as HNCs. However, we remain of the view that the NSS represents the best source of data on students' perceptions of the quality of their courses. We described in the consultation several possible extensions of the NSS and its target list (to include students on one-year courses and shorter durations of study, intercalating students, or postgraduates) and noted that if any extensions were deemed feasible and appropriate, we would expect to consult on revised approaches at a future point. We expect to revisit the inclusion of courses of one year or less duration as we transition to the collection of in-year data in 2024-25. In the meantime, we consider that the assessment approach described in our response to the TEF consultation, and its consideration of context through provider submissions, will mitigate the points made.
660. In relation to comments about the impact of external events such as the coronavirus pandemic and industrial action, we recognise that these events have had an impact on students' experiences in higher education in the period considered by the proposed indicators. We also recognise that these have, in some cases, varied on geographical or other bases and that they have affected NSS results for some providers. However, we remain of the view that student experience measures constructed from the NSS provide a relevant measure of students' views of their experiences during these events, and that these can convey how well a provider delivered in those contexts. We do not agree that all of the types of external events cited by respondents are necessarily outside a provider's control. We note the mechanisms we proposed to use to accommodate survey non-response (which are discussed further in paragraphs 666 to 669 below). We also note that our approach to the selection and grouping of benchmarking factors demonstrates that we have given due consideration to the potential impacts of the pandemic. Including year of the NSS survey as a candidate factor throughout the detailed statistical modelling that underpinned our selection of benchmarking factors led us to include 'year' as a benchmarking factor for all of the student experience measures.⁸⁴ This means that we do not consider it appropriate to make any adjustments to our approach.
661. We understand that there are a range of scenarios which may result in a lack of data, including from partial coverage of the NSS, non-response and data suppressions. We have considered the points that respondents have made about whether they would be treated differently through the TEF process if they did or did not have NSS indicators available. We note that the TEF consultation outcomes confirm that there will be various reasons why the evidence relating to any of the TEF indicators, or a provider's own evidence, requires contextualisation and a provider is able to use its submission to provide this context.⁸⁵ It also confirms that we intend for the TEF panel to exercise its discretion to place particular and appropriate weight on certain contextual factors, having regard to the particular facts and issues in any given case. We therefore take the view that our assessment approach and its consideration of context for an individual provider will further address the points made about the impact of external events.

⁸⁴ See www.officeforstudents.org.uk/publications/review-of-selection-and-grouping-of-benchmarking-factors/.

⁸⁵ See our response to the 'Construction of the TEF indicators' section of the TEF consultation response.

662. As we set out in the consultation, we will consult on the future of the NSS. We anticipate that the definition of student experience measures would need to be adjusted to accommodate any potential changes to the NSS from January 2023, and we also signalled in the consultation our expectation that further consultation would be required to establish any updated definitions for student experience measures. This remains our expectation.
663. In relation to comments about the construction of scale-based NSS measures, we agree with respondents that there are different approaches that could reasonably be taken to the treatment of students who select 'neither agree nor disagree' on the Likert scale responses currently available in the NSS survey. This includes excluding such responses from the calculation of the NSS scale-based measures which express percentage agreement to the scale. However, we consider that the current approach is appropriate given our intended uses of the data. In particular, we will use the NSS indicators to inform TEF assessments. The TEF is designed to promote excellence so we therefore consider that it is appropriate that only those students who positively express agreement should count positively and that students who do not should be counted negatively.
664. We also note the suggestion by some respondents that we should consider constructing student experience measures by assigning numerical values to each response and averaging these. We are aware that this approach is often used in analysis of Likert scales and has previously been used by the Higher Education Funding Council for England (HEFCE) in presenting NSS data. As set out in the HEFCE report 'National Student Survey results and trends analysis 2005-2013', adopting such an approach requires assumptions about the relationship between points which are not valid.⁸⁶ This approach requires each response to be given a numerical value. We do not consider there to be a robust and credible method to determine the weighting that should be applied to each response point and have therefore concluded that we should not adopt this approach. We take the view that our proposed approach is a reasonable way of analysing the Likert scale responses for the purposes of constructing student experience measures. This is because we consider that it makes the best possible use of the individual question response data, takes account of variations in a single student's responses to the questions within each scale, and has the effect of not skewing the data for areas that students do not consider applicable to their course.
665. We have considered the suggestions made for alternative ways to construct the indicators, all of which would give slightly different answers depending on patterns of question non-response. Respondents did not provide strong reasons why one approach might be more appropriate than another or why our proposed approach was not robust. We could construct the indicators such that each question had equal weight. However, this would mean that the views of a subset of students would be given more weight where others considered that the question was not applicable. We take the view that this risks giving undue weight to topics that are not as relevant to all students. We could equally have chosen to simply count the number of positive responses as a proportion of the number of responses. This would weight neither students or questions equally, making the resulting indicator hard to interpret. We

⁸⁶ See paragraphs 71 to 79 at <https://webarchive.nationalarchives.gov.uk/ukgwa/20180319115047/http://www.hefce.ac.uk/pubs/year/2014/201413/>.

therefore remain of the view that the approach to forming scale scores that gives each student equal weight is reasonable and the most appropriate.

666. In relation to comments about the proposed approach to issues of survey non-response, we have considered the points made about the response rate threshold and the different approach that we proposed for the progression indicator. There is very little variation in response rates for different student groups. Notwithstanding this, we consider that in the absence of a detailed investigation of the impact of weighting it is prudent to set a higher threshold for the NSS than for the Graduate Outcomes survey to reduce the impact of response bias as this will not significantly impact the reportability of results.
667. We have also considered whether we should introduce weighting to account for response bias. We note the points made by respondents that introducing weighting would add complexity and reduce transparency. We also note the role of the response rate threshold in reducing the likelihood of significant response bias. We take the view that introducing weighting would therefore not be appropriate or proportionate because it would add little value. We have therefore concluded that we should not introduce weighting.
668. We note the suggestion that we could apply a differential response rate threshold for larger cohorts. However, this suggestion fails to recognise that the response rate threshold is designed to mitigate response bias. While there will be some impact on response bias due to averaging over larger numbers of students, we do not consider that large cohorts address the issue.
669. We have also considered whether we should introduce a higher minimum number of responses. We take the view that the issue of small numbers is best addressed by using established statistical measures of uncertainty, because doing so maximises the available evidence while being clear about the impact of small cohorts. We further consider that the high response rates mitigate some of the impact of small cohorts by increasing the number of responses.
670. We understand that there is value in providers being able to replicate their student experience indicators from individualised data. The privacy notice that accompanies the NSS would not allow us to share historic data with a provider at the level of individual students. We have considered whether it would be appropriate to change this in the future but remain of the view that assuring students of anonymity helps ensure honest feedback and promotes participation in the survey. We note that we provide an NSS dissemination site to support providers in understanding the responses of their students.

Decision

671. We have considered the points made by respondents in relation to Proposal 8 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 8.

Proposal 9: Definition and coverage of split indicator categories

672. Proposal 9 set out that the series of split indicators that we would construct for each student outcome and experience measure would be further breakdowns of the relevant population within each combination of mode and level of study. We proposed that split indicators would report on subject studied, student characteristics, year of entry or qualification (as appropriate to the student outcome in question), specific course types and provider partnership arrangements.
673. The proposal set out the priorities that we sought to balance when selecting and defining split indicators, and described that they would normally report on a single category or characteristic at a time (rather than reporting at intersectional level):
- a. The characteristics selected as split indicators should provide meaningful information that is capable of supporting reliable interpretations of any differences in student outcomes or experiences. They should align with the OfS's objectives (especially in relation to access and participation priority groups)⁸⁷ and with our obligations in respect of the public sector equality duty.
 - b. Data availability and applicability to as wide a population as possible is desirable.
 - c. Appropriate data quality for the characteristic in question.
 - d. Alignment with standard data reporting approaches in the sector, to minimise the burden of understanding and engaging with our approach.
 - e. The selection of split indicators should be aware of, and seek to mitigate, the risks of data sparsity – in particular, the onward risks of breaching data protection principles as a consequence of data sparsity, and of increased statistical uncertainty in the measures we report. Characteristics (or subcategories of these) that are likely to be widely non-reportable may have limited utility in our approach to regulating student outcomes and the TEF.
 - f. The number and range of split indicators should be sufficient to address OfS policy objectives for identifying differences in student outcomes and experiences, without becoming so numerous as to introduce unnecessary challenge for the use and interpretation of the data.
674. The consultation discussed a range of potential split indicators and how we balanced the priorities listed in the previous paragraph in respect of each one, to reach the proposal summarised in Table 3 below.

⁸⁷ See www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

Table 3: Proposed definition of split indicators

Split indicator	Measures applicable to	Constructed for	Coverage	Categories
Year of entry	Continuation; Completion (cohort-tracking and compound indicator)	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students in scope of the measure	Most recent four years of entrant cohorts available for the relevant measure
Year of qualification	Progression	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students in scope of the measure	Most recent four years of qualifier cohorts available for the relevant measure
Year of qualification	Student experience	Regulation of student outcomes; TEF assessment	All students in scope of the measure	Most recent four years of final year cohorts available for the relevant measure
Subject studied	All measures	Regulation of student outcomes; TEF assessment	All students in scope of the measure	34 subjects defined by level 2 of the Common Aggregation Hierarchy
Age on entry to higher education programme	All measures	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students in scope of the measure with known age	For undergraduate levels of study: Under 21; 21 to 30; and 31 and over For postgraduate levels of study: under 25; 25 to 30; 31 and over
Disability	All measures	Regulation of student outcomes; TEF assessment; Access and	All students in scope of the measure	Disability reported; No disability reported For access and participation data dashboards, different types of

Split indicator	Measures applicable to	Constructed for	Coverage	Categories
		participation data dashboards		disability are also reported separately
Ethnicity	All measures	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All UK-domiciled students in scope of the measure with known ethnicity	Asian; Black; Mixed; Other; White
Sex	All measures	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students in scope of the measure who report their biological sex as female or male	Female; Male
Domicile	All measures	Regulation of student outcomes; TEF assessment	All students in scope of the measure	UK; Non-UK
Eligibility for free school meals at key stage 4	All measures	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students aged under 21 on entry to their higher education programme, who attended a state-maintained school in or after 2009-10 for which we are able to locate a linked National Pupil Database (NPD) record	Eligible during their schooling; Not eligible during their schooling

Split indicator	Measures applicable to	Constructed for	Coverage	Categories
English Index of Multiple Deprivations (IMD, 2019) quintile	All measures constructed for English providers	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All English-domiciled students in scope of the measure with a known home postcode	Quintiles 1 or 2; Quintiles 3, 4 or 5 For access and participation data dashboards, individual quintiles are also reported separately
IMD quintile ⁸⁸	All measures constructed for providers in the devolved administrations	TEF assessment	All students domiciled in the same country as the provider, with a known home postcode and in scope of the measure	Quintiles 1 or 2; Quintiles 3, 4 or 5
Geography of employment quintile ⁸⁹	Progression	Regulation of student outcomes; TEF assessment	All UK-domiciled students in scope of the measure who responded to the Graduate Outcomes survey and had a known activity (including unemployed and looking for work) 15 months after graduation	Quintile 1; Quintiles 2 or 3; Quintiles 4 or 5

⁸⁸ For students domiciled in Wales at registering providers in Wales, this will be based on the Welsh Index of Multiple Deprivation 2019. For students domiciled in Scotland at registering providers in Scotland, this will be based on the Scottish Index of Multiple Deprivation 2020. For students domiciled in Northern Ireland at registering providers in Northern Ireland, this will be based on the Northern Ireland Multiple Deprivation Measure 2017.

⁸⁹ Based on the methodology for the Graduate Outcomes quintiles described in the November 2021 publication at www.officeforstudents.org.uk/publications/a-geography-of-employment-and-earnings/.

Split indicator	Measures applicable to	Constructed for	Coverage	Categories
Association between characteristics of students (ABCS) quintile	All measures (when available), with the quintile definition applied being that which corresponds to the measure in question	Regulation of student outcomes; TEF assessment; Access and participation data dashboards	All students in scope of the measure	Currently, for continuation measures: Quintile 1; Quintiles 2 or 3; Quintiles 4 or 5
Other student characteristics: Socio-economic classification; Parental experience of higher education; Household residual income; Income deprivation affecting children index (IDACI); Participation of local areas (POLAR4); Tracking underrepresentation by area (TUNDRA)	All measures	Access and participation data dashboards (where published at sector level and provider level)	Various, dependent on the characteristic in question	Various, dependent on the characteristic in question
Other student characteristics: Care experience; Estrangement from family	All measures	Access and participation data dashboards (where published at sector level only)	Various, dependent on the characteristic in question	Various, dependent on the characteristic in question

Split indicator	Measures applicable to	Constructed for	Coverage	Categories
Higher technical qualifications (HTQs)	All measures (when available)	Regulation of student outcomes; TEF assessment	To be confirmed after HTQs delivery and associated data collection commences from September 2022	To be confirmed after HTQs delivery and associated data collection commences from September 2022
First degrees with integrated foundation years	All measures	Regulation of student outcomes; TEF assessment	All first degree students in scope of the measure	First degree with integrated foundation year
Level of other undergraduate qualification	All measures	Regulation of student outcomes; TEF assessment	All other undergraduate students in scope of the measure	Other undergraduate course at Level 4; Other undergraduate course at Level 5+
Type of partnership	All measures	Regulation of student outcomes; TEF assessment	All students in scope of the measure	Registered and taught; Registered only (sub-contracted out); Taught only (sub-contracted in); Validation only

675. We asked respondents to what extent they agreed with:

- a. The proposed definition of split indicators showing year of entry and qualification.
- b. The proposed definition of split indicators showing subject studied using CAH2 subject groups.
- c. The selection and proposed definitions of split indicators for student characteristics.
- d. The selection and proposed definitions of split indicators for course types.
- e. The proposed definition of split indicators showing provider partnership arrangements.

Responses relating to proposal 9

676. When commenting on the overall approach described by proposal 9, respondents repeated and did not expand on points previously made in relation to proposal 2. Generally, these reflected broad support for the proposed approach, with respondents expressing a range of views about the volume, reliability and consistency of information that would be constructed as a result. These responses have been included in discussion of responses to proposal 2, and are responded to there, so we do not repeat them here unless it is meaningful to do so.

Approach to constructing split indicators

677. Some respondents commented on the proposal to construct split indicators in univariate form (reporting on a single category or characteristic, such as age or ethnicity, at a time). One respondent was supportive as it reduced the risk of identifying individual students, and several others commented that they understood the risks of alternative approaches creating sparsely populated datasets with high levels of statistical uncertainty. However, several respondents thought that the choice of split indicator categories could potentially mask any differences in performance within those categories. Some respondents suggested that providers find multivariate measures valuable because they often sought to understand student and course characteristics in an intersectional way, and that this was particularly helpful in respect of understanding the effect of changes in data over time and for identifying the most disadvantaged groups of students:

- a. Two respondents expressed support for the use of regression models to identify the effects of different characteristics within each provider. One of them was supportive of the univariate approach to split indicators for TEF and condition B3 but suggested that regression models could provide a tool for providers to understand the intersections of characteristics for access and participation purposes; the other thought that regression models would be more generally appropriate to provide a holistic view of student outcomes than the univariate approach.
- b. Another respondent suggested retaining the small number of intersectional categories currently reported in the access and participation data dashboard (in which each of ethnicity and sex are reported based on their intersection with both of POLAR4 and IMD quintiles).
- c. It was suggested that if multivariate measures or models were not included in the OfS approaches then some providers may need to do further work to conduct their own

intersectional analysis, which meant that the construction and publication of OfS dashboards would not deliver the benefits intended in terms of transparency, consistency and regulatory burden.

Year of entry or qualification

678. Most respondents supported the proposed approach to constructing split indicators for year of entry or qualification as a time series of four individual years of data, with some recognising that it was important to be able to detect trends in performance and understand the consequences of internal or external changes, particularly for providers' monitoring and planning of improvements. Some also agreed with the proposal to align the time series reported across our regulatory functions, including access and participation data moving from a five-year to a four-year time series.
679. Some respondents commented on the aggregation of these four individual years that would form the basis for calculating the other types of split indicators, suggesting that an approach which gave a higher weighting to more recent data may be a preferable approach for calculating split indicators because the use of four-year aggregated data may mean that historic performance continues to skew the resulting split indicators for a period of years after that performance has changed, and that this may mislead users of the data. In particular, respondents thought that the impact of the pandemic could vary between providers in a way that would not be visible through other split indicators, and that weighting for cohorts affected by the pandemic would therefore be helpful.
680. Some respondents repeated their suggestions that 'year' should be included within the hierarchical reporting structure of indicators to enable providers to view all or some split indicators by years, as this would allow for an understanding of how outcomes for different student groups change over time. These responses have been included in discussion of responses to proposal 2, and are responded to there, so we do not repeat them here.

Split indicators for subject studied

681. Most respondents supported the proposal that split indicators for different subjects would be defined by level 2 of the Common Aggregation Hierarchy (CAH2), with some reasoning that CAH2 was sufficiently granular and offered the best balance between detail and practicality. However, some argued that the CAH2 categories were too broad to understand performance at course level and that they do not always map to faculty and department structures within providers, which could make identifying and explaining any issues in performance at subject level more challenging.
682. Some respondents commented that use of CAH2 meant that the OfS would be taking consistent approaches across our different regulatory functions, while others suggested there were some inconsistencies, including:
- a. The use of level 3 of the Common Aggregation Hierarchy when reporting information intended for students and prospective students in Discover Uni and annual NSS publications.
 - b. Whether other users, such as league table compilers, would define subject studied in the same way that we had proposed, which could lead to different views of the data.

683. While most respondents did not comment on the proposal to include Celtic studies in Languages and area studies, one respondent specifically agreed. They did not give a reason for this, but the proposal outlined that Celtic studies would have populations that are too small for the grouping to be usable on its own and we understand their agreement to be an acknowledgement of this and that our proposal was therefore reasonable.
684. Some respondents agreed with the proposal to use full-person equivalents (FPE) for apportioning students between multiple subjects. However, others considered that this could complicate the use of the underlying data for internal analysis because it means apportioning students across subjects.

Split indicators for student characteristics

685. Most respondents were supportive of the proposed approach to defining split indicators for student characteristics (as described in Table 3 above). They considered that the proposal was clear and reasonable, and that it was based on careful analysis, clearly linked to the public sector equality duty and access and participation measures, and in line with current legislation. Two respondents were explicitly supportive of the proposal to not present split indicators for students with 'unknown' or 'information refused' values.
686. In responding to this proposal many respondents repeated, and did not expand on, previous comments made in respect of other proposals. In each of the following cases, the comments have been included in responses to those other proposals, and responded to there:
- a. Comments about the resulting volume of data and the burden they thought this would create for providers have been included in our discussion of better ways to achieve our objectives as one of the overarching themes from the analysis of responses, and responses to proposal 2.
 - b. Comments about the data for some characteristics included here as split indicators not currently being available to providers (such as eligibility for free school meals, and the availability and understanding of data underpinning the geography of employment and ABCS quintiles) have been included in our discussion of access to data as one of the overarching themes from the analysis of responses, and responses to proposal 1.
 - c. Comments about additional and more granular characteristics being included in the access and participation data dashboard, but not in data informing assessments of condition B3 or the TEF, have been included in our discussion of responses to proposal 2.
687. Several respondents suggested that the proposals include a combination of established characteristics commonly used by providers and new ones. They considered that there was benefit to using established characteristics, and thought that any new characteristics would need clear explanations in data publications. They also commented on their expectation that any methodological changes made in future would need similarly clear explanation to support users' understanding.
688. A few respondents said that they expected some of the split indicators to have partial coverage, availability or relevance, including:

- a. Their understanding that relevant data had not been collected for all of the historical years that would inform the calculation of some of our proposed measures, such as information about care experience.
- b. That students from underrepresented groups were more likely to not disclose their characteristics and that this could affect smaller and specialist providers that recruit from underrepresented groups and have smaller student populations in particular.
- c. As they represented demographic characteristics, the split indicators would not take sufficient account of social capital and the wider backgrounds or experiences of students.

Characteristics protected under the Equality Act 2010

689. This section groups responses regarding the OfS's proposed approach to constructing split indicators for those characteristics protected under the Equality Act 2010.
690. Some respondents were supportive of the inclusion split indicators based on characteristics protected under the Equality Act 2010, and the intention to improve the quality and availability of data about all protected characteristics in the future. Most respondents did not comment on individual characteristics, but where comments were made these are included below.
691. Some respondents were supportive of the proposed split indicators for age on entry but others disagreed with the proposed age categories for postgraduate students; they sought further information on the reasons for the '25-30' category, because they did not think that students in this age range needed to be considered separately from those in one of the broader 'Under 25' or '30 and older' categories.
692. Two respondents were supportive of our proposed approach to report students split by whether or not they had reported a disability, and to continue to report disability type (rather than just a binary split) within the access and participation data dashboard.
693. One respondent commented on their expectation that some of the proposed ethnicity categories would mask differences in the outcomes and experiences of different ethnic subgroups, and that the resulting split indicators may not therefore be representative of those student populations. Another respondent noted that different groupings of ethnicity categories had been used by the OfS elsewhere, such as in our published equality statistics. In addition, one respondent disagreed with the proposal to only report ethnicity for UK-domiciled students as the data is also collected for international students, and that they thought these students had a reasonable understanding of the concept of categorising ethnicity and how it is distinct from nationality so were supplying reliable information.
694. Some respondents commented on the broader data collection approach with respect to the categories available for reporting a student's sex through the HESA and ILR student data returns. The same comments also referred to gender identity, which is not a protected characteristic, and the reporting of that data item. Respondents noted that current student data returns collect information on a student's sex, and whether their gender identity 'is the same as the gender assigned to them at birth', reflecting how this is collected by HESA. They said that they would support collection of more detailed information about a student's gender identity or gender reassignment in addition to (or in place of) the current data items, which

they thought would provide users of the student data returns with data about a characteristic which is not currently available. They considered that the OfS should engage with HESA and the ESFA to explore this possibility, and in future should seek to report student outcome and experience measures based on different categories of students' gender identities, rather than the protected characteristic of sex.

Student characteristics which are not protected under the Equality Act 2010

695. When commenting on the proposed inclusion of split indicators for student characteristics which are not protected under the Equality Act 2010, some respondents acknowledged and welcomed that these were intended to be complementary to our wider focus on access and participation.
696. Some respondents expressed support for the inclusion of domicile, with one noting that it would be important in the light of changes to student finance following the UK's withdrawal from the European Union (EU), in which changes to a student's home fee eligibility may affect EU students' motivations and expectations of study.
697. A few respondents expressed support for the inclusion of information on eligibility for free school meals, with one suggesting that it could help to identify disadvantaged students, but others queried the robustness of this data, noting that the OfS had indicated that linking from the National Pupil Database may not be perfect. One respondent questioned whether it was useful because its coverage was limited to state-school pupils and therefore providers with high proportions of students from independent schools would not have their student population accurately represented. Respondents to the TEF consultation also suggested that coverage of the split indicator would be a particular issue for providers in the devolved administrations, because the National Pupil Database (NPD) does not cover schools outside England.⁹⁰
698. A few respondents expressed support for the inclusion of the IMD measure, noting that it is an established measure already used within the access and participation dashboard. One respondent sought further information on the point at which it is measured for postgraduate students; they thought that the IMD (as well as other area-based measures) provides a better reflection of students' backgrounds when based on area of domicile when first accessing higher education as an undergraduate student, and that if their temporary residence between undergraduate and postgraduate study is used, the measure may be less helpful.
699. Some respondents were supportive of the inclusion of splits related to geography of employment quintiles and of the attempt to capture the impact of geographical area on graduate employment opportunities. Some made comments regarding the methodology used to calculate them, which are covered in our summary of proposal 10.
700. Some respondents were supportive of the inclusion of splits related to ABCS quintiles, as they thought it was valuable to have an intersectional measure of the impact of student characteristics. However, a few suggested it may have limited value as a split indicator if it is unclear which students are associated with each quintile, and that it may be challenging for users to understand how ABCS quintiles were constructed due to the complexity of the methodology. Respondents to the TEF consultation also suggested that coverage of the split

⁹⁰ See 'Proposal 9: Indicators' of the TEF consultation response.

indicator would be a particular issue for providers in the devolved administrations, because the factors included in ABCS were not all available for students and providers outside England.⁹¹ Some respondents made further comments regarding the ABCS methodology, which are covered in our summary of Proposal 10.

701. Some respondents considered that between eligibility for free school meals, IMD and ABCS, the split indicators would cover multiple socio-economic characteristics, many of which would be positively correlated with each other, and many of which are taken into account through their inclusion in the ABCS method. They suggested that using only one or two of these would provide sufficient information on deprivation, or that we should reduce the weight each of the individual ones would be given within assessment processes. In doing so, some respondents expressed a preference for retaining IMD and ABCS, whereas others did not comment on which split indicator(s) should be removed.
702. Some respondents also commented on their understanding that information on eligibility for free school meals, geography of employment and ABCS had not been available to providers prior to the consultation; some suggested that providers would not have been able to monitor these ahead of, or during, the years covered by the split indicators, or, in the case of the quintile-based measures, had sufficient time to review and test the methodologies used in their own contexts. A few suggested that these split indicators should be treated as experimental or see their inclusion delayed. One respondent suggested that their use could be phased in, such that they were used as benchmarking factors before they were later introduced as split indicators.
703. Some respondents questioned the proposed grouping of the quintile-based split indicators, noting that we had proposed to report IMD split indicators using two reporting groups, while geography of employment and ABCS would have three. They suggested that further information should be given about the reasons for this difference.

Characteristics not proposed for use within regulation of student outcomes or the TEF

704. A few respondents commented on the approach set out in the consultation in respect of other characteristics which had been considered for split indicators but that were not proposed for use in regulation of student outcomes and the TEF, such as care experience, socio-economic classification and POLAR4. Two of these respondents were supportive of the proposal, noting this would prevent further complexity and burden.
705. Other respondents acknowledged that, while they were not proposed for use in regulation of student outcomes and the TEF, we had proposed to extend the access and participation data dashboard and report on each of these characteristics where they are not currently included. In doing so, some respondents suggested that:
- a. The definition of 'Care experience on or after 16th birthday' should be extended to include all care-experienced students, or at least the age lowered from 16, as experience of the care system can have long lasting implications for a student's wellbeing and study.
 - b. Split indicators based on **prior education attainment** (such as entry qualifications or tariff) and prior higher education experience should be included. One respondent argued

⁹¹ See 'Proposal 9: Indicators' of the TEF consultation response.

that comparing entrants who begin their studies from the beginning of a course to students who start part way through due to credit transfer is not a like-for-like comparison and could disproportionality affect some providers.

706. A few respondents commented on the use of **POLAR4** and **TUNDRA**, with two supporting the replacement of POLAR4 with TUNDRA, as it was an updated and more relevant measure. On the other hand, one respondent commented that use of POLAR4 data was well established and used in the design and delivery of outreach activities, so thought that replacement of this measure with TUNDRA would require a period of adjustment for providers.
707. One respondent noted there was no reference to **forced migrants** in the consultation, and that they expected to see a rise in applications from refugees or asylum seekers.

Split indicators for course types

708. While most respondents did not comment on the proposed definitions of split indicators for specific course types, some respondents were supportive of the proposal. Most did not comment individually on each course type, but where they did these comments are included below. Some respondents suggested the publication of experimental statistics about new course types before these were included as split indicators to be used for regulatory purposes, so that providers and the OfS would have a better understanding of student outcomes, and the profile of provision, based on what they considered to be new categorisations.
709. Some respondents expressed support for our proposal to report integrated foundation years as a split indicator, reasoning that it would be helpful to monitor the outcomes of this group who may have a different profile of characteristics and prior qualifications. However, a few suggested that our approach for identifying integrated foundation years added complexity, with one arguing that just using the year of programme information in the HESA student data would be simpler than using course titles as well. On the other hand, one respondent commented that that the year of programme information was not reliable for the proposed use.
710. Two respondents were supportive of reporting a split indicator for higher technical qualifications (HTQs), because they felt the provision would be distinctive in terms of the experience it offered to students, and that the data could support both national monitoring and improvement planning in providers. However, a few others considered that it was too early to know whether there would be sufficient data to justify reporting HTQs as a split indicator, especially in the early years of HTQs. They suggested that HTQs should be grouped with other Higher National qualifications instead in the short term. One respondent also thought that some Level 4 and Level 5+ provision would transition to become HTQ provision, and that this would mean that student performance could fluctuate over time if HTQ course types were reported separately: they considered that this could act as a disincentive for offering HTQs.
711. A few respondents expressed support for splitting other undergraduate levels of study into Level 4 and Level 5+, suggesting that making the data for these course types more visible would support government proposals to extend student choice in this area.

712. Some respondents commented that they thought it important to be able to monitor student outcomes and experiences in respect of distance learning courses. They suggested that although the coronavirus pandemic may have blurred the distinction between distance and blended learning in the short term, they considered that a clear distinction remained between the two delivery methods, and thought it unlikely that the sector would start designing, and recruiting to, courses based on a formal hybrid model. Some respondents suggested that this meant that split indicators for distance learning courses should be included.

Split indicators for provider partnership arrangements

713. Some respondents were supportive of the proposal to construct split indicators based on sub-categories of the different teaching arrangements. Their reasons included:

- a. The recognition that these split indicators would be showing differences between sub-categories of the student population that made up the 'provider view' for reporting student outcome and experience measures (as described in proposal 2), so would be important for identifying and understanding any performance issues related to different teaching arrangements. They commented that this would be particularly important in respect of the partnerships view, which conflated students subcontracted out from the provider, with students for whom they were acting in a validation-only capacity.
- b. The approach would enable providers that deliver subcontracted provision to improve their monitoring and planning, and allow lead providers to remain aware of their partners' performance and to make improvements where appropriate.
- c. The split indicators were not too granular; alternative approaches, such as named pairs of providers, would lead to increased complexity.

714. However, some respondents commented on the interaction between the student population views and the partnership split indicators, and that they considered this distinction to be unclear or unnecessary because one seemed to duplicate the other. Some respondents suggested that it would be more straightforward if partnership arrangements were only considered either as a student population view or as a split indicator, or if fewer sub-categories were reported.

715. In responding to this proposal many respondents repeated, and did not expand on, previous comments made in respect of proposal 2 (a common reporting structure for student outcome and experience indicators). These comments have been included in our discussion of responses to proposal 2, and responded to there. Comments covered:

- a. The resulting volume of data and the burden they thought this would create for providers.
- b. The granularity of split indicators and the likelihood that they refer to smaller populations and experience higher levels of statistical uncertainty and data suppression.
- c. The granularity of information about partnership arrangements and the advantages and disadvantages of looking at named pairs of providers, or more aggregated categories.
- d. The overlapping nature of the provider views of student populations.

- e. The challenges of accessing, and understanding the quality of, data about students who contributed the partnerships view of a provider's student population.

716. In addition, in responding to this proposal some respondents commented on the regulatory, assessment and engagement approaches described in the related consultations on the TEF and regulating student outcomes, and how these would apply in relation to student outcomes for those taught through a partnership relationship. These comments have informed our responses to those consultations.⁹²

OfS response

717. We note that, when responding to proposal 9, respondents often repeated comments they had previously made in response to proposal 2 and that most respondents echoed the support they had previously expressed, welcoming the use of split indicators to understand variations in student outcomes and experiences, and to identify pockets of poor performance. Similarly, others repeated comments about the volume of data that resulted from the proposal, and its potential impact for providers and for onward uses of the data. Our views on these matters are as set out in our response to proposal 2 and we do not repeat them here.

Approach to constructing split indicators

718. We have considered comments on our proposal to construct split indicators in univariate form, and the resulting construction of split indicators as one-dimensional, reporting the outcomes or experiences of students categorised on the basis of a single characteristic or attribute.⁹³ As respondents have suggested, we consider that this approach achieves an appropriate balance between the need to provide meaningful information capable of supporting reliable interpretations of differences in student outcomes or experiences, with the risks of data sparsity and the onward risks of breaching data protection principles and increased statistical uncertainty in the measures we report.

719. In particular, we agree with the comment that it is important that our approaches mitigate the risks of identifying individuals. If we took a more granular or intersectional approach to constructing split indicators, we consider that this would lead to sparsely populated datasets, no matter how large a provider, to which we would apply appropriate data rounding and data suppression because we will always prioritise the privacy of individual students and compliance with data protection legislation. We agree with respondents who consider that the likely consequence of this would be split indicators which suffer from high levels of suppression and statistical uncertainty. We consider that, in this scenario, split indicators would not then be capable of providing meaningful information to support our regulatory objectives for identifying differences in student outcomes and experiences and pockets of poor performance. We therefore continue to take the view that our approach is reasonable

⁹² See our response to the 'Inclusion of partnership data in indicators' section of the regulating student outcomes consultation response, and to the 'Including taught or registered students' section of the TEF consultation response.

⁹³ For example, calculating split indicators in univariate form means that we would create split indicators that report on male students and, separately, split indicators that report on disabled students. Split indicators would be multivariate in form if they were calculated at a more granular level to refer to the intersection of various characteristics (in the example given here, if they reported on disabled male students).

and proportionate to delivering our regulatory objectives, and **we have decided to adopt the proposed approach to constructing split indicators described in the consultation.**

720. We acknowledge that constructing split indicators in univariate form may mean we do not have a line of sight to differences in student outcomes within those split indicator categories. However, we continue to take the view that our proposed approach will allow us to identify and respond to the experiences of different groups of students in broad but proportionate regulatory terms, without introducing significant risk of complexity, data sparsity and statistical uncertainty in our regulatory approaches. Furthermore, we take the view that being able to identify and consider performance in relation to students with a particular protected characteristic allows us to properly consider matters related to the Equality Act 2010 in a more straightforward way than would be possible if we were to report only on the intersections of different characteristics. Nevertheless, we consider that the inclusion of ABCS quintiles as split indicators (and within the benchmarking of student outcome measures) allows for an understanding of the most disadvantaged groups of students. This is because the ABCS analyses are designed to differentiate those individuals with combinations of student and background characteristics that identify them as being least likely to achieve the higher education outcome in question.
721. While we recognise that multivariate and intersectional measures would have value for providers in understanding changes in, and drivers for, their performance, we take the view that it would constrain our ability to take a holistic view of a provider's overall pattern of performance for certain groups for regulatory purposes. This is because, in multivariate form, patterns of performance would likely be concealed by both the sheer volume of split indicators and the statistical uncertainty that arises in relation to each of those indicators. We continue to take the view that this means it would not be possible to draw reliable conclusions about a provider's performance for the groups of interest. The individualised student data files we share with providers, together with accompanying rebuild instructions, provide a resource that providers can use to model student outcome and experience measures at different levels of granularity or intersectionality for their own internal governance and oversight processes if they wish to do so. We take the view that the availability of this resource supports providers through a transparent and consistent approach that will empower them to demonstrate compliance with our risk-based regulation in the student interest.
722. We have also considered the comments about an alternative approach using statistical techniques to build regression models. We described this alternative in the consultation, where we noted that while such an approach would deliver a degree of statistical accuracy, we consider it likely that the model specifications would need to be provider-specific in order for the statistical models to function (in technical terms, to converge) in the case of every individual provider. We continue to take the view that such an approach would be impractical and that regression models lack sufficient transparency and consistency for application to our regulatory approach, whether for the purposes of regulating student outcomes or access and participation. In our view, an approach based on regression modelling would generate a significant burden of understanding for providers wanting or needing to engage with the regulatory actions the OfS may wish to take in response to conclusions drawn from data constructed in this way. We note that the individualised student data files we share with providers will allow providers to build their own regression models if they wish to do so.

Year of entry or qualification

723. We welcome the support from respondents for our proposed approach to constructing split indicators for year of entry or qualification as a time series of four individual years of data, and for constructing all other indicators and split indicators based on the aggregate of those four years. We agree with respondents who commented that it is important that our regulatory approaches are able to detect and take appropriate account of changes in performance at different points in time, without including in our assessment performance that could be considered too far removed from current performance to be valid. We consider that aggregating over four years also helps to address points about sparsity of data based on smaller populations and makes it less likely that a provider's indicators and split indicators will be susceptible to high levels of data suppression and statistical uncertainty.
724. We note that the TEF consultation outcomes have confirmed a four-year cycle for TEF assessments, and that constructing split indicators covering four years was intended to align with this.⁹⁴ We explained in the consultation our view that this alignment would be important in order that each year of data going forward will only contribute once to each full TEF assessment cycle, such that the impact of any single instance of historical performance is limited to a single TEF outcome, and has limited scope to influence assessment of condition B3 for a prolonged period. We continue to take this view and have therefore decided to adopt the proposal.
725. We have considered comments from respondents about the possibility of giving a higher weighting to more recent years of data as a means of preventing results from being skewed by historic performance and impact of external events such as the coronavirus pandemic. Use of a weighting approach to calculate indicators and split indicators based on the aggregate of four years of data would require each year of data to be given a numerical value. We do not consider there to be a robust and credible method to determine the weighting that should be applied to each year of data. We consider that no single weighting scheme would be able to take account of the different contexts and timings of events which affect individual providers, and that any selection of arbitrary weighting values would increase the risk of misrepresenting a provider's performance. Furthermore, we consider that the complexity of a weighting approach would reduce the transparency of our approach and make the data more challenging for providers to understand and replicate. We have therefore concluded that we should not adopt a weighted approach. We take the view that our assessment approaches, and their consideration of context for an individual provider, will appropriately address the points made by respondents.
726. While we have decided to adopt the proposed use of four years of data to construct indicators, split indicators and year of entry or qualification split indicators and confirm that the access and participation data dashboard will align with this approach in due course, we note the discussion of our shorter-term approach in response to proposal 2. As we describe there, updates to the current access and participation data dashboard in spring 2023 and 2024 would present a six-year time series in order to support the monitoring of existing APP targets, prior to new APPs coming into force in 2024. The aggregate indicators included in

⁹⁴ See our response to the 'Proposal 1: Provider-level, periodic ratings' section of the TEF consultation response.

the access and participation data dashboard would continue to be calculated on the basis of the most recent two-years and four-years.

Split indicators for subject studied

727. We welcome the support from respondents for our proposed approach to constructing split indicators for subject of study using CAH2. We agree with respondents who commented that CAH2 was an established and widely used subject grouping that was sufficiently granular to support our regulatory objectives and represented an appropriate balance between granularity and practical utility of the information produced. We have therefore decided to adopt the proposal. We confirm that Celtic studies will be grouped with Languages and area studies for the purposes of constructing split indicators, and that they will be generated as a count of FPE.
728. We acknowledged in the consultation that there is no single subject classification that will accommodate the many and varied internal structures for subjects, faculties and departments within providers across the sector. We continue to take the view that it is inevitable that some mismatch will always remain between the subject groupings used by the OfS and other sector bodies, and providers' structures. To avoid a mismatch between providers' internal groupings and our monitoring we would need to create bespoke subject groupings for each provider which would be impractical and unmanageable – for providers, the OfS and for other users of our data.
729. We have considered views that the CAH2 categories are too broad to understand performance at course level. While we recognise that CAH2 categories may mean that some course and subject differences may be masked through aggregation, we continue to take the view that more detailed categorisations (such as the approximately 150 groupings that result at CAH3 level, or further disaggregation of this) would lead to sparsely populated datasets, no matter how large a provider, which would suffer from high levels of suppression and statistical uncertainty. They would also mean a significant increase to the volume of split indicators that would be constructed, and we note that this sits in tension with more widespread views expressed by respondents about the burden of understanding that results from the number of indicators in our proposals. We note that the individualised student data files we share with providers will allow them to model student outcome and experience measures at different levels of granularity or intersectionality for their own internal governance and oversight processes if they wish to do so.
730. We are aware of the use of CAH3 categories to report information through Discover Uni and annual NSS publications, and we consider that the use of CAH3 there is appropriate for the student information purpose they serve – in which data at course level is most effective for supporting informed student choices – in a way that would introduce inappropriate complexity for the purposes of delivering our regulatory objectives for quality and access and participation.
731. We have considered the comment that league table compilers and other users of student outcomes data may or may not choose to define subjects in the same way that we have for our regulatory purposes. We recognise that this could lead to similar student outcome measures being reported elsewhere with different values than those in OfS data outputs, and that, in this scenario, it may be difficult for users to understand why the values were different and establish which one was most appropriate for their uses. The OfS has no control over

the choices made by league table compilers or other users who might create similar data outputs, and would not wish to do so. However, we note that the Common Aggregation Hierarchy is an established and centralised subject classification that is widely used and was developed with the objective of providing standard groupings to improve consistency across the sector. We recognise that our data needs careful explanation to users: we are committed to providing documentation and resources that ensure the transparency of our data approach and which are understandable to as wide a range of users as possible.

732. We have also considered the comment that generating subject-level data as a count of FPE may complicate providers' use of the underlying data because it involves apportioning students across subjects. We note that counts of FPE is standard data reporting practice by the OfS, HESA and other organisations when reporting student number data by subject studied, because it preserves an accurate overall count when joint and interdisciplinary qualifications span multiple subject groupings. We also note that providers must apportion students across subjects in their submission of HESA and ILR student data, and it is these apportionments that the FPE approach relies on. Furthermore, we note that the FPE associated with each student record is included within the individualised student data files we share with providers alongside the indicators. We do not therefore agree that our use of the approach should complicate uses of the data, and we continue to take the view that alternative approaches risk overstating student numbers in different subject areas.

Split indicators for student characteristics

733. We welcome respondents' broad support of the proposed definitions of the split indicators for student characteristics shown in Table 3 above, and their recognition of the influence of the public sector equality duty, and coherence with our regulation of access and participation, on our proposed approach.

734. In relation to comments about the use a combination of new and established categorisations of student characteristics, we consider that the use of established and widely used categories supports a coherent regulatory approach that provides appropriate alignment with the ways in which providers understand their own student populations. We recognise that some of the categorisations we proposed are less well established and that the data needs careful explanation to users. As a producer of official statistics, we are committed to the Code of Practice for Statistics which includes clarity as part of its pillar of value. We are therefore committed to providing documentation and resources that ensure the transparency of our data approach and developments to it.

735. We recognise that some split indicators based on the proposed student characteristics would have more partial coverage than others. We described the cases where coverage of the split indicators would be restricted to reflect that population for which the characteristic was available through student-level data or was otherwise meaningful. For example, we proposed that split indicators based on ethnicity would be constructed with reference to UK-domiciled students: to reflect the population for which data collection was mandatory in the HESA student data returns, as well as a potential lack of distinction between ethnicity and nationality that risked the split indicator not being meaningful for non-UK domiciled populations. We will explain in our documentation and training resources any cases where coverage of these split indicators is more partial, and we take the view that our assessment approaches are designed to take sufficient account of these.

736. We have considered comments about the likelihood that students from underrepresented groups will disclose their characteristics. We note that disclosure rates for characteristics which are protected under the Equality Act 2010 have long been high enough to support a wide range of sector and provider-level analyses, and that more recently introduced data items have been assessed using the OfS data quality framework, which we consider provides sufficient assurance that they can support our proposed uses.⁹⁵ We consider that non-disclosure may be more likely to vary at provider level in respect of the characteristics that have been more recently introduced to student data collection (such as information on sexual orientation, or religion or belief). We note that we did not propose to include any of these characteristics as the basis for split indicators at this time: rather, we proposed that these should be considered further in future, and that they could be introduced initially in sector-level analysis reported through the access and participation data dashboard. We continue to take the view that this would be a reasonable and proportionate approach which would support activities to promote equality of opportunity for a range of student groups.

737. In relation to the comment that the student characteristic split indicators represent demographic characteristics rather than students' social capital and wider backgrounds, we do not agree that this is the case. We instead take the view that our proposed approach involves the use of a number of demographic characteristics in combination with a number of categorisations based on measures of disadvantage and student backgrounds, such as the Index of Multiple Deprivations and students' eligibility for free school meals. We are not aware of measures of social capital that are collected consistently and in ways that would allow their application to individualised student-level data. We consider the proposed split indicators are well-understood student characteristic measures that are replicable across all registered providers without introducing additional data burdens on the sector.

Characteristics protected under the Equality Act 2010

738. We have considered the comments that some respondents made about the proposed split indicators which relate to characteristics protected under the Equality Act 2010. We discuss these below but take the view that our proposed approach remains appropriate and reasonable and **we have decided to adopt the proposed approach to constructing student characteristic split indicators for characteristics protected under the Equality Act 2010.**

739. In respect of the suggestion that the '25-30' category may not be necessary when defining **age on entry** split indicators for postgraduate students, we do not consider that it would be appropriate to rely solely on a binary definition that would group these students into one of the broader 'Under 25' or '30 and older' categories. We take the view that students who commence postgraduate study aged under 25 are those who most likely started their undergraduate course aged under 21, and to have experienced an uninterrupted journey through post-16 education. Similarly, and especially in relation to part-time students, we consider that the 30 and older category refers to students who are most likely to enter higher education later in life and to have experienced work or other life events which may influence their motivations for, and experiences of, postgraduate level study. We consider that the '25-

⁹⁵ The OfS data quality framework (see www.officeforstudents.org.uk/publications/differences-in-student-outcomes-further-characteristics/), helps identify the point at which more recently introduced data items cease to suffer from significant issues of disclosure or comprehensive coverage and become useable for OfS analysis.

30' age group may reflect a mix of these experiences and, as a large group, we continue to take the view that it is appropriate to report these as a separate category.

740. We have considered the comment about the proposed ethnicity categories potentially being too broad and that they could mask differences between the student outcomes and experiences of ethnic subgroups. We noted in the consultation that while it would be possible to look at ethnicity information at more detailed levels (such as the levels at which the student data is collected, or the levels reported by the OfS in annual publications of equality and diversity statistics), we consider that the risks of data sparsity if we were to do so would become unmanageable.⁹⁶ We continue to take the view that the volume of data and the concentrations observed in the distribution of students across the five ethnicity categories we proposed will be manageable and appropriate for the purposes of reporting provider-level data through the access and participation data dashboards, and to inform assessments of condition B3 and the TEF. We note the availability of the more detailed ethnicity categories within the individualised student data files that we share with providers will allow providers to understand their students' outcomes across more detailed categories of ethnicity if they wish to do so.
741. We have also considered the comment about the availability of data about the ethnicity of non-UK domiciled students, and that the restriction of this split indicator to UK-domiciled students only may be unnecessary. We note that while it is possible for providers to return information on the ethnicity of non-UK domiciled students within the HESA and ILR student records, and some providers choose to do so, this is not compulsory. We therefore continue to take the view that construction of split indicators for ethnicity that refer to both UK- and non-UK domiciled students would not be replicable across all registered providers without introducing additional data burdens on the sector. Furthermore, we continue to take the view that ethnicity split indicators for non-UK students may in some cases be a less meaningful concept if considered distinct from their nationality. We also consider that to better understand this would mean increasing the number and complexity of the split indicators we construct, and we note the more widespread views on these issues.
742. In relation to comments about the collection and reporting of data about a student's sex, we note the support expressed by some respondents for collecting additional data about a student's gender identity. However, we consider that introducing an additional data burden on the sector would not be proportionate because of the HESA student data's existing collection of a student's sex (which is the relevant protected characteristic in the Equality Act 2010) and, in addition, a student's self-assessment of whether their gender identity is the same as their sex registered at birth (which is not a protected characteristic). In addition, we would expect that the number of students declaring any particular gender identity, assuming a relevant and stable range of sub-categories could be identified, would likely be too small to support inclusion as split indicators on account of the risks of data sparsity and identifying individual students. We note that our 'Differences in student outcomes – further

⁹⁶ See www.officeforstudents.org.uk/data-and-analysis/equality-diversity-and-student-characteristics-data/.

characteristics' report investigated the HESA student data collected on gender identity and found that the characteristic did not meet the standards in the OfS data quality framework.⁹⁷

Characteristics which are not protected under the Equality Act 2010

743. We have considered the comments that some respondents made about the proposed split indicators which relate to student characteristics other than those protected under the Equality Act 2010. We discuss these below but take the view that our proposed approach remains appropriate and reasonable and **we have decided to adopt the proposed approach to constructing student characteristic split indicators for characteristics which are not protected under the Equality Act 2010.**

744. We welcome the support from respondents in respect of the inclusion of split indicators based on **domicile** and **geography of employment** quintiles. We continue to take the view set out in the consultation that these form important split indicators that support and contextualise our understanding of differences in student outcomes and experiences based on geographical factors. We also confirm that our use of geography of employment quintiles to construct split indicators will extend to postgraduate students, as we proposed in the consultation.

745. In relation to comments about the inclusion of information on eligibility for free school meals, and the reliability of information derived from linking to the NPD, we do not agree that these split indicators would not be robust. We described in the consultation that we are able to access NPD records dating back to 2009-10, and the restricted coverage we would adopt to ensure that split indicators are constructed with reference to a population for which the NPD data linking is comprehensive. We consider the NPD data linking that underpins this approach to be accurate and reliable. We therefore continue to take the view that reporting a split indicator about eligibility for free school meals, based on undergraduate students aged under 21 on entry to higher education who attended a state-maintained school, will provide useful information in respect of that population as a robust indication of students' disadvantage.

746. We have also considered the comment that split indicators based on eligibility for free school meals may misrepresent student populations and their outcomes if a provider had a high proportion of students from independent schools who are not captured in this data. We acknowledge that the partial coverage of this split indicator will need careful explanation to users and that the concentrations of students from independent and state-maintained schools varies across providers in the sector. However, we note that very few providers report fewer than 50 per cent of their young, undergraduate entry cohorts as having previously attended state schools.⁹⁸ We take the view that split indicators referring to more than half of the relevant student population will mitigate the risk that they are misrepresentative of a provider's performance with respect to disadvantaged students. We

⁹⁷ The OfS data quality framework (see www.officeforstudents.org.uk/publications/differences-in-student-outcomes-further-characteristics/) helps identify the point at which more recently introduced data items cease to suffer from significant issues of disclosure or comprehensive coverage and become useable for OfS analysis.

⁹⁸ See Table T1 of the UK performance indicators at www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation.

also consider that our assessment approaches, and their consideration of context for an individual provider, will appropriately address the points made by respondents.

747. We recognise that issues of partial coverage of the free school meals split indicators are likely to be a particular issue for providers in the devolved administrations, in respect of their use to inform TEF assessments. We consider that these split indicators may be less representative of disadvantaged students at these providers because we do not have access to the equivalent of the NPD for students who attended schools in the devolved administrations and we are aware that the eligibility criteria for receipt of free school meals varies across the UK nations. We note that the TEF consultation outcomes confirm that there will be various reasons why the evidence relating to any of the TEF indicators, or a provider's own evidence, requires contextualisation and a provider is able to use its submission to provide this context.⁹⁹ It also confirms that we intend for the TEF panel to exercise its discretion to place particular and appropriate weight on certain contextual factors, having regard to the particular facts and issues in any given case. We therefore take the view that our assessment approaches and their consideration of context for an individual provider will further mitigate the issues raised about the applicability of the free school meals split indicator to providers in the devolved administrations.
748. We welcome the support from respondents for the inclusion of split indicators based on the **IMD**. We have considered the comment from one respondent who thought that the measure would be more useful for postgraduate cohorts if it reflected a student's home address prior to accessing undergraduate study. We acknowledge that if students embarking on postgraduate study return information about their temporary residence between undergraduate and postgraduate study, an area-based measure may not in all circumstances provide an accurate reflection of their backgrounds. However, it remains unclear to what extent students enrolling in postgraduate study do identify temporary rather than parental home residences, and we note that IMD split indicators represent the only measure of disadvantage currently available in relation to postgraduate cohorts. Furthermore, we note that responses to the phase one consultation considered that IMD quintiles would provide a useful indication of students' disadvantage, with applicability to postgraduate students as well as undergraduates. We take the view that it is important that pockets of poor performance which may affect disadvantaged students studying at postgraduate level can be identified. We expect to keep inclusion of this split indicator under review. We intend to maintain a watching brief in respect of ongoing work by UKRI on potential classifications and characteristics of postgraduate students that would reflect underrepresentation or disadvantage for these students. If this work were to identify a more meaningful way to do this, we would anticipate replacing the IMD split indicator for postgraduate students and instead report on that new classification. In the meantime, we recognise that the definition of this split indicator will need careful explanation to users.
749. We have also considered the comments about split indicators based on the **ABCS** quintiles, and we agree with respondents who identified that the proposed approach would allow the construction of split indicators to take some account of the intersectionality of student characteristics and to understand the outcomes of the most disadvantaged student groups. We acknowledge the points raised by respondents that the use of ABCS as split indicators would have more value if providers understood which students are associated with each

⁹⁹ See our response to the 'Construction of the TEF indicators' section in the TEF consultation response.

ABCS quintile. We note that there are a range of relevant resources published on the OfS website, including toolkits which provide lookups of ABCS quintile membership. We also intend to improve and expand this range of resources, to provide more information about quintile membership in the event that a provider does not hold all of the information about its students necessary to use the lookups. We also note that issues of partial coverage of the factors informing the ABCS analyses have more limited availability or coverage in respect of students who attended schools outside England, and recognise that this may affect the coverage of ABCS split indicators constructed for providers in the devolved administrations. We are developing our approach to deriving ABCS quintiles to accommodate the cases in which some of the data is missing or unknown, and expect to provide details of the updated approach when we construct the final indicators.

750. We have carefully considered the comments about the perceived overlap between socio-economic characteristics and suggests that we should use only one or two of IMD, ABCS and eligibility for free school meals. While we recognise that there will be a positive correlation between some of these, we note that they each have different coverage and account for different aspects of students' backgrounds:
- a. Specifically, we consider that eligibility for free school meals represents a measure of financial disadvantage, and we note that use of NPD-linked data causes us to limit the coverage of this on undergraduate students aged under 21 on entry to higher education who attended a state-maintained school, as described at paragraph 745 above.
 - b. IMD measures are based on different facets, or domains, of deprivation including: income; employment; education, skills and training; health and disability; crime; housing and services; and living environment. They are available covering the whole of the UK (albeit they are separately defined with respect to each of the four nations of the UK) and are not limited in their applicability to different student cohorts.¹⁰⁰
 - c. ABCS quintiles result from a set of analyses which use statistical modelling to create student groups defined at an intersectional level by a combination of all of the characteristics included in the model and identifying the most disadvantaged student groups with respect to a given student outcome. The ABCS quintiles are available for UK-domiciled students on undergraduate courses.

751. We therefore consider that all three of the IMD, ABCS and eligibility for free school meals split indicators would add value through their separate consideration of different facets of socio-economic characteristics and **we have decided to proceed with their inclusion as split indicators.**

752. In relation to comments on the availability of information on **eligibility for free school meals, geography of employment** and **ABCS** prior to the consultation, we acknowledge

¹⁰⁰ There is clear and repeated advice from the ONS that combination and direct comparison between the indices is not possible: this means it is not possible to generate a single split indicator which refers to all UK-domiciled students. See page 16 of the 'Frequently asked questions' document at www.gov.uk/government/statistics/english-indices-of-deprivation-2019. More recently, some progress has been made in establishing the feasibility of combining data for England and Wales, but only across the IMD contributory domains of income and employment and only based on 2015-16 data (see www.gov.uk/government/statistics/indices-of-deprivation-2019-income-and-employment-domains-combined-for-england-and-wales).

that these are relatively newer measures. Our reports on ABCS were first published in September 2019, and our analysis of the geography of employment and earnings was published in June 2021. Similarly, data on eligibility for free school meals was reported in the access and participation data dashboards for the first time in March 2020. In each case, we initially published these as experimental statistics and invited feedback from users on the methods we had developed. We do not accept that it was unclear that any of these may play a future role in regulation: given our role as a regulator, unless otherwise stated, any measures we develop may have a role in our regulation. Furthermore, we do not agree that use as a benchmarking factor in advance of use as a split indicator would mitigate the issue raised by respondents: we take the view that this would result in less transparency and a greater burden of understanding about the nature of differences that providers observe for their students on the basis of these classifications.

753. We continue to take the view that eligibility for free school meals, geography of employment and ABCS groupings all add value to support our regulatory objectives for regulating student outcomes and access and participation, including through the account they take of intersectional student characteristics and the impact that geography has on progression outcomes. We consider that our assessment approaches, and their consideration of context for an individual provider, will mitigate the issues raised by respondents. In particular, we note that our response to the regulating student outcomes consultation confirms that our prioritisation approach, and our decisions on the scope of assessments of ongoing condition B3, may limit the number of indicators and split indicators we consider in one assessment.¹⁰¹ This is because we consider that expanding all assessments to cover all of a provider's indicators and split indicators may not be an effective use of the provider's or the OfS's resources in all cases (though it may be warranted in some cases).
754. We note that some respondents asked why we proposed to report IMD split indicators using two reporting groups, while geography of employment and ABCS would have three. We were mindful of the volume and complexity of data that results from our consultation proposals, and have generally considered binary definitions of split indicators preferable for managing risks related to the volume and sparsity, as long as these supported our regulatory objectives for protecting students from poor quality provision. We also note that our approach aims to be consistent, wherever possible, between the definition of split indicators and benchmarking groups, and that the geography of employment and ABCS classifications were proposed for use as benchmarking groups as well as split indicators. The definition of the proposed benchmarking groups has been informed by statistical modelling that – together with the policy considerations and our principles for selecting and grouping benchmarking factors – helps to identify the relevant groupings based on correlations we see in the data and informs risk-based judgements about the number of distinct benchmarking groups that the method can accommodate. As described in our response to proposal 10, final groupings of ABCS and geography of employment quintiles for benchmarking purposes will be confirmed when we decide to publish the final indicators, once the final indicators and ABCS analyses become available now that we have taken final decisions about the construction of student outcome and experience measures. Final decisions about the groupings of ABCS and

¹⁰¹ See our responses to the 'Responses relating to Proposal 5 – question 9' and 'Responses relating to Proposal 5 – question 10' sections of the regulating student outcomes consultation response.

geography of employment quintiles for split indicator purposes will be made at the same time, to facilitate a consistent approach.

Characteristics not proposed for use within regulation of student outcomes or the TEF

755. We have also considered the comments that some respondents made about other characteristics for which we did not propose to construct split indicators. We discuss these below but take the view that our proposed approach remains appropriate and reasonable and we have decided to adopt the proposed approach to constructing student characteristic split indicators for other student characteristics. While we have decided to adopt the proposed approach, we note the discussion of our shorter-term approach in response to proposal 2. As we describe there, we confirm that the access and participation data dashboard will incorporate student characteristic split indicators for other student characteristics shown in Table 3 in due course, if or when it becomes possible for that resource to include both sector- and provider-level information about these characteristics. In the shorter term, proposal 2 confirms that these characteristics will instead be incorporated into our annual publications of sector-level equality statistics.
756. We proposed that while care experience would not be included as a split indicator to inform regulation of student outcomes or the TEF, we would extend the access and participation data dashboard to report on this characteristic at sector level. We took the view that this would be necessary to avoid data disclosure in breach of the GDPR, at least until such time as sector numbers increase. In relation to the comment about the potential to extend the definition of 'care experience on 16th birthday', we note that our proposal stems from the statutory definition of a care leaver according to the Children (Leaving Care) Act 2000, which states that 'a Care Leaver is someone who has been in the care of the Local Authority for a period of 13 weeks or more spanning their 16th birthday'. It is this statutory definition that has informed HESA data definitions to date. However, we note that updated definitions will apply from 2022-23 HESA data reporting, and we intend to explore the feasibility of making use of these to define a broader 'care experience' category in the future. In the meantime, we recognise the importance of explaining the data definition clearly for users of the data.
757. We have considered the suggestion that additional split indicators be constructed to report on prior education attainment, and prior higher education experience in particular. While we recognise that this information may be of interest and value to some users, we consider that we would likely need to use data linking approaches to identify instances of prior high education experience and that this therefore adds complexity to the approach. We therefore consider that the suggestion of additional split indicators sits in tension with the more widespread views of respondents about the complexity and potential for regulatory burden associated with the volume of data created by our proposals. Furthermore, we also note that we have proposed to include entry qualifications as a benchmarking factor for student outcome measures.
758. While we also recognise the potential importance of understanding the student outcomes and experiences of forced **migrants, refugees and asylum seekers**, we note that there is currently no relevant information collected through HESA and ILR student records. Given the small numbers of such students at individual providers, we do not consider that it would be proportionate to introduce an additional data burden on the sector at this time.

Split indicators for course types

759. We welcome the support from some respondents for the proposed approach to construct split indicators on specific course types.
760. We have considered the suggestion that experimental statistics are published in order to support understanding of the outcomes that students achieve from these course types, and the profile of this provision across the sector. We note that data about the HTQ courses that students are undertaking will not become available until 2023, but anticipate that when it is available the individualised files that we give to providers would allow them to understand the indicators for courses grouped in different ways. We published an analysis of courses with an integrated foundation year in the 2019 report entitled 'Preparing for degree study' and note that the definition we proposed for such courses remains broadly consistent with the one that underpins the analysis in this report.¹⁰²
761. We have considered the comments about reporting **courses with an integrated foundation year** as split indicators and welcome the support that this proposal received. We note that respondents' comments here focused on the underlying data definitions used to identify this course type. As we explained in the consultation, we do not consider that it is possible to define this course type based only on a provider's identification of a student's year of programme as year zero. This is because year of programme information is not collected through the ILR (and there is no equivalent that could be used in its place). We recognise that the use of course title information to supplement the year of programme information in respect of HESA student records results in a slightly more complex definition. However, we consider that this is appropriate to ensure the fitness of the categorisation for our intended purposes, particularly in light of known data quality variations within reporting of the year of programme data item more generally. We consider that our approximations here are reasonable. We have therefore decided to proceed with the proposed definition of this course type split indicator.
762. We have also considered the comments about reporting course type split indicators for **higher technical qualifications (HTQs)**. We acknowledge the points that respondents have made in relation to uncertainty about how the provision of HTQs will be implemented across the sector, in terms of the number and level of courses that might be involved, and the numbers of students that might be recruited. We agree that the data definitions underpinning construction of this split indicator cannot be determined until data becomes available about the HTQ courses that students are undertaking. However, we continue to take the view that it will be important that our regulatory functions are able to identify differences in student outcomes and experiences in respect of this new provision in order to ensure a minimum level of protection for all students. We therefore confirm that we will develop proposals for the data definitions in due course, when data availability allows, and would expect to consult on these definitions prior to the implementation of an HTQ course type split indicator. Any students and HTQ courses that are recorded within HESA and ILR student data prior to any implementation of that split indicator would contribute to the **other undergraduate levels of study** course type split indicators on the basis of the level of the qualification they are studying: we note that a few respondents expressed support for these course type split indicators.

¹⁰² See www.officeforstudents.org.uk/publications/preparing-for-degree-study/.

763. We recognise that some respondents commented on the proposal that **distance learning** was not included as a course type split indicator. We note that only a small number of respondents commented on the likelihood that a clear distinction would persist between distance and blended learning, and we consider that there remains significant uncertainty about the approach to these delivery methods across the sector. In addition, we consider that suggestions that additional split indicators are included to report on distance learning courses sits in tension with the more widespread views respondents expressed about the volume of data, and burden of understanding, that results from our proposals. We therefore do not consider that it would be appropriate or proportionate to introduce this split indicator. We take the view that our assessment approaches, and their consideration of context for an individual provider, will appropriately address the points made by respondents.

Split indicators for provider partnership arrangements

764. We welcome the support from some respondents for the proposed approach to construct split indicators based on sub-categories of the different teaching arrangements, and their recognition that these are intended to reflect the sub-categories that exist for each of the provider views of student populations discussed in proposal 2. We agree with respondents who commented that these provide a helpful line of sight for understanding which types of teaching arrangements may be having most impact on the aggregate indicators calculated for the provider view overall.

765. We also agree with comments from respondents that the proposal achieves an appropriate balance of granularity for the purpose of these split indicators. We continue to take the view that it may in some circumstances be appropriate for the OfS, and for providers, to consider more granular information, based on named pairs of providers involved in a particular teaching arrangement. We agree with respondents who commented that this may be helpful for lead providers to remain aware of their partners' performance and to support improvements, and, as we described in the consultation, we would expect to construct more granular data on teaching arrangements if appropriate to support our individual assessments of condition B3.

766. We have considered the comments about the interaction between the provider views of student populations discussed in proposal 2 and these partnership arrangement split indicators. We do not agree that these are duplicates. The provider views defined in proposal 2 in some cases conflate different types of teaching arrangements (for example, the 'partnership' view aggregates students subcontracted out from the provider with those where the provider is only the validating body), whereas the split indicators are intended to enable these arrangements to be considered distinctly. We discuss our reasons for defining the provider views of student populations in a way that sometimes aggregates different teaching arrangements in our response to proposal 2. We therefore consider that the partnership arrangement split indicators add value through the further breakdown of those populations.

767. We have also considered the suggestion from some respondents that fewer subcategories of teaching arrangements are reported as the partnership arrangement split indicators. Our proposed approach resulted in binary categorisation of split indicators in each of the 'taught' and 'partnership' provider views of student populations, and a three-way categorisation for the 'taught or registered' view. When considered within the hierarchical reporting structure (within which indicators and split indicators are nested within a given provider view), this means that the relevant partnership arrangement split indicators are mutually exclusive. We

note that there is no opportunity to reduce the number of subcategories within either of the two sets of binary categorisations. In respect of the three-way categorisation used for the taught or registered provider view, we agree that it would be possible and appropriate to collapse this into a binary categorisation. Specifically, we consider that it would be possible to combine the 'taught only' (that is, subcontracted in) and the 'taught and registered' (where the same provider is registering and teaching the student themselves) subcategories to form a single 'taught' category. In our view, this would provide a split indicator category that focuses on all of the students that a provider is teaching directly, which would provide appropriate distinction from the subcontracted out student population that makes up the remainder of the taught or registered provider view. We also consider it likely that this would provide a useful resource to support the drafting of TEF submissions by both providers and students, to whom the distinction between different types of taught student populations may not be apparent or meaningful.

768. We have therefore decided that the partnership arrangement split indicators will be constructed as summarised in Table 4 below:

Table 4: Summary of partnership arrangement split indicator categories and their relevance to provider views of student populations

Split indicator category	Nature of the teaching arrangement	Provider views of student populations to which the category is relevant
Taught and registered	The provider registering the student is also teaching them directly	Taught view
Taught only	The students are subcontracted in to the provider	Taught view
Registered only	The students are subcontracted out from the provider	Taught or registered view Partnership view
Validation only	The students are neither taught nor registered by the provider, but study for an award of that provider	Partnership view
Taught	The provider is teaching the students and may or may not also be registering them	Taught or registered view

Decision

769. We have considered the points made by respondents in relation to Proposal 9 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in Proposal 9, subject to the following:

- a. To the extent that our decisions on proposal 9 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision on publication described at paragraph 11a.
- b. We have made a change to the approach described in the consultation, in that we will simplify the partnership arrangement split indicators that are included within the taught or registered student population view to a two-way split. This will show split indicators for taught students (that includes those students who are registered and taught at a provider in addition to those who are taught-only i.e. subcontracted in), and students who are registered at a provider but taught elsewhere (subcontracted out). Our reasoning for this change is set out in paragraphs 764 to 768 and covered in proposal 6 of the TEF consultation.

Proposal 10: Definition and coverage of benchmarking factors

770. Proposal 10 set out our proposed approach to benchmarking and the factors and groups that we proposed to use to benchmark each of the student outcome and experience measures. We proposed to use benchmarking in the regulation of student outcomes and the TEF, as described in their respective consultations.
771. For the purpose of calculating benchmarks, we proposed that the higher education sector within which we are making comparisons of the outcomes for similar students is made up of:
- a. For OfS-registered providers in England: all English higher education providers registered with the OfS.
 - b. For providers in the devolved administrations: all English higher education providers registered with the OfS, and all providers which are funded or regulated by one of the devolved administrations.
772. We also described that our selection and definition of benchmarking factors is key to the integrity and robustness of the benchmark values calculated and assessed, and gave our reasons for not using a studentisation approach as a mechanism to mitigate the risk of self-benchmarking.¹⁰³ We proposed that our selection and application of benchmarking factors is underpinned by a set of guiding principles, against which a range of candidate factors is considered in turn in order to identify both the credible and then the preferred factors. The principles we proposed (and have now decided to adopt) are included at Annex B.
773. In terms of the benchmarking factors we proposed to use, some of the key reasons for our approach were as follows:
- a. All factors were included based on evidence taken from the available data, which was considered in parallel with our policy objectives and considerations, in line with the proposed benchmarking principles.
 - b. ABCS quintiles were proposed for benchmarking all student outcomes measures instead of individual student characteristics, on the basis that it was not possible for us to include all the student characteristic factors without compromising the integrity of the benchmarking method and introducing widespread self-benchmarking. Associations between characteristics of students (ABCS) is an intersectional measure that, based on a model considering a range of student characteristic factors, assigns each student to a quintile according to their modelled propensity to achieve a positive outcome (for the student outcomes measure in question).¹⁰⁴

¹⁰³ Studentisation is an approach in which a given provider's benchmark is informed by sector averages calculated from all other providers' data but not its own, meaning it can potentially help mitigate risks of self-benchmarking (which can occur when sector average rates for certain groups of students and courses are heavily influenced by a single provider because those characteristics do not frequently occur among student populations in the wider sector).

¹⁰⁴ See www.officeforstudents.org.uk/data-and-analysis/associations-between-characteristics-of-students/.

- c. Where subject of study, entry qualifications and level of study were proposed as benchmarking factors across multiple measures, the groupings we proposed in relation to each of those factors could vary according to the measure in question. This was in order to make best use of the available data and to preserve the statistical integrity of the benchmarking method while taking appropriate account of the differences observed in relation to the factor and measure in question.
- d. The inclusion of geography of employment quintiles as a benchmarking factor for the progression measure would allow benchmarks to reflect a graduate's propensity to count positively for the progression measure based solely on their location.¹⁰⁵
- e. In most cases, we proposed using the same benchmarking factors for indicators constructed for apprenticeship students as for part-time students, because the potential for conducting the appropriate statistical modelling that informs benchmarking factor selections is more limited on account of the more limited spread and characteristics of apprenticeship students across the sector.
- f. We proposed to not include a range of factors for across any measure, including study location, or courses with integrated foundation years, and discussed the reasons for this in detail in our published review of the selection and grouping of benchmarking factors.¹⁰⁶

774. The benchmarking factors we proposed to use are summarised in Tables C1 to C4 at Annex C.

775. We also proposed to include benchmarking of provision for undergraduate levels of study, and described our expectation that introduction of benchmarking for postgraduate levels of study would follow in future, to inform our regulation of student outcomes. We said that we would consult before doing so on the characteristics to be taken account of.

776. While we proposed to include year of survey or qualification as a benchmarking factor for the progression and student experience measures, we did not propose to benchmark by year of entry for the continuation and completion measures. This was because the available data did not support this. We asked respondents if they had any well-evidenced arguments about effects of the coronavirus pandemic on continuation and completion outcomes that would not yet have been observable within our data.

777. We asked respondents:

- a. To what extent they agreed with the proposed definitions of the sector against which English and devolved administration providers would be benchmarked.
- b. To what extent they agreed with the benchmarking factors and groups we proposed for each of the student outcome and experience measures.

¹⁰⁵ See www.officeforstudents.org.uk/publications/a-geography-of-employment-and-earnings/.

¹⁰⁶ See www.officeforstudents.org.uk/publications/review-of-selection-and-grouping-of-benchmarking-factors/.

- c. Whether they had any comments about the methodologies used for constructing ABCS and the geography of employment quintiles.
- d. If they had any well-evidenced arguments about the effects of the COVID-19 pandemic on continuation and completion rates.

Responses relating to proposal 10

778. Most respondents were supportive that benchmarked data was available in the data produced to support the regulation of student outcomes and the TEF.

Benchmarking method

779. Most respondents were supportive of the method proposed to calculate benchmarks. Those who expressed support welcomed the transparency and rationale of the method, and agreed that it used the established approach used in HESA's UK performance indicators, and was less complex than alternative methods suggested.

780. Respondents considered that it would be important that the benchmarking methodology was transparent and well-understood by users, and some noted that they found the technical detail of the methodology difficult to follow in existing documentation. They asked for the approach to be explained more clearly in some areas, including:

- a. The providers they were benchmarked against.
- b. How sector rates were incorporated.
- c. The factors taken into account in the benchmarking method.
- d. How the intersections of factors were incorporated.

781. In addition, a few respondents expressed their support for the sector averages used to construct benchmarks being available to providers to use for their own internal analysis, reporting that this transparency was welcome. However, one respondent questioned whether the benchmarking method, and the ability for providers to reproduce their own data, created the potential to 'game' benchmarking data over time.

782. A few respondents were supportive of not using a studentisation approach to adjust the benchmarking method, for reasons including:

- a. We were already making available the contribution to benchmark percentages, which facilitates an understanding of where the self-benchmarking risk presents a material issue for a given provider and limits the effectiveness of the benchmark, so further mitigation was unnecessary.
- b. The recognition that the OfS must be willing to tolerate a small risk of self-benchmarking.
- c. Acknowledgement of the complexity and risks associated with making adjustments to the benchmarking method through the studentisation approach, and agreement that the existing approach was more transparent and less complex.

783. A small number of respondents sought further information about the OfS's risk tolerance for self-benchmarking and at what point the level of self-benchmarking would become too high for the benchmarks to be considered meaningful; one suggested that it would be useful to highlight when a provider has exceeded an absolute threshold benchmark contribution, to flag where there was an increased risk that the benchmark was invalid or misleading.

Definition of the sector for benchmarking

784. Most respondents supported the proposed definitions of the sector for benchmarking purposes. In expressing their support, some respondents believed the proposal was sensible in light of the different regulatory approaches across the UK.

785. A few respondents noted that the proposal would mean that providers in England and those in the devolved nations were not treated exactly the same. They suggested that these differences could disproportionality affect providers operating across the four UK nations and limit the ability to compare providers' performance across the four UK nations.

786. Some respondents suggested alternative options to defining the sector; some suggested that it should include all providers in scope for HESA data collection, while others suggested that providers should be compared against a competitor set of providers. One respondent argued that when using all registered providers, rather than just those with similar contexts, it would not be possible to sufficiently assess wider contextual factors or the intersectional impact of these with the selected benchmarking factors.

General approach to benchmarking factor selection

787. Most respondents considered that an appropriate balance had been struck between the number and effectiveness of benchmarking factors and their statistical robustness, and that the proposed factor selection was therefore reasonable and appropriate. However, some respondents suggested an alternative approach where a consistent set of benchmarking factors are used across all of the indicators (rather than selecting different factors for each measure as proposed), and one respondent questioned the rationale for the same factors being used to benchmark part-time and apprenticeship students, given the OfS proposal to report this provision separately.

788. Some respondents suggested an annual or scheduled independent review of the benchmarking. Some respondents made the point that providers should not be held responsible for external factors beyond their control which could affect student outcomes, such as Brexit, the war in Ukraine and the rising cost of living. We understand their concern to be that these factors could affect some providers disproportionately, but this may not be accounted for within our benchmarking approach.

Responses related to specific benchmarking factors

789. Many respondents expressed support for the proposed benchmarking factors and groups without commenting on individual benchmarking factors. Where specific comments were made these are summarised below.

Student characteristics and 'Associations Between Characteristics of Students' (ABCS)

790. Many respondents supported the proposal to use ABCS as a benchmarking factor for student outcome measures, rather than using individual student characteristics or measures of disadvantage. Some respondents recognised that its use would achieve an appropriate

balance between the statistical integrity of the benchmarking method and taking appropriate account of student characteristic factors that have material effects on the student outcomes we are measuring, and also considered it advantageous that it would enable a more nuanced consideration of intersectionality.

791. Some respondents were concerned about using ABCS as they suggested it was a relatively new concept to the sector, was still being developed and was available only for the continuation measure at the time of the consultation. One respondent commented that by benchmarking by any student characteristic or ABCS we could be effectively controlling for disadvantage, thereby conflicting with the OfS's objective that all students 'should have the same experience' regardless of their background.
792. Some respondents commented on the proposal to not incorporate individual student characteristics as a benchmarking factor for student outcome measures, including that:
- a. These characteristics had a direct impact on outcomes; one respondent suggested it may be incoherent to use individual student characteristics as factors for the student experience measures but not the student outcomes measures, given that they must affect both outcomes and experience.
 - b. The impact on some student groups, particularly underrepresented groups, had been exacerbated by the pandemic, and because these student characteristics were not proposed as benchmarking factors, the respondent considered that the benchmarks would fail to take appropriate account of this external influence over their outcomes and experiences.
 - c. It could disadvantage providers with a more diverse student population. The respondent did not expand on this comment, but we understand it to refer to their expectation that, if a provider's students often have characteristics that have historically correlated with weaker student outcomes, the provider's benchmarks could be less meaningful when those student characteristics are not explicitly accounted for as benchmarking factors.
793. One respondent sought further information about the proposed approach to including sex as a benchmarking factor for the student experience measures between different modes of study.
794. Further comments about the methodology used to calculate the ABCS quintiles were also made, and these are discussed in that section below.

Subject of study

795. While many respondents welcomed the use of subject of study as a benchmarking factor across all measures, and noted its key role in influencing some student outcomes, some respondents noted that subjects were grouped differently across the different measures. We understand their point to be that it would be easier for users to understand the nature of comparisons being made through benchmarking if the benchmarking groupings were consistent across all measures. In addition, a small number of respondents suggested that some providers' subject coding can sometimes lead to subject groupings that were not coherent or did not make practical sense, which they considered can reduce the relevance of the benchmark in some cases.

796. A small number of respondents made alternative suggestions to the proposed subject grouping including:
- a. That vocational subjects should be benchmarked separately, particularly for progression measures where outcomes from these subjects may not be classified as positive in OfS measures. We understand their point to be that within some subject groupings there are vocational subjects being compared with non-vocational subjects through benchmarking.
 - b. The principle applied to ABCS and geography of employment grouping should be applied to subject grouping so that it uses modelling to group CAH3 areas into quantiles, based on observed rates and distinct subject groups, to reduce the risk of self-benchmarking.

Entry qualifications

797. Some respondents expressed their support for our proposals to use qualifications on entry as a benchmarking factor for student outcome measures because it was important to recognise the different starting points of students when considering their outcomes.
798. One respondent suggested that the approach to grouping entry qualifications could disproportionately affect providers with large proportions of students from the devolved nations or international students, which are large groups where students could have varying outcomes. They suggested that this could reduce the relevance of the benchmark.
799. Some respondents suggested that, across all measures, benchmarks should account for students on courses with an integrated foundation year. Their view was that benchmarking only by entry qualifications was not sufficient to differentiate the performance for these students, which could reduce the relevance of the benchmark.

Level of study

800. A point was made by one respondent in relation to the proposed approach to grouping students according to their qualification aim, rather than qualification awarded, for the purposes of benchmarking the progression measure by level of study. They considered that this combined the performance of students who qualified with the same award as originally aimed, with those who qualified with a lower award, and as the outcomes would not be comparable this would reduce the relevance of the benchmark.

Year

801. Some respondents expressed support for our proposal to include the year of survey and year of qualification as a benchmarking factor for student experience and progression measures, agreeing with our rationale that there could be differential impact of the pandemic across student cohorts. Further comments on the impact of the pandemic on our indicators are covered in that section below.

Geography of employment quintiles

802. Many respondents expressed their support for our proposals to incorporate geography as a benchmarking factor for the progression measure because of the impact of geographical area on graduate opportunities. However, some respondents considered that the factor itself would not fully articulate the underlying impact of geography on outcomes and how providers contribute to local growth, social mobility and local provision.

803. Further comments about the methodology used to calculate the geography of employment quintiles were raised and are covered in that section below.

Course length

804. A small number of respondents commented on the proposed use of course length as a benchmarking factor for part-time courses, describing that using a binary split, of less than one year or otherwise, is insufficient given the range of course lengths across the sector for part-time provision. One gave an example that the proposed approach would lead to the comparison of two-year courses with six-year courses.

Location of study

805. Some respondents suggested that benchmarks for student experience measures should account for students' location of study. They described that there could be a differential impact on student experience based on the locations of students (and which campus they are taught at) and a difference of experience for commuting students, particularly in London.

Benchmarking for postgraduate students

806. Respondents welcomed further exploration of benchmarking at postgraduate level in the future and supported the proposal to consult on the approach. It was also suggested that any benchmarking for postgraduate courses would greatly help providers to understand this data.

807. Some respondents thought that the absence of benchmarked data for postgraduate students could limit insight into contextual performance and hamper an informed assessment of this provision for providers and the OfS.

Comments on the ABCS, and geography of employment, methodologies

808. In response to our request for comments on the methodologies used to calculate ABCS and geography of employment quintiles (which we proposed to use to benchmark all student outcomes measures and the progression measure, respectively), many respondents welcomed the use of these quintiles and believed them to be both important and useful measures. Respondents commented that they thought:

- a. ABCS quintiles provide a robust way to capture the intersectionality of student characteristics.
- b. Geography of employment quintiles allow us to account for variation in graduate progression outcomes across different parts of the country.

809. Some respondents suggested they would need more time, information, and further dialogue with the OfS to understand the proposed methodologies.

810. One respondent suggested that, for both ABCS and the geography of employment quintiles, there was an overlap between the data being used to construct the quintiles and the data being used to construct benchmarks. They suggested that, in an extreme case, this could mean that the benchmark is affected by the quintile-based measures even if those measures have not influenced the outcomes measured by the indicators.

Specific comments relating to ABCS

811. Some respondents made specific points about the use and interpretation of the ABCS quintiles, including that:

- a. Different factors were used to construct ABCS across measures and modes of study, which they thought added complexity. For example, the factors used to construct ABCS quintiles for full-time continuation are different to those for part-time continuation.
- b. ABCS quintiles were not considered as intuitive as other measures of disadvantage, such as postcode measures. Some respondents requested further information about how the ABCS measure interacts with other existing measures of disadvantage such as TUNDRA and IMD.
- c. Providers may be unable to recreate the measures, given that data on some factors, such as free school meals eligibility, may not be available to providers. Some commented that they may be unable to determine which ABCS quintiles a student will be in at the point of admission (when some detailed information about students may be unavailable) and this could limit providers' ability to target disadvantaged groups.
- d. ABCS may give only limited information to providers on understanding the individual characteristics that influence a student's assignment to a particular quintile. Points were made that suggested this could discourage providers from tackling the true causes of underrepresentation in higher education because contributing factors were being masked.
- e. ABCS measures were being updated more frequently than they would like and they considered that this would make it more difficult for them to be meaningfully used. Respondents thought that these frequent updates could mean that students are assigned to different quintiles on each update and the identification of any targeted support is affected over time and could undermine relationships with schools, colleges, and other community stakeholders. Some respondents sought further information about the long-term timing of updates.
- f. There was a differential approach in constructing ABCS between students recruited from England and those students recruited from within the devolved administrations, due to the data available on student characteristics (for example eligibility for free school meals). It was thought that this could affect the validity of the benchmark for providers that recruit large numbers of students from the devolved administrations.

812. Some respondents voiced support for the statistical method used for ABCS, describing it as a powerful and well-suited technique for the intended purpose, but a few respondents commented that:

- a. Only two-way interactions were included in the underlying model and therefore more complex forms of intersectional disadvantage could be overlooked.
- b. Some factors, particularly those that are socio-economic or area-based, are highly correlated with each other, which respondents suggested could lead to some types of disadvantage being more heavily weighted than others and could overinfluence how quintiles are derived.

813. Some respondents commented on specific factors used to construct the ABCS measures:
- a. Some respondents questioned the inclusion of socio-economic background and parental experience as factors because they considered the data was unreliable.¹⁰⁷
 - b. One respondent supported the inclusion of local and distance learners as factors, but suggested that in some cases there are interactions with these factors which are made up of students primarily from a single provider. This could mean that provider's student outcomes exert a disproportionate influence over the quintiles that are derived.
814. Two respondents considered that this consultation was not appropriate to assess the suitability of the methodology to construct ABCS quintiles and that it had not previously been clear that the OfS intended to use ABCS quintiles in its regulation.

Specific comments relating to the geography of employment methodology

815. For the proposals about the use of geography of employment quintiles, some respondents commented on the underlying areas used for the measure. Some took the view that the travel to work areas (TTWAs) based on the 2011 census were outdated and unreflective of current commuter patterns, particularly following the pandemic. Some suggested that the size of TTWAs was not appropriate for large areas such as London and suggested that smaller areas such as middle-layer super output areas would better capture the variation within the TTWAs.¹⁰⁸
816. One respondent sought further information about the methodology for identifying a student's taught location, noting that students may be registered at a provider but taught away from the main campus and that this should be captured by the methodology.
817. Other points raised included that:
- a. By reporting rates for each quintile this could work against the government policy of levelling-up employment opportunities across the country. The respondent making this argument did not give any further justification, but they may have meant that it could dissuade graduates from moving to certain areas deemed as not having sufficient graduate opportunities.
 - b. The geography of employment quintiles should be available by year of qualification to understand any regional effects in employment patterns, particularly following the pandemic given that some areas are likely to have been affected differently to others.

¹⁰⁷ Socio-economic background is classified on the basis of the National Statistics socio-economic classification (NS-SEC).

¹⁰⁸ Middle-layer super output areas are a higher level of geographical area for census statistics. For further information see <https://www.ons.gov.uk/methodology/geography/ukgeographies/censusgeographies/2011censusgeographies/#middle-layer-super-output-areas-msoas>.

Impact of the COVID-19 pandemic on our indicators

818. Some respondents welcomed our recognition that the coronavirus pandemic has had a varied impact on the proposed indicators and that this is likely to continue onto future cohorts.
819. Respondents also welcomed our intention to keep the impact of the pandemic under review and suggested that this should be carried out over a longitudinal period alongside other higher education representative bodies. Ideas for consideration included the impact of delayed exam boards on continuation and completion rates and the differential impact on international students who may have had to continue studying abroad. Some suggested external evidence sources that should be considered to understand the impact of the pandemic on the student population. These included the UPP Foundation Student Futures Commission and the COVID Decade report by the British Academy, the Resolution Foundation and the Institute for Fiscal Studies. One respondent suggested that the OfS could conduct analysis of data relating to short courses at Levels 4 and 5, as it could provide useful and timely evidence on the impact on continuation and completion rates.
820. Respondents described that despite various mitigations in place during the pandemic, such as remote working and online learning, the impact of the pandemic was not yet fully understood. They suggested this was especially true for rates of continuation and completion, with further years of data being required before the full impact could be assessed.
821. We received a range of comments about the differential impact of the pandemic and examples of the types of students likely to be most affected, including that:
- a. It would likely affect students from disadvantaged backgrounds to a greater extent, with some respondents highlighting students from disadvantaged areas (or areas of lower socio-economic opportunity with less access to education), students from low income families (with less access to technology), students with disabilities and students with caring responsibilities (or home schooling children).
 - b. It may affect some providers more than others, due to their location, size, subject offering and mixture of students.
 - c. Some subject areas would have been affected more than others by a lack of access to work experience opportunities, such as in health and social care courses.
 - d. The higher grades awarded by Ofqual, any delays of exam board decisions, de-registration, no detriment policies, and assessment deferrals could all have an impact on outcomes.
 - e. Although quantitative data is not yet available, qualitative data suggested that wellbeing and mental health issues remain prevalent, meaning that students may be working harder to achieve equivalent outcomes to previous cohorts.
822. One respondent described that during the pandemic there would have been an unusually large number of students who were returned with a reason for leaving of 'results not yet known' where extensions were granted to assessments, and were seeking further information about how these were being considered in the continuation (and cohort-tracking

completion) indicators. They suggested that this reason for leaving should prevent a student with an end date but (as yet) no qualification from being flagged as a negative outcome for continuation (or cohort tracking completion).

823. Some respondents made comments about the impact of the pandemic on the progression and student experience measures which have been grouped into proposals 7 and 8 respectively.

OfS response

Benchmarking approach

824. We welcome the broad support for the use of benchmarking to consider context in the regulation of student outcomes and the TEF and we have decided to adopt the benchmarking approach described in the consultation. In particular we note the comments made by respondents that the approach adopted was familiar and that this served to reduce burden.
825. We note that despite the familiarity of the method there remained a number of questions about how the approach would work in practice, including how it accounts for the interactions between factors. We will review our descriptions in order to improve the explanations of the areas raised by respondents. In particular we will make it clear that the approach fully accounts for all interactions between benchmarking factors.
826. We have considered the comments suggesting the adoption of a studentisation approach to avoid the risks of self-benchmarking. We consider that the approach that we are taking in respect to the inclusion of benchmarking factors significantly mitigates the risk of self-benchmarking. Studentisation also creates issues where there are no or very few comparator students outside of the provider. We also consider that adoption of a studentisation approach would significantly increase the complexity of the approach and reduce transparency. Adopting the proposed approach means that it is possible for us to publish the benchmarking factors for each combination of factors (subject to final decisions) which will aid understanding of the method. We will not therefore include studentisation in our benchmarks.
827. We recognise that by being transparent about our approaches, including to benchmarking, we create a risk that providers may attempt to 'game' their data. We consider the risk of this to be small given the prescriptive nature of most of the data fields and the requirements of conditions of registration F3 and F4 that data is accurate. We do not consider that it would be proportionate to reduce transparency in order to further reduce this risk.
828. In response to requests that we flag high levels of self-benchmarking, or set an explicit tolerance, we do not intend to adopt this approach. Adopting a flagging method or a hard tolerance would create artificial edge effects that would not fully take context into account. For example, we may place less weight on a provider being close to its benchmark if its contribution to the benchmark value is high; conversely, where a provider is a long way from its benchmark despite having a high contribution to it, this indicates that the factors included in benchmarking provide very little context about the provider's performance.

Definition of sector

829. Respondents commented that adopting different definitions of the sector depending on the location of a provider could lead to differential treatment of providers. While we recognise that this risk exists, we take the view that it would not be appropriate for the performance of providers outside of England to affect our regulatory judgements about providers within England due to the different regulatory contexts. We also note the comments made throughout our consultation in support of consistent indicators and benchmarks across our functions. We therefore conclude that we should use the same benchmarks across the regulation of student outcomes and TEF and accept that this leads to a difference in the benchmarks for the devolved administrations.
830. We have considered the suggestion that we should only benchmark within a defined competitor set of providers. The providers that we regulate are diverse and do not neatly partition into competitor sets although we accept that sometimes grouping providers can be helpful. We also note that even where providers choose to compare between themselves, they will often do this at school or department level reflecting the competitor set for each school or department. We consider that the approach to benchmarking that we are adopting reflects the diversity between and within providers without creating what could be arbitrary groupings of providers.

Benchmarking factors

831. **We have decided to adopt the principles for selecting and grouping benchmarking factors** which we proposed in the consultation and have included at Annex B. We confirm that these principles will govern our future decisions about benchmarking.
832. We have also decided to prioritise the inclusion of ABCS as a benchmarking factor. We welcome the support that this proposal received from respondents, and their recognition that, as an intersectional measure of student characteristics, its use achieves an appropriate balance between the statistical integrity of the benchmarking method and taking appropriate account of student characteristic factors that have material effects on the student outcomes we are measuring. We are therefore minded to include ABCS within the benchmarks for continuation, completion and progression measures.
833. We are also minded to proceed with the remainder of our proposed benchmarking factors with no change, although we are not at this point taking final decisions. Now we have taken final decisions about the construction of student outcome and experience measures (including the adoption of principles for benchmarking factors, and the prioritisation of ABCS as a benchmarking factor), we intend to construct the final indicators, and the ABCS analyses related to the completion and progression stages of the student lifecycle (which rely on the definition of the completion and progression measures). It is only once these resources become available that we can assess whether the factors and groupings we proposed for the completion and progression measures continue to maintain the statistical integrity of the benchmarking approach.
834. In particular, we will need to assure ourselves that the number of unique benchmarking groups does not become so large that the potential for self-benchmarking increases to unmanageable levels, at which point the calculated benchmarks would become ineffective. In the event that inclusion of ABCS groups were to compromise the integrity of the

benchmarking method, we consider that it would be necessary for us to reconsider the groupings we had proposed for each of the factors, in line with our benchmarking principles, and seek to reduce the granularity of some factors in order to maintain acceptable levels of self-benchmarking. We therefore intend to confirm the final benchmarking factors and groupings in autumn 2022.

835. Prior to taking final decisions about the benchmarking factors, we will consider the comments from respondents regarding all of the factors mentioned, such as subject, entry qualifications and level of study – we confirm that these will inform our final decisions. We respond here to the substantive points raised insofar as they relate to our principles for selecting and grouping benchmarking factors, or to the use of ABCS as a benchmarking factor.

Principles for selecting and grouping benchmarking factors

836. We have noted the tension in responses between those who support consistency and longevity in our methods and those who support an annual review of benchmarking factors. Our view remains that the factors included within the benchmarks should reflect persistent differences in the outcomes for different student groups. Annual reviews of benchmarking factors would introduce additional variability and complexity into our assessment of outcomes. We therefore do not intend to update the selection of benchmarking factors used each year. For the avoidance of doubt, we confirm that the benchmarks associated with individual providers' indicators and split indicators will however be recalculated each year, to reflect changing performance in the sector. We further consider that should we decide to proceed with the proposed inclusion of 'year' as a factor for several of our measures, this will address, to the extent necessary, any year-on-year changes in the outcomes for specific student groups.

837. We have considered the suggestion that we should use a consistent set of benchmarking factors across all of our indicators. We recognise that this could reduce complexity and aid understanding. However, such an approach would undermine the statistical integrity of the indicators as we would inevitably introduce some extraneous factors into the benchmarking of some indicators, such as geography of employment quintiles for continuation indicators. We would also need to further compromise on the number and granularity of some factors in order to ensure there are not very high levels of self-benchmarking. We have therefore decided that we should adopt the proposed approach of selecting benchmarking factors for each indicator separately. Notwithstanding this general approach, we will seek to ensure that where a factor is included in benchmarking that it is done so consistently where possible noting that for some factors, such as subject, this is not always possible.

838. We have considered the points made by respondents concerning the use of the same benchmarking factors for part-time and apprenticeship students. We recognise that these are different modes of study and that there may be a case for using different factors. However, we note that currently the numbers of students contributing to the apprenticeship mode is small, meaning that it is not possible to determine the most appropriate factors using the same approach as we have in other modes. The small number of students also means that we need to limit the number of factors used to avoid the risk of self-benchmarking. We therefore consider that using the more limited set of factors used in benchmarking part-time provision is the most appropriate approach for apprenticeships.

839. We agree with respondents who noted that our proposed approach to benchmarking and the selection of factors will not always account for all issues that may be outside of a provider's control. Benchmarking is only one way in which we intend to take context into account in our regulation of student outcomes and the TEF. We would expect to consider a wide range of context within the wider processes, much of which cannot be captured systematically within the data. We do however note that should we decide to proceed with the proposed inclusion of 'year' within some of the benchmarks, this will mitigate some external factors where these apply broadly across providers. We also note that our approach to setting numerical thresholds means that we would not set any of these close to 100 per cent, in part to allow for some negative outcomes that may be outside of a provider's control.

Use of ABCS as a benchmarking factor

840. We welcome the support for inclusion of ABCS within benchmarking. We recognise that these measures are relatively new and in some cases are still being developed. However, we note that the underlying methodology was supported and viewed as robust by some respondents. As we continue to develop ABCS, we aim to improve understanding of the method through improved documentation. We would particularly welcome feedback from users on areas of the documentation that they found harder to follow.

841. We have noted the points that benchmarking by any student characteristic or ABCS could mean that we were effectively controlling for disadvantage. We note that statistical modelling, both in our development of ABCS and through the review of the benchmarking factors, has shown that a range of individual student characteristics demonstrate material effects on the student outcomes we are measuring. Our policy approach seeks to ensure the coherence of our regulation of quality and access and participation. We consider that including student characteristics as benchmarking factors remains appropriate for the specific purposes we consulted on:

- a. We proposed in the regulating student outcomes consultation that our approach to assessing compliance with condition B3 would include consideration of evidence of a provider's performance in relation to benchmark values (where these are available) when assessing the context in which it is operating.
- b. We consider that, for the purpose of the TEF, accounting for the characteristics of a provider's students and the type of courses it offers through benchmarking remains the most effective way of assessing excellence above our minimum requirements.

842. Some respondents expressed the view that some of the underlying data used in construction of the ABCS was unreliable. We have developed a framework for assessing the quality of fields. We have applied this framework to all of the fields used in the construction of the ABCS that are drawn from provider records to assure ourselves that they are robust.

843. We have considered whether we should create year-specific ABCS in order to allow for differential impacts of the pandemic on different student groups. We note that where there is a significant year-on-year variation in outcomes we have already included 'year' within the benchmarking factors. This means that where the performance of a quintile has changed over years this will be reflected in the benchmarks, although it will not account for year-on-year variations within each quintile. We are of the view that changing the benchmarking factors each year is not consistent with increasing transparency and reducing complexity. We

take the view that, should we decide to proceed with the proposed inclusion of year within some of the benchmarks, the interaction between year and ABCS quintiles would be accounted for through those benchmarking calculations. We therefore consider that it would not be appropriate or proportionate to include the additional complexity of reviewing the quintiles annually.

Benchmarking postgraduate students

844. We welcome the support for the future implementation of benchmarking for postgraduate study as a structured way to account for context. Given the widespread support, we are committed to developing and consulting on benchmarks in the future. In particular we will want to develop measures to understand students' disadvantage.

845. While recognising the value of benchmarking in supporting taking context in to account, we do not consider that the absence of benchmarking undermines our approach. We will consider context throughout our assessments and providers will be able to submit information which includes context at various stages of the process.

ABCS, and geography of employment, methodologies

846. We understand that the ABCS methodology and geography of employment quintiles are relatively new measures. Despite this, the responses we received reassured us that respondents understood the approach and were able to engage with it.

847. We have considered the points made by one respondent that the lack of provider effects in the model which generates the ABCS and geography of employment quintiles could lead to these in turn being influenced by provider performance. We agree that this is a possibility where certain characteristics are concentrated in a small number of providers. However, we would expect any such impact to be small and will serve to move providers closer to their benchmark and therefore consider it reasonable to use ABCS as part of benchmarking.

ABCS methodology

848. Some respondents favoured using a consistent set of demographics to determine the ABCS quintiles as they considered that this would be easier to understand. While we accept that this would make ABCS conceptually easier to understand, it would undermine the statistical models that underpin them; it would mean including factors which have little or no correlation with the outcome being considered. We therefore remain of the view that we should tailor the ABCS for each measure according to the factors associated with positive outcomes.

849. While recognising the points made by respondents that ABCS as an intersectional measure is less intuitive and easy to understand than univariate measures such as POLAR or free school meals, we do not accept that this makes it unsuitable for use in benchmarking. Indeed, one of the advantages of using ABCS is that it allows us to capture complex intersectional performance in a single variable which can help preserve the statistical integrity of the benchmarks.

850. We recognise that providers are not able to determine which ABCS quintiles students fall in to as they do not have access to all of the variables used in their construction and this may affect a provider's ability to target students. While we understand that providers may wish to target action at groups of students who may have worse outcomes, we do not consider this to be essential: we consider it reasonable for providers to take more wide ranging activities to

improve student outcomes based on the demographic information to which they have access.

851. We note the points made by respondents that the ABCS quintiles may give only limited information to providers on understanding the individual characteristics that influence a student's assignment to a particular quintile. While we recognise that our indicators, and the individualised data that we give to providers, are useful in helping them understand their performance we do not consider this to be their primary purpose. Therefore, we do not consider the possibility that ABCS may not enhance a provider's own understanding as a reason not to use it as part of benchmarking. We do however note that providers will be able to see how performance correlates with many of the underlying variables that inform ABCS through the individualised files we provide. We also note the resources we have published in relation to the ABCS methodology, including results of the statistical modelling that has informed the construction of the quintiles, and lookup tables identifying how individual characteristics combine in the formulation of those quintiles.
852. We note the point made by respondents that ABCS measures have been updated frequently since they were first published which makes it more difficult for them to be meaningfully used by providers. As experimental statistics, these were initially updated frequently because they were statistics undergoing development. We would expect to reduce the frequency of updates once they are developed.
853. For the differential approach in constructing ABCS between students recruited from England to those students recruited from within the devolved administrations, we have considered whether we should restrict the factors included in ABCS to those which are available for the devolved administrations, to avoid the quintiles being constructed differently for each nation. While we recognise the value of complete alignment, we take the view that we should use the best information available to inform our regulatory judgements about providers in England. We therefore conclude that to remove important factors from the ABCS classification in England because they are not available in the devolved administrations would not be appropriate.
854. In response to the feedback we did receive on our approach, we have considered whether including higher level interactions in our models is likely to significantly improve them. Our view is that this is unlikely to significantly improve the models and could adversely affect their stability. We therefore conclude that two-way interactions are sufficient. We accept that some of the factors included in the ABCS may correlate with each other but do not accept that this gives them undue weight in determining the quintiles, because the net effect will be to apportion weight between the variables.
855. We have considered comments about the reliability of the characteristics of socio-economic background and parental experience. These have been assessed using the OfS data quality framework, which we consider provides sufficient assurance that they can support our proposed uses, including within the ABCS modelling.¹⁰⁹

¹⁰⁹ The OfS data quality framework (see www.officeforstudents.org.uk/publications/differences-in-student-outcomes-further-characteristics/) helps identify the point at which more recently introduced data items cease to suffer from significant issues of disclosure or comprehensive coverage and become useable for OfS analysis.

856. In response to the observation made that the inclusion of distance learning could lead to a single provider affecting the classification of student groups in ABCS quintiles, we recognise that this may happen to some extent. However, on balance, we consider it important that efforts to identify the most disadvantaged groups through the ABCS intersectional approach can take account of the distinctive nature of distance learning within part-time provision.

857. We agree with respondents that a consultation is not an appropriate vehicle to assess detailed statistical models, and this was not our intention. We have already undertaken our own evaluation of the methods and sought feedback on them as part of earlier publication: the ABCS analyses were first published in September 2019. Our intention in asking question 35 was to elicit any additional feedback.

858. We do not accept that it was unclear that ABCS may play a future role in regulation. Given our role as a regulator, unless otherwise stated, any measures we develop may have a role in our regulation.

Geography of employment quintiles methodology

859. We note the views expressed by some respondents that alternative geographies could have been used to determine the employment quintiles and that travel to work areas are less used than some other geographies. In our initial research which developed this approach we set out the rationale for selecting travel to work areas as the appropriate geography.¹¹⁰ We consider that alternative geographies would equally contain compromises as these are determined based on other factors which are not related to employment. We recognise that the patterns of commuting have been affected by the pandemic such that patterns of where people work and live may have changed. However, given the recent prevalence of home working, we consider it likely that this will lead to larger travel to work areas with lower variation between them, meaning that the use of the 2011 travel to work areas remains reasonable.

860. We recognise that for large providers there is a risk that the outcomes for an area may be largely driven by the behaviour of their students, leading to a form of self-benchmarking. Our choice of travel to work areas deliberately sought to mitigate the risk that a single provider determined the quintile for an area. Given our choice of geography we would expect any such impact to be small and will serve to move providers closer to their benchmark: we therefore consider it reasonable to use geography of employment as part of benchmarking.

861. In response to the request for further information about how students' taught location contributes to the graduate employment quintiles, we note that the methodology for assigning a student's location for the geography of employment quintiles is described in our report on geography of employment and earnings.¹¹¹ We can confirm that the following steps are carried out for each graduate to assign the most appropriate travel to work area (TTWA). They are ordered from the closest match to the least likely match, and the best match is chosen:

¹¹⁰ See paragraphs 14 to 18 of https://www.officeforstudents.org.uk/media/f200fd3a-c1b7-4806-8605-6d46bd0e2de0/geography_employment_earnings_experimental_statistics_finalforweb.pdf.

¹¹¹ See Annex C for the method for assigning respondents to the Graduate Outcomes survey to the most appropriate travel to work area (TTWA) at www.officeforstudents.org.uk/publications/a-geography-of-employment-and-earnings/.

- a. **Main location is abroad.** The graduate has reported that their main activity for the year was abroad.
- b. **Direct match on town/city.** The graduate recorded their workplace town or city, and this is one of those listed in the TTWA name. For example, the graduate records their employment city as 'Clifton, Bristol', and because it contains 'Bristol' they are assigned to the Bristol TTWA.
- c. **Partial postcode match.** In cases where full or partial employment postcode was recorded, the first part of the postcode is used to assign a TTWA. If the partial postcode matched more than one TTWA, it is assigned to the one with the strongest supporting evidence (see below for an explanation of the supporting evidence).
- d. **Implied study postcode match.** If a graduate reports that they are studying at a provider in the UK, we assign them a TTWA based on the most common location for all students at that provider. If there is more than one common TTWA for students at the provider, the one with the strongest evidence is used.
- e. **Lower evidence matches.** If there is no strong evidence for any of the above matches, we accept weaker evidence to assign the graduate based on steps (c) and (d) from above. See the paragraph below for more information
- f. **Prior home postcode.** If none of the above steps have assigned a TTWA to the graduate, we assign them a TTWA based on the permanent home address recorded in our student data for their previous course.

The strength of the evidence to assign a graduate to a TTWA in parts (c), (d) and (e) is determined by its proximity to other TTWAs we know the graduate has a link to, and also a measure of how common it is for graduates to be in that TTWA.

- First, we check if it matches other TTWAs linked to the graduate. For instance, if a graduate is matched to two different TTWAs using their partial postcode (c above), we check if either of them is the same TTWA as their implied study TTWA (d above) or the graduate's previous home TTWA (f above). If so, we assign them to the matching TTWA.
- If the TTWA does not match other TTWAs, we instead check whether it was close to those other TTWAs, using 15 miles as the definition of 'close'.
- After that, we see which TTWA was more common for similar graduates. For instance, looking at TTWAs matched on partial postcode (c above), we consider which TTWA had more graduates with the same partial postcode.

862. In relation to points about the Government's levelling-up agenda, we do not consider that the inclusion of geography of employment quintiles as a benchmarking factor, or the publication of the geography of employment research, is likely to have a material effect on student behaviour as we are not promoting these quintiles to students. Given the current regional disparities in the labour market, and the fact that providers may not be able to fully mitigate

these, we consider it appropriate to include this factor. If disparities in the labour market reduce, the case for including this factor would similarly reduce.

863. In response to the suggestion that we should recalculate quintiles each year to reflect the year of graduation, we do not consider this to be necessary. The graduate employment quintiles are designed to reflect longstanding patterns in the labour markets and updating the quintiles each year would undermine their reliability.

Impact of pandemic

864. We have already proposed to include 'year' as a factor in a number of the benchmarks in order to account for the overall impact of the pandemic. Respondents raised the possibility that the pandemic may have affected different student groups or subjects differentially. Should we decide to proceed with the proposed inclusion of 'year' as a benchmarking factor in some of the measures, benchmarking will account for any differential effects as it will effectively include interactions of the variable and the year. We have committed to continuing to assess any likely pandemic effects on continuation and completion and will introduce a year factor to benchmarking if we observe material effects.
865. We recognise that accounting for 'year' in benchmarking may not account for all the impact of the pandemic, including where providers mitigated its impact in different ways. For example, where providers took different approaches to extensions to assessment deadlines for students – which may have led to unusually large number of students being returned in the data with a reason for leaving of 'results not yet known' – these are treated negatively in continuation and cohort tracking. Benchmarking is only one of the methods we use to take account of context. In particular, a provider will be given the opportunity at various stage of the assessment process to provide additional contextual information.
866. We received similar comments on the possible impact of delayed assessments in response to proposals 5 and 6 and we have responded to them there. However, we note that where patterns are common across the sector and correlated with factors included in benchmarking they will be reflected in providers' benchmarks.

Decision

867. We have considered the points made by respondents in relation to proposal 10 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in proposal 10. However, while we are minded to proceed with our proposed benchmarking factors with no change, we are not at this point taking final decisions. These decisions will be taken once the final indicators and ABCS analyses become available. Further explanation of the rationale for this is provided in paragraphs 831 to 835.

Proposal 11: Presentation of student outcome and experience data indicators and approach to statistical uncertainty

868. Proposal 11 set out our approach to presenting student outcome and experience data indicators, the approach to statistical uncertainty, and the criteria for rounding and suppressing the data.
869. In the consultation, we described that when presenting student outcome and experience indicators to inform our regulation of student outcomes and the TEF, we had chosen to use 'shaded bars' to represent the statistical uncertainty associated with observed values. To facilitate consistent interpretations of statistical uncertainty, we summarised the proportion of the distribution represented by the shaded bar that falls above or below those thresholds defined for use in our regulation. Providers were given access to data dashboards that allowed them to understand the practical impact of this approach for their own provider.
870. We also described a set of criteria in which the indicators would be rounded and suppressed. Those criteria were:
- a. Denominators are rounded to the nearest 10.
 - b. Indicators and their confidence intervals are rounded to the nearest 1 decimal place.
 - c. Data will be suppressed and removed from publication if the denominator for the indicator refers to fewer than 23 students.
 - d. For indicators produced from survey data, data will be suppressed if the required response rate for the indicator is not met.
 - e. Data will also be suppressed for data protection reasons.
 - f. The benchmarking data will be suppressed where at least 50 per cent of students have unknown information reported for them in the factors used for that benchmark calculation.
871. We described that data will be suppressed for data protection reasons if the indicator has a numerator of fewer than three students, or the numerator differs from the denominator by fewer than three students, on the basis that to do otherwise risks disclosing information on student outcomes and experiences for individual students within the cohort. In defining the approach, we recognised that these cases would refer to indicator values that identify the very lowest and very highest performance possible (an indicator value close to 0 per cent or 100 per cent). We described that these would be labelled in the data but all information apart from the denominator, response rate and benchmark would be suppressed. This includes suppressing the shaded bar. To differentiate this, we described two alternate labels:
- a. 'DPL' will identify cases where the data protection is needed on account of a numerator of fewer than three students, meaning that the indicator will take on a value close to 0 per cent.

- b. 'DPH' will identify cases where the data protection is needed on account of a numerator differing from the denominator by fewer than three students, meaning that the indicator will take on a value close to 100 per cent.

872. We described an approach where we would apply secondary suppression for split indicators which report on students who were or were not eligible for free school meals, due to the sensitivity of this information at an individual student level.

873. We asked respondents to comment on:

- a. Any opportunities and challenges that resulted from our presentation of the student outcomes and experiences indicators, and on the effectiveness of the guidance we provided for users of our data dashboards.
- b. Any 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.

Responses related to proposal 11

Presentation of indicators and the approach to statistical uncertainty

874. Many respondents were supportive of the approach we had taken to present the student outcome and experience measures and how we had explained the approach to presenting indicators alongside statistical uncertainty, particularly for users that are data literate. Many were also supportive of the approach to present indicators alongside statistical uncertainty in a way that supports a more nuanced approach to understanding performance. Reasons given included that it would improve the interpretation of outcomes for varying cohort sizes, particularly for small cohorts, and its improvement compared with previous approaches which used flags which created 'cliff-edge' effects. Some respondents expressed their support for how the OfS had responded to the statistical issues raised in the independent review of the TEF.

Interpretation of the data dashboards

875. In response to this proposal, many respondents repeated points they had made in responses to other proposals that the indicators would be published without sufficient information or context alongside them, and about the volume and complexity of the data within the proposed reporting structure. Volume of data and regulatory burden were discussed and responded to in the overarching themes from the analysis of responses section above 5057. We do not repeat that discussion here but confirm that comments on the number and complexity of indicators have informed our decisions about our approach to constructing student outcome and experience measures throughout and will be taken into account in our final decisions about publication of the measures.

876. Most respondents commented on the burden they thought would be placed on users to understand the statistical features of the data, and the challenge of ensuring consistent, confident and statistically accurate interpretations of provider performance across the different user groups who might be using the data dashboards. Respondents thought that these issues could be mitigated by:

- a. Developing the guidance and dashboards to use more accessible language, particularly terms regarding the use of statistics.
- b. Including prompts on the dashboards to aid interpretation.
- c. Undertaking further user testing.
- d. The availability of workshops and training for users in interpreting the data dashboards.

877. Respondents described what they saw as a number of challenges associated with using the data dashboards, including:

- a. The combination and quantity of filters that users need to apply when navigating between the different provider populations and split indicators, and the complexity of understanding the data, increases the burden on users in understanding a provider's performance which may prohibit meaningful insights.
- b. Users may overfocus on poor performing areas that form a minority of the provider, which in turn affects a user's reflection on overall performance.
- c. Users might misinterpret the dashboard, mistaking high levels of statistical uncertainty as low performance, which could penalise smaller providers in particular or providers that have split indicators with relatively few students.
- d. Users might misunderstand the proportion of the statistical uncertainty distribution above and below a threshold as the proportion of the provider performing above and below a threshold, particularly in cases where there are higher levels of statistical uncertainty.
- e. Whether the dashboard in its current form could be used by prospective students, given the complexities of interpreting the data and its scale, and whether it would be used by audiences other than staff at providers.

878. One respondent suggested that the name and descriptor for the shaded bars needed further consideration in order for them to clearly indicate their purpose to users, but did not provide an alternative suggestion.

879. Many respondents made comments about how the dashboard could be improved to enhance the user experience across various audiences and enable better understanding and interpretation. The themes of these comments included:

- a. Reviewing the volume of data that the dashboards display at one time.
- b. Layering the information to a simplified top-level view that progresses into more detail to improve the user journey through the data.
- c. Organising the data so that users could identify which areas to prioritise. One respondent suggested that this could be achieved by displaying all measures side by side for each split indicator to identify splits falling below thresholds across multiple measures. Some respondents suggested that there should be functionality to filter and sort the data. Many respondents requested that flags were introduced into the dashboard to highlight data:

- i. That the OfS would use in prioritisation for regulatory activity.
 - ii. With larger and smaller levels of statistical uncertainty.
 - iii. Where a provider's performance was above or below the numerical threshold or benchmark.
 - iv. With low response rates.
 - v. With small cohorts.
- d. Considering whether the layout of the condition B3 and TEF dashboards could be more consistent, including the use of filters and tabs.
 - e. Identifying improvements to accessibility, and guidance on how to use and interpret the dashboard, for all users, not just data users.
 - f. Considering how users could be guided to make interpretations of the dashboard for each data point, potentially through hover-over 'tool-tips'. In addition, signposting to relevant guidance or annotated examples directly from the dashboard, either through hover-over 'tool-tips' or the use of appropriate and accessible text, with links.
 - g. Communicating to users if there were any mitigating circumstances that affect the quality, timeliness, or the coverage of the data. One respondent described how HESA has historically provided opportunities to providers to include explanatory notes in the HESA UK performance indicators.
 - h. Increasing the prominence of how the data has been rounded and suppressed.
 - i. Prominently communicating the OfS's approach to how the data is used for regulatory purposes, its consideration of context and any regulatory judgements.
 - j. Increasing the prominence of the benchmark value in comparison to the indicator value because it is designed to take account of some context. One respondent suggested that the values should be shown side by side. Another suggested that it would be helpful to see a single chart identifying the performance relative to both the numerical threshold and the benchmark.
 - k. Adding extra data items, including the numerator and the numerical threshold.
 - l. Improving the contrast of the point estimate of the shaded bar (black line) to the shading used.

880. Two respondents made comments on some practical elements of using Tableau. One respondent commented that the Tableau dashboards timed out and 'reset' too quickly. Another respondent described that it would be helpful to download, export and print specific areas of the dashboard.

881. Some respondents requested significantly simplified presentations of the data. They suggested categorising the data into a RAG (Red-Amber-Green) rating, presenting the data through a heat map to highlight stronger and weaker areas and either showing the statistical

uncertainty numerically or only using terms to describe uncertainty such as compelling or strong.

Statistical uncertainty

882. In responses to the regulating student outcomes consultation, some respondents disagreed with the proposal that we would normally undertake an assessment of compliance with condition B3 where we had around 90 per cent confidence that a provider's underlying performance was below a numerical threshold, and that more intrusive regulatory action may follow where we had around 95 per cent statistical confidence. A small number of respondents reiterated their disagreement in responses to the indicators consultation, repeating their suggestion that it would not be appropriate to base regulatory compliance decisions on confidence levels lower than 95 per cent and that we should adjust proposed levels of statistical confidence to require an even higher level of statistical confidence to determine when we would normally undertake an assessment of compliance with condition B3. We have responded to these points in our response to the regulating student outcomes consultation, and do not repeat them here.¹¹²
883. Another respondent suggested that using standard deviations rather than confidence levels would be more meaningful to demonstrate material differences in performance compared with a threshold.
884. A small number of respondents asked whether the proposed approach was appropriate with respect to the issue of multiple comparisons where, as more indicators are considered, the chances of one or more of the indicators meeting our confidence levels due to chance increases.¹¹³ These respondents asked whether providing guidance on multiple comparisons was an appropriate or effective means of empowering users to interpret data about a provider's performance when looking across the range of data available on the dashboard.

Rounding and suppression

885. Most respondents were either supportive or had no comments to make about the proposed approach to rounding and suppression. Of those who expressed their support, respondents considered that the approach:
- a. Took appropriate consideration of safeguarding the outcomes of individual students from being known.
 - b. Took a similar approach to previous data releases, including by HESA.
 - c. Would suppress data where the statistical uncertainty was greatest.

¹¹² See our response to the proposal 6 section of the regulating student outcomes consultation response.

¹¹³ In statistics, the issue of 'multiple comparisons' arises when a user considers multiple statistical tests at once (each with a given significance level) and an apparent significant result on any of them would be considered as a 'discovery'. In such scenarios, the stated significance level for each statistical test in isolation understates the likelihood of finding a result that appears significant through random chance alone across the whole set of statistical tests. Adjustments for multiple comparisons typically limit the risk of making a 'false discovery' (in statistics, a type 1 error) across all of the statistical tests, but simultaneously reduce the power of each individual test, increasing the risk that statistical evidence may be overlooked (in statistics, a type 2 error).

886. Respondents were also reassured that staff at providers could access individualised student data to derive outcomes for suppressed or rounded indicators should they need to and had the appropriate permission to do so. Two respondents asked whether the dashboards could be made available without rounding or suppression for internal analysis to reduce the burden on providers reproducing the data themselves, particularly for smaller providers that tend to be more affected by suppressed data.
887. Some respondents asked which data would and would not be published and whether the same approach would apply to both TEF and condition B3.

Interpretation of rounded and suppressed data

888. Many respondents suggested that any suppressed data is generally perceived negatively, and that this could have a negative impact particularly for smaller providers which are more often affected by suppressed data and are already more likely to have higher levels of statistical uncertainty. Some respondents suggested that it should be made clear to users that suppression should not be perceived negatively. Some respondents commented that the regulation of smaller providers would be different to larger providers on the basis that there is likely to be a lot more suppressed data.
889. One respondent suggested that the number of suppressed indicators should be summarised within the data reported about the size and shape of provision. They did not describe further the benefit of this, but we understand that they thought this could communicate to users where a provider has more suppressed data and this would help with its interpretation.
890. Two respondents considered that the approach to rounding to the nearest 10, while not affecting cases with large denominators, does affect the understanding of size for smaller denominators, particularly for smaller providers.
891. One respondent took the view that the approach to rounding the size and shape of provision data was risk averse, describing HESA's approach to rounding to the nearest 5 when publishing similar data as more appropriate. The respondent did not explain why they thought this, but we have understood this to be because the approach could create a false impression of the characteristics of a provider's provision where smaller numbers of students are observed.
892. One respondent considered that the threshold of 23 students to suppress data for small denominator populations was set too low. They suggested that in some cases the threshold is only met after aggregating four years of data, with each year individually being very small and lacking homogeneity. One respondent conversely described that the threshold of 23 students was set too high, arguing that because the data does not facilitate intersections it would be difficult to identify any individuals even when the populations are smaller.
893. Some respondents sought further information about why the OfS had proposed the threshold of 23 students. Two considered that this was inconsistent with some other data uses, like the thresholds used for the NSS publication.
894. Two respondents challenged the view that unsuppressed data with small populations can still provide users of the data with important information. The respondents did not explain why they thought this, but we have understood this to be because of the greater risk of

misinterpretation due to the high levels of statistical uncertainty associated with small populations.

895. While supportive of our approach, some respondents considered that data for some underrepresented groups was at higher risk of suppression than that of other groups because it typically represents smaller groups of students.

Suppression of data for data protection reasons

896. Some respondents commented on the approach to suppressing data where the indicator has a numerator of fewer than three students, or the numerator differs from the denominator by fewer than three students. Two respondents identified that this has the potential to exclude data with reasonable denominator sizes. Two respondents described that it would suppress data with either very low or very high performance, and that there is a risk that this would be easily missed by someone using the data or missed in regulatory assessments because there is no shaded bar. One provider described that the use of these categories placed more burden on a provider in understanding and interpreting the context of that performance when these suppression codes are used. One respondent suggested that this approach could suppress specific subjects of study across the sector with historically very high performance, such as progression from medicine, dentistry, and veterinary courses.
897. One respondent considered that rounding to the nearest 10 should mitigate disclosing sensitive data; suppressing indicators where the numerator is within two of the denominator does not appear to be additionally necessary.
898. One respondent suggested that the rationale for the additional suppression applied to the eligibility for the free school meals split indicator was not clear and questioned whether it could result in over-suppressing a meaningful indicator.

OfS response

899. We welcome respondents' general support of the approaches taken to present the student outcome and experience measures, how we had explained the approach to presenting indicators alongside statistical uncertainty, and to round and suppress the data.

Presentation of indicators and the approach to statistical uncertainty

900. We welcome respondents' broad support for the presentation of indicators and data dashboards. We agree with comments about our approach to statistical uncertainty using shaded bars avoids creating a 'cliff-edge' at a single significance level that encourages a binary interpretation of performance as definitely above or below a given threshold. We consider that this is an improvement to the flags used in previous TEF exercises. We also agree with comments that the approach supports a more nuanced understanding of performance across varying cohort sizes. We consider that the approach empowers users to better understand the confidence with which they can hold their own judgements.
901. We recognise that respondents have identified potential challenges for different user groups in understanding the statistical features of the data, accessibility of data terms and interpreting information included within the data dashboards and we welcome the suggestions of how these could be mitigated. We recognise that the data needs careful explanation to users. As a producer of official statistics, we are committed to the Code of

Practice which includes clarity as part of its pillar of value. We therefore aim to provide documentation and resources, including training, that support a wide range of users to understand our data. We anticipate that these will help to reduce the potential impact of the proposed approach, particularly on providers who may have more limited access to resources.

Interpretation of the data dashboards

902. We welcome the number of suggestions we received from respondents about how the dashboards could be improved to enhance the user experience across various audiences and to enable better understanding and interpretation of the dashboard:
- a. One theme focused on the way the data is structured in the dashboard, with suggestions on reviewing the volume of data, layering of data, organising data, and considering how the layout of the dashboards could be more consistent. As described in the overarching themes section of this document, we intend to make changes to the presentation of our data in order to allow users to engage with the indicators and split indicators in different 'layers'. We will do this by introducing a dashboard that focuses in the first instance on provider-level indicators. We are also introducing ways for users to filter the dashboards so they can easily identify indicators and split indicators that are below our minimum numerical thresholds.
 - b. Another theme focused on the way users can access help to make confident interpretations of the data in the dashboard with suggestions including improvements to the guidance, and extra functionality on the dashboards. As described in the overarching themes section, we will seek to ensure any guidance and resources we publish aid understanding of our data definitions for as wide a range of users as possible.
 - c. Another theme focused on the communication of where there are circumstances that affect data, including in our approach to rounding and suppression. We note that there are times where the indicators are affected by our approach to rounding and suppression, as well as coverage and timeliness of the data. Our guidance will aim to make our approach clear to users, and to identify any known limitations of coverage. We note that HESA has historically provided opportunities to providers to include explanatory notes alongside the UK performance indicators it produces. In our response to proposal 1, we considered whether we should provide an opportunity for providers to add a commentary to their data to aid users in understanding their context; we were concerned that this would create burden on all providers and the OfS to ensure that any commentary was accurate. We concluded that the value to users of including additional provider commentary is likely to be limited and have therefore decided that we would not expect to add provider specific notes or commentary.
 - d. Another theme focused on the prominence of outcomes of assessments in relation to condition B3. As described in the overarching themes, we think that there is likely to be significant value in publishing the outcomes of assessments in relation to condition B3, including those where we find compliant and non-compliant behaviour. If we proceed with publication of the data dashboards and other information about our assessments of providers, we are minded to provide links from those dashboards to details of the assessments we undertake after we have made final decisions.

- e. Another theme focused on increasing the prominence of the benchmark, which respondents did not consider to be appropriately visible. We recognise that the benchmarks are intended to contribute as a mechanism for understanding how context is considered alongside the indicators. We intend to carefully consider these suggestions when updating the dashboards.
- f. The remaining suggestions focused on minor improvements. We intend to carefully consider these suggestions when updating the dashboards.

903. We note that a small number of respondents made suggestions of significantly simplified presentations of the data, such as using heat maps or a RAG (Red-Amber-Green) rating. We do not agree that significantly simplified presentations would adequately facilitate consistent interpretations of statistical uncertainty. We therefore do not intend to develop alternative simplified views of the data.

Statistical uncertainty

904. Our approach to the presentation of statistical uncertainty informs the interpretation of statistical confidence that was proposed in the regulating student outcomes and TEF consultations. We remain of the view that our calculation and presentation of statistical uncertainty is appropriate and empowers users to maximise their understanding of the provider's performance it indicates. Our responses to the TEF and regulating student outcomes consultations confirm that we have decided to adopt the related proposals for the interpretation of statistical confidence.¹¹⁴

905. We have noted the suggestion that communicating statistical uncertainty using standard deviations rather than confidence levels could be more meaningful to demonstrate material differences in performance compared with a threshold. We consider that using standard deviations instead of confidence levels adds increased complexity for users in understanding statistics and does not improve quality of the interpretation that users can take from the statistics. **We have decided to proceed with the approach described in the consultation for communicating statistical uncertainty.**

906. We have considered the small number of comments on the approach we described for presenting student outcome and experience measures as one that does not make any statistical adjustments for multiple comparisons.¹¹⁵ The consultation outlined our intention to explain the impact of making multiple comparisons on statistical confidence and guide users that they should be more conservative in their interpretation of statistical uncertainty the more comparisons they are making. We have considered respondents' suggestions that multiple

¹¹⁴ See our response to the proposal 6 section of the regulating student outcomes consultation response, and to the 'Proposal 9: Indicators' section of the TEF consultation response.

¹¹⁵ In statistics, the issue of 'multiple comparisons' arises when a user considers multiple statistical tests at once (each with a given significance level) and an apparent significant result on any of them would be considered as a 'discovery'. In such scenarios, the stated significance level for each statistical test in isolation understates the likelihood of finding a result that appears significant through random chance alone across the whole set of statistical tests. Adjustments for multiple comparisons typically limit the risk of making a 'false discovery' (in statistics, a type 1 error) across all of the statistical tests, but simultaneously reduce the power of each individual test, increasing the risk that statistical evidence may be overlooked (in statistics, a type 2 error).

comparisons should be accounted for within our calculations, and their view that guidance may be insufficient to help users understand and compensate for multiple comparisons.

907. We take the view that programmatic adjustments for multiple comparisons would normally have the effect of widening the confidence interval calculated for each of the statistics that are being compared. This is to limit the chances of one, or more, of them meeting our confidence levels due to chance alone. We also note that wider confidence intervals (as indicated by wider shaded bars in our presentation of the indicators) are interpreted as giving lower statistical confidence about the likely location of true underlying performance for each indicator.
908. We continue to take the view, expressed in the consultation, that the number of comparisons that different users might make within and across the full set of available data points is unpredictable, and likely to vary substantially. We therefore consider that it would not be appropriate or proportionate to adjust for multiple comparisons in a programmatic way through our calculations of statistical uncertainty, given that to do so would require making an arbitrary assumption about the number of comparisons that each user will make. While an arbitrary adjustment may reduce the risk of users making incorrect assumptions as a result of statistical variation, we consider that it would simultaneously increase the risk that good statistical evidence is overlooked because users would be presented with artificially wider distributions of the statistical uncertainty associated with each indicator. In technical terms, while an arbitrary multiple comparisons adjustment may limit the extent of false positive results, it may also increase the extent of false negatives. We consider that this would be a particular issue where users are considering an indicator in isolation, or looking across a smaller number of indicators than are accounted for by the arbitrary adjustment.
909. In the context of our indicators, confidence intervals are used to create a visual representation of the statistical uncertainty associated with each indicator. In the case of assessments of condition B3, these distributions of statistical uncertainty help users interpret the level of statistical confidence that performance is above or below a minimum numerical threshold. For assessments of condition B3 and through the TEF, they are also intended to help users understand the level of confidence that performance is above or below benchmark. We therefore consider that it would not be appropriate or proportionate to adopt an approach that increases the likelihood that pockets of poor performance go unidentified and unaddressed. We have decided to proceed with the approach to multiple comparisons that we described in the consultation.
910. Our consultation acknowledged the issue of multiple comparisons and advised that users would need to be more conservative in their judgements when making multiple statistical inferences across the data. We intend to provide full and appropriate guidance for users on release of the datasets that will inform the first implementation of the new TEF and revised condition B3. This guidance will aim to help users interpret the confidence levels presented alongside the indicator values when they are considering multiple indicators. We anticipate that the guidance may include worked examples with a range of scenarios based on different numbers of concurrent statistical inferences. Finally, we have revised the guidance in relation to condition B3 and the TEF to make clear that, in undertaking assessments, we may consider matters relating to the interpretation of statistics.

911. Furthermore, we consider that our assessment approaches for regulating student outcomes and the TEF, and their consideration of context for an individual provider, will further mitigate the issues raised. This is because rather than setting hard cliff-edges on statistical confidence, or conducting hypothesis tests based on fixed significance levels, the use of shaded bars to present the distribution of statistical uncertainty associated with our indicator values is designed to show the range of indicator values that could correspond to true underlying performance. We consider that demonstrating the statistical uncertainty involved visually will empower users to make considered judgements and avoid making binary interpretations based on arbitrary statistical tests or significance levels.

Rounding and suppression

912. We welcome the comments from respondents which recognise that our approach to rounding and suppression is intended to mitigate the risk of disclosing information about individuals.

913. We have considered the comment that the approach would suppress data where the statistical uncertainty was greatest. While we recognise indicators suppressed because of data protection considerations are likely to be among those that experience the highest levels of statistical uncertainty, we confirm this was not our motivation for implementing these suppression thresholds. As described in the consultation, we consider that the rounding and suppression approaches we described are necessary to ensure our compliance with the GDPR.

914. We have considered the comment that providers would gain value from access to a dashboard without rounding or suppression and note that this would not create data protection risks as providers will be able to derive the data based on the individualised files we provide. However, we would not expect providers to routinely do this as we will not be incorporating evidence based on suppressed or unrounded data in assessments of condition B3 or the TEF. We are aware of the points made about the number of indicators and note that producing unrounded and unsuppressed data significantly increases this number and could generate confusion due to rounding differences. For these reasons, we do not consider it would be an efficient and effective use of the OfS's or providers' resources to engage with additional data dashboards that do not include any rounding or suppression.

915. We note that some respondents asked whether we would adopt the same approach to rounding and suppression in our regulation of student outcomes and TEF. We can confirm that we will apply a consistent approach.

Interpretation of rounded and suppressed data

916. We note that respondents considered that suppressed data is generally perceived negatively and that the risk of suppression would generally be higher for smaller providers. We also note the view of some respondents that this could result in inconsistent regulatory approaches for smaller providers. We intend to provide guidance on using and interpreting our data, including on interpretation of suppression, and we consider this will mitigate the risk of users misinterpreting the data. We also consider that our assessment approaches for regulating student outcomes and the TEF, and their consideration of context for an individual provider, will further mitigate the points made.

917. We have considered the suggestion to incorporate the number of suppressed indicators within the proposals to present data for the size and shape of provision. It was not clear why

the respondent who made these suggestions considered this information important, but we note that the most common form of suppression is due to small populations which tends to affect smaller providers more. We consider that the size and shape of provision data as proposed is already sufficient to help users understand the extent to which data is suppressed, and that requests for extensions to this sit in tension with the more widely expressed views by respondents about the volume and complexity of the data we had proposed to construct. All other forms of suppression are shown in the indicator dashboards, so users of the dashboards should be aware of where and to what extent they occur, so we do not consider that reporting further data about this would be appropriate or proportionate.

918. We have considered comments that a small number of respondents made on our approach to rounding to the nearest 10 across the data we produce, and whether our approach was too risk averse. We understand the substance of these comments relates to the impact of a comprehensive rounding and suppression approach for interpreting rounded data and understanding of population size for smaller denominators. We have also considered comments regarding the threshold of 23 students to suppress indicators. We understand the substance of these comments relate to the rationale of choosing that threshold and the consistency with other data sources that have equivalent suppression. In each case, our proposals for the rounding of all of our data, and suppressing data related to smaller population sizes, when taken together, are designed to protect the privacy of individuals. We do not agree that it becomes more difficult for users to interpret indicators after rounding and we consider that less rounding can infer a level of precision and confidence that may risk misleading users. Given the high levels of statistical uncertainty that are associated with small cohorts, we also consider it unlikely that a user's understanding of the performance or context of a provider (in relation to the size and shape of provision data) would be further improved by the use of alternative rounding and suppression approaches. Without a comprehensive and conservative approach to rounding and suppression, in particular for small student populations, the opportunities to deduce information about individuals by comparing different breakdowns of the same student populations across the number of indicators and split indicators we are constructing would represent a material data disclosure risk, and that any changes to the approach to rounding would impact the privacy of individuals. We take the view that the threshold for suppression of smaller denominators, and our approach to rounding all figures, strikes the right balance between publishing as much data as possible and protecting the privacy of individuals.
919. In our consultation we described that we take the view that statistics constructed from very small populations can still provide users with important information, even if the full extent of that information is that a user cannot learn anything about the provider's performance other than that it is uncertain. Two respondents challenged this view but they did not explain why they thought this, but we have understood this to be the greater risk of misinterpretation due to high levels of statistical uncertainty. Our view has not changed, but we recognise that the data needs careful explanation to users. We intend to provide, on an ongoing basis, documentation and resources that ensure the transparency of our data approach, as well as training and user guides that are understandable to as wide a range of users as possible.

Suppression of data for data protection reasons

920. We note that a small number of respondents thought that our approach to suppressing data for data protection reasons, if the indicator has a numerator of fewer than three students, or the numerator differs from the denominator by fewer than three students, introduced a risk

that this was missed or misinterpreted. We have considered their comment that it may place more burden on providers to understand the suppression codes used, and that this affects certain indicators or subject areas more than others. We consider it important to continue to suppress data in this way so that individual student outcomes cannot be identified from the data and that the inclusion of these codes allows users to either interpret the data as either very low or high performing. We also do not think that rounding alone can guarantee that individual student outcomes cannot be identified. In particular, an indicator of zero or 100 per cent would usually reveal information about all students. We recognise that the data needs careful explanation to users. We intend to provide, on an ongoing basis, documentation and resources that ensure the transparency of our data approach, as well as training and user guides that are understandable to as wide a range of users as possible to mitigate the impact of data suppressed in this way.

921. We note that a respondent commented that the rationale for our approach to applying secondary suppression for split indicators which report on students' eligibility for free school meals was not clear and their suggestion that it could result in over-suppressing the indicator. We note that facilitating access to sensitive data items, such as a student's free school meals status, is not within the OfS's gift. Such data items rely on data collected by partner organisations such as the DfE and UCAS, and the OfS must act within parameters prescribed by those organisations in data sharing agreements for onward sharing of their data, including the application of appropriate data suppression. We acknowledge that our approach does risk suppressing other potentially useful information, but we consider that it mitigates the impact of secondary suppression by normally selecting the indicator which refers to the smallest population. We therefore consider that our approach to data suppression is reasonable and proportionate: at an individual level this is sensitive information and we will always prioritise the privacy of individual students and compliance with data protection legislation.
922. We recognise that suppression, particularly for small student populations, can be more prevalent for some split indicators than others. However, without a comprehensive and conservative approach to suppression of small student populations, the opportunities to deduce information about individuals by comparing different breakdowns of the same student populations would represent a material data disclosure risk. We will always prioritise the privacy of individual students and compliance with data protection legislation. **We have decided to proceed with the suppression and rounding approach we described in the consultation.**

Decision

923. We have considered the points made by respondents in relation to proposal 11 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in proposal 11. However, to the extent that our decisions on proposal 11 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision described at paragraph 11a.

Proposal 12: Definition and coverage of data about the size and shape of provision

924. Proposal 12 set out details of data that the OfS would publish about the size and shape of a provider's provision. The intention was that the data would be included alongside the student outcome and experience indicators informing our regulation of student outcomes and the TEF, to equip assessors and TEF panel members with an understanding of a provider's context in terms of its size, the types of courses it offers and its mix of subjects, and the characteristics of its students.

925. We proposed to construct data about:

- a. The size and shape of provision for a time series of the last four years of available student data individually, as well as the total of these years.
- b. Student numbers in headcount terms, as both a count and proportion of the student population, split by mode and level of study, and separately reported to show changes in the size and shape of provision across entrant and qualifier populations.
- c. Numbers of students in each type of teaching partnership arrangement that a provider might be involved in, including the numbers of students whose awards are validated by the provider.
- d. Numbers of students by study and student characteristics, split by mode and broad level of study and separately reported to show entrant and qualifier populations.

926. We asked respondents to what extent they agreed with the proposed construction of data about the size and shape of provision.

Consultation responses relating to the size and shape of provision data

927. Most respondents were either supportive or responded that they had no comments about our proposed construction of data about the size and shape of provision. Of those who expressed their support, respondents thought that:

- a. It helps to provide a consistent comparison across providers.
- b. It can help users identify the differences between small, specialist and other larger providers.
- c. Being able to identify the characteristics of entrants and qualifiers over time is necessary to contextualise the indicators constructed from the same populations.
- d. It helps users understand the coverage of the indicators in comparison to the entire student population.
- e. The characteristics included provide useful contextual information to support the assessment of B3 and the TEF.

- f. The benefits of this data should be extended to the approach to access and participation data.

928. A small number of respondents commented they found the information in the proposal to be complex. They thought that more guidance was required on how this data should be used alongside the indicators and how it would be used in the assessments of condition B3 and the TEF.

929. Comments about the amount of data included:

- a. While some respondents considered that the data was comprehensive, others commented that it was unmanageable in size and this risked the data being misused. These respondents did not explain why they thought this, but we have understood this to be part of a wider point regarding the overall volume of the proposed data used in assessments of condition B3 and the TEF, as discussed in the overarching themes from the analysis of responses section of this document.
- b. Some respondents made comments about the burden of understanding the data, particularly for small providers, when this data sits in addition to the large volume of indicators with which they would already need to engage. One respondent suggested that a size threshold on total student numbers should be imposed so that only providers who exceeded it were asked to engage with the size and shape of provision data. Others noted the importance of encouraging an appropriate interpretation of large percentage changes for small providers that appear to show a shift in provision or student demographic over time because the data is informed by relatively few students by headcount.
- c. The overlap between this data and what was available via Heidi Plus was noted by some respondents, with some considering that Heidi Plus provided more useful insights because it also enabled users to intersect the data.¹¹⁶ They commented that the proposed data would bring further crowding to a data landscape that already included various outputs summarising populations at individual providers.
- d. Some respondents observed that the size and shape of provision data did not always overlap with the years covered by the indicators and considered that this would limit its value. However, others supported the proposal for a four-year time series, because this would provide useful information without risking the data becoming too large and complex.

930. Some respondents sought further information about the populations considered in different summaries within the size and shape of provision data. These respondents highlighted the importance of being clear about data which was based on a different set of students, citing examples of the partnership arrangements summaries (where the totals differed to other summaries) and summaries reporting on students' eligibility for free school meals (which was only provided in respect of the young, English-domiciled cohort to whom it is relevant).

¹¹⁶ Heidi Plus is a paid-for tool supplied by Jisc which currently provides data visualisation and analytics using up to 12 years of HESA data. See www.jisc.ac.uk/heidi-plus.

OfS response

931. We welcome the support for this proposal and **we have decided to construct the data about the size and shape of provision as proposed in the consultation**. This is because it remains our view that providing a common set of data about the size and shape of a provider's provision will equip assessors and TEF panel members with a consistent and shared understanding of the provider's context in terms of its size, the types of courses it offers and its mix of subjects, and the characteristics of its students. As discussed in our response to proposal 3 (Common approaches to the populations of students included in student outcome and experience measures), **we have decided to extend the data we construct about the size and shape of provision to report on the number and proportion of students on higher education courses that would not be recognised for OfS funding purposes**.
932. We are aware that respondents have asked for further information about the role that this information plays in assessments of TEF and condition B3. Further information on the role of this information in informing assessments of condition B3 can be found in our response to the consultation on regulating student outcomes, and the TEF guidance to be published in autumn 2022 will provide further detail on where and how this data will be used in the TEF.¹¹⁷
933. We have considered comments from respondents about the burden of understanding the size and shape of provision data, particularly for small providers, and that others have recognised that similar data is to some extent already available from other sources. It is important here to clarify that we will place no requirement on a provider to engage with this data resource, and we therefore consider that there is no reason to apply a size threshold as requested. Providers will have their own understanding of their student populations, whether from internal sources, or from alternative external sources, and they remain free to draw on any relevant sources they may choose, for example to help convey this understanding as necessary or appropriate within TEF submissions. However, we are aware that some providers have more limited access to data, or data analysis capability, and that resources published by HESA do not cover all of the providers registered with the OfS (specifically, they will not, in the main, include information about students at further education colleges). Furthermore, we note that services such as Heidi Plus are paid-for and therefore not freely available to all who might benefit from understanding the size and shape of provision, including students and the wider public.
934. As a result, we take the view that there is likely to be a significant benefit to constructing and, subject to our final decisions, publishing a consistent set of data about the size and shape of all OfS-registered providers based on common definitions, which providers are able to draw on as they choose. We would also hope that publication of such a resource alongside publication of the indicators and split indicators would help to address points expressed elsewhere in consultation responses, about the publication of student outcomes data without appropriate contextualisation.
935. The OfS already produces information which is similar to some aspects of the proposed size and shape of provision data, through the access indicators included in the OfS access and

¹¹⁷ See our response to the 'Publication of contextual information alongside data' section of the regulating student outcomes consultation response.

participation data dashboard (which report on the profile of undergraduate entrants at higher education providers). We proposed, and have decided to produce, the size and shape of provision data as an additional resource because we take the view that it adds value to the existing data landscape, by covering broader populations (for example, postgraduates and qualifiers). However, we consider that the availability of access indicators and this additional, public resource will mean that access and participation activities and regulation will be well supported with relevant information and would not benefit from any further extensions of our approach to size and shape of provision data.

936. We have carefully considered comments about the volume of data to be included within this resource, and note that respondents have identified some of the opportunities and challenges involved in striking an appropriate balance between the granularity and utility of data constructed for this purpose. While responses on this proposal were limited, we note that the value of looking at the size and shape of provision data broken down to separately report on different years, populations, modes and levels of study has been recognised by respondents as important for delivering appropriate contextualisation of indicator and split indicator populations. The flexibility afforded to users to look at the different and most relevant breakdowns, according to the merits of the case and indicator in question, we consider is therefore key. We also agree with respondents who commented that when the size of a student group increases by a large proportion it is important that percentage change is interpreted appropriately. We consider that there are clear benefits in being able to see changes in the size and shape of provision as both counts and proportions, and that this will help to identify periods of provider growth or contraction, or the impact of other disruptions (such as changes to the provider's corporate structure or external influences such as the coronavirus pandemic).
937. In relation to the points about the size and shape of provision data not always overlapping with the years covered by the indicators, we acknowledge that a longer time series, or intersections of the information to be provided by this data resource, would be required in order to cover all populations in all indicators and split indicators. While we appreciate that these extensions may add value in some cases, we consider that it sits in tension with more widespread points made by respondents about the existing volume of data, and would not be appropriate or proportionate to the aims of constructing this data resource. It is our view that a four-year time series achieves an appropriate balance between the completeness and utility of the information being made available. We also note that providers have access to individualised student data files which apply consistent data definitions across all of the years used to inform the calculation of indicators and split indicators. The rebuild instructions published by the OfS can be applied to more historic years than those included in the published size and shape of provision resource, allowing providers to consider and discuss changes in the size and shape of their provision over a longer time series if they chose to do so.
938. We appreciate that some respondents have taken the time to identify specific areas of the resource that would benefit from improved clarity and presentation, and, subject to final decisions on publication matters, we would expect to incorporate these clarifications within the data resources that would be published in autumn 2022. This would include being clearer about which populations are covered by different aspects of the data resource (for example, which tabs include validated-only student numbers and which do not) and where some

characteristics are only reported in respect of a subset of the population (for example, where free school meal student counts are limited to young, English-domiciled students only).

Decision

939. We have considered the points made by respondents in relation to proposal 12 of the consultation and have addressed these in detail above. For the reasons set out in the consultation and above, we have decided to adopt the approach set out in proposal 12, subject to the following:

- a. To the extent that our decisions on proposal 12 affect the ways in which student outcome and experience measures would be published, they remain subject to the final decision on publication described at paragraph 11a.
- b. However, we are minded to make a change to the approach described at consultation, in that we may include additional course type information in our data dashboards for each provider, which may report on the number and proportion of students on higher education courses that would not be recognised for OfS funding purposes (whether or not the provider itself is eligible for OfS funding). Our reasoning for this change was described in proposal 3.

Annex A: Consultation questions

General questions regarding the consultation

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

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?

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

Questions relating to proposal 6: Construction of completion measures

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 informs your preference.

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.

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.

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.

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

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

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.

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.

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?

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

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

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.

Question 27: To what extent do you agree with the proposed **approach to NSS survey non-response** (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.

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.

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.

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.

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.

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.

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.

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.

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?

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?

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?

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

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.

Annex B: Principles for the selection and application of benchmarking factors

1. We have decided to adopt the principles below, which will inform the approach taken by the Office for Students (OfS) in selecting and applying the factors used in benchmarking calculations.
2. These principles will be guiding rather than binding, but they are intended to provide an effective mechanism to build public trust and confidence in the benchmarks that the OfS creates and uses in its student outcome and experience indicators.
3. When selecting benchmarking factors, the intention is that each principle would be considered in turn and, where appropriate, evidence of its applicability would be sought from statistical analysis or modelling. We are aware that the principles may sometimes sit in tension with one another, and that in most cases a judgement will be required to confirm fit or applicability with the principle.
4. The proposed **core principles** relating to the factors being considered for benchmarking are:
 - a. The selection of benchmarking factors should be fit for purpose, evidence-based and robust, conforming to recognised best practice in the production of statistical information. In particular:
 - i. Details of the selection process should be published for the benefit of providers and other users or interested parties.
 - ii. The selection of benchmarking factors should vary across different student outcome and experience indicators only when there is a clear and valid rationale.
 - iii. The number and definition of benchmarking factors selected should not compromise the statistical integrity of the broader benchmarking approach.
 - b. Benchmarking factors should be applicable to, and available for, all types of providers across England that are delivering the higher education provision for which the indicator is measuring students' outcomes or experience.
 - c. Benchmarking factors should contribute to an overall benchmarking approach which supports fair comparison of indicators across the higher education sector. A candidate benchmarking factor should therefore have relevance to help explain the context or differing characteristics of a provider's students or provision.
 - d. The benchmarking approach should neutralise the effect of characteristics on a provider's performance where this is consistent with policy objectives. This approach guards against inadvertently creating incentives for providers to change their behaviour in terms of the students they recruit or the range of provision they offer in ways that could undermine our ability to meet our duties around access and participation, and competition. It does not imply that it is acceptable for some student groups to receive lower quality provision, but recognises that this is currently the case, and the risks of not controlling for it. The benchmarking approach should only neutralise the effect of characteristics where there is

such a risk of negative unintended consequences, as otherwise it risks creating perverse incentives.

- e. Benchmarking factors should primarily reflect structural factors that contribute to variations in student outcomes or experience which are outside of a provider's control, or undesirable for it to control for. This means that characteristics of the provider will not normally act as benchmarking factors.
- f. In selecting the range of benchmarking factors to apply for a given indicator, the need to preserve the statistical integrity of the broader benchmarking approach requires that consideration should be given to limit the number of factors on the basis of:
 - i. The size of the population for which the effect occurs: it is unlikely that a factor where the effect is limited to a small population will be selected where there are other factors with similar effects that have broad applicability.
 - ii. The distribution of the population for which the effect occurs: it is unlikely that a factor where the effect is limited to a population concentrated in a small subsection of providers will be selected where there are other factors with similar effects that have applicability to a wider cross-section of provision.
 - iii. The nature of the other candidate factors: where there are a number of similar candidate factors (for example, measures of disadvantage), it will normally be the case that only the one that has the greatest effect should be selected so that a balance of factors is achieved.
- g. The factors used in benchmarking should be reviewed at regular intervals, to check that the evidence for, and applicability of, the approach remains current and fit for purpose, and to consider the impact achieved by previous benchmarking exercises.

5. The **availability and data quality** of candidate benchmarking factors should be considered in relation to the principles proposed as follows:

- a. The quality of data items considered as candidate benchmarking factors should be understood and judged to be of sufficiently high quality for use in a benchmarking exercise. The data items should normally be collected in a consistent and fair way across the sector; it should have a good sample base and use transparent definitions.
- b. Where possible, benchmarking factors should be drawn from existing data sources. Any proposal to collect further data for the purpose of a benchmarking factor should be carefully considered against the principles for data burden included within the OfS data strategy.

6. The proposed principles for the **statistical properties** that candidate benchmarking factors should demonstrate are:

- a. Statistical models that seek to account for a range of characteristics should identify a remaining correlation between the benchmarking factor and the student outcome or experience that is being measured.

- b. Once other factors have been accounted for, statistical modelling should identify that the performance being measured is not uniformly distributed across the attributes within a benchmarking factor, and that differences between these attributes are non-trivial.
 - c. A benchmarking factor should not be uniformly distributed across providers or performance units; rather, the factor should differentially affect the benchmarks that are calculated, meaning that factors which are distributed unevenly across providers or performance units should be considered as stronger candidates to be used as benchmarking factors.
 - d. Where possible, a benchmarking factor should be a direct measure, rather than a proxy.
 - e. As far as possible, the selection of benchmarking factors should limit the extent to which a benchmark value can be determined by a single provider. The selection of a benchmarking factor (and the subsequent grouping of attributes within it) should not compromise the statistical integrity of the broader benchmarking approach.
 - f. Benchmarking factors (and the data sources from which they are derived) should normally have longevity, with these statistical properties observed to continue over time.
7. Once benchmarking factors have been selected, the proposed principles for **defining groupings of the attributes within the benchmarking factor** are:
- a. The grouping of attributes within benchmarking factors should be fit for purpose and determined through consideration of sound evidence.
 - b. The number of categories formed when grouping attributes within benchmarking factors should be the minimum for the benchmarking factor to be effective. The number and definition of the groupings should not compromise the statistical integrity of the broader benchmarking approach.
 - c. The grouping of attributes within benchmarking factors should avoid creating groups in which numbers of students possessing those attributes are either very small or very large in the sector overall. The effect of creating groups that are known to be very small or very large at individual provider level should be acknowledged where they cannot be avoided.
 - d. The attributes that form a grouping should share a consistency of student backgrounds, outcomes or behaviours with respect to the indicator to which they refer. The consistency of attributes should be understood from the evidence of statistical analysis.
 - e. The grouping of attributes within benchmarking factors should make practical sense, to form coherent groups which share a qualitative similarity.
 - f. The grouping of attributes within benchmarking factors should vary across indicators only when there is a clear and valid rationale. Where variations are necessary, those deviations should use other groupings that exist elsewhere in a sector-wide hierarchical view of the benchmarking factor in question, at a more aggregated or disaggregated level according to need.

- g. The grouping of attributes within benchmarking factors should be reviewed periodically to ensure that it continues to comply with these principles.

Annex C: Proposed benchmarking factors and groupings

Table C1: Proposed benchmarking factors for continuation measures

Benchmarking factor	Continuation: full-time	Continuation: part-time	Continuation: apprenticeship
Level of study (First degree, other undergraduate, undergraduate with postgraduate components)	✓ (Other undergraduate separated into those at Level 4 and those at Level 5+)	✓	✓
Subject of study (CAH level 1 groups)	✓	✓	✓
Entry qualifications	✓ (11 groupings)	✓ (5 groupings)	✓ (5 groupings)
Expected course length (Expected course length of less than a year, or otherwise)	✗	✓	✗
ABCS quintile (Continuation ABCS quintiles 1 to 5 for the relevant mode of study, non-UK domiciled) ¹¹⁸	✓	✓	✓

¹¹⁸ The ABCS method constructs separate quintiles relevant to each student outcome measure, where necessary differentiating by mode of study. The ABCS analysis for continuation outcomes considers full- and part-time students separately at www.officeforstudents.org.uk/data-and-analysis/associations-between-characteristics-of-students/. Full-time continuation ABCS quintiles are used in respect of apprenticeship students.

Benchmarking factor	Continuation: full-time	Continuation: part-time	Continuation: apprenticeship
Total distinct benchmarking groups	5,544	3,780	1,890

Table C2: Proposed benchmarking factors for completion measures

Benchmarking factor	Completion: full-time	Completion: part-time	Completion: apprenticeship
Level of study (First degree, other undergraduate, undergraduate with postgraduate components)	✓ (Other undergraduate separated into that at Level 4 and that at Level 5+)	✓	✓
Subject of study (CAH level 1 groups)	✓	✓	✓
Entry qualifications	✓ (11 groupings)	✓ (5 groupings)	✓ (5 groupings)
Expected course length	✓ (Expected course length of less than two years, two years, or at least three years)	✓ (Expected course length of less than a year, or otherwise)	✗
ABCS group ¹¹⁹ (Completion ABCS groups, or non-UK domiciled)	✓	✓	✓

¹¹⁹ The total number of completion benchmarking groups is a maximum, which assumes five completion ABCS quintiles plus a sixth group for non-UK domiciled students. The number of completion ABCS groups we use will be confirmed in our final decisions on benchmarking factors.

Benchmarking factor	Completion: full-time	Completion: part-time	Completion: apprenticeship
Total distinct benchmarking groups	16,632 (2,772 without ABCS quintiles)	3,780 (630 without ABCS quintiles)	1,890 (315 without ABCS quintiles)

Table C3: Proposed benchmarking factors for progression measures

Benchmarking factor	Progression: full-time	Progression: part-time	Progression: apprenticeship
Year qualification obtained	✓	✓	✓
Level of study (First degree, other undergraduate, undergraduate with postgraduate components)	✓	✓	✓
Subject of study	✓ (CAH level 2 groups ¹²⁰)	✓ (Broadly defined subject groups)	✓ (Broadly defined subject groups)
Entry qualifications	✓ (11 groupings)	✓ (5 groupings)	✓ (5 groupings)
ABCS group ¹²¹ (Progression ABCS group)	✓	✓	✓
Geography of employment quintile (Quintile 1, Quintiles 2 and 3,	✓	✓	✓

¹²⁰ For benchmarking purposes, the CAH level 2 group for Celtic studies (CAH19-02) has been combined into the Languages and area studies group (CAH19-04).

¹²¹ The total number of progression benchmarking groups is a maximum, which assumes five progression ABCS quintiles. The number of progression ABCS groups we use will be confirmed in our final decisions on benchmarking factors.

Benchmarking factor	Progression: full-time	Progression: part-time	Progression: apprenticeship
Quintiles 4, 5 and unknown)			
Total distinct benchmarking groups ¹²²	80,784 (13,464 without ABCS quintiles)	10,800 (1,800 without ABCS quintiles)	10,800 (1,800 without ABCS quintiles)

Table C4: Proposed benchmarking factors for student experience measures

Benchmarking factor	Student experience: full-time	Student experience: part-time	Student experience: apprenticeship
Year of survey	✓	✓	✓
Level of study (First degree, other undergraduate, undergraduate with postgraduate components)	✓	✓	✓
Subject of study	✓ (CAH level 2 groups ¹²³)	✓ (Broadly defined subject groups)	✓ (Broadly defined subject groups)
Age on entry (Under 21 or unknown, 21 to 30, 31 and over)	✓	✓	✓
Disability (Disability reported, no disability reported)	✓	✓	✓

¹²² The total number of benchmarking groups for progression measures reflects the four years of Graduate Outcomes survey responses that will be used in the construction of student outcomes indicators in steady state.

¹²³ For benchmarking purposes, the CAH level 2 group for Celtic studies (CAH19-02) has been combined into the Languages and area studies group (CAH19-04).

Benchmarking factor	Student experience: full-time	Student experience: part-time	Student experience: apprenticeship
Ethnicity (Asian, Black, Mixed, Other, Unknown or White, non-UK domiciled)	✓	✓	✓
Sex (Female or other, Male)	✓	✗	✗
Total distinct benchmarking groups	29,376	4,320	4,320

1. Table C5 shows the groupings of subject areas of study that we propose to use as benchmarking factors. We have proposed to use these groupings as follows:

- Broadly defined subject groups as benchmarking factors for the part-time and apprenticeship progression and student experience indicators.
- CAH level 1 groups as benchmarking factors for the full-time, part-time and apprenticeship continuation and completion measures.
- CAH level 2 groups as benchmarking factors for the full-time progression and student experience indicators.

Table C5: Groupings of subject areas used as benchmarking factors

Broadly defined subject group	CAH level 1 group	CAH level 2 group
Medicine, dentistry and veterinary sciences	CAH01: Medicine and dentistry	CAH01-01: Medicine and dentistry
	CAH05: Veterinary sciences	CAH05-01: Veterinary sciences
Nursing, allied health and psychology	CAH02: Subjects allied to medicine	CAH02-02: Pharmacology, toxicology and pharmacy
		CAH02-04: Nursing and midwifery
		CAH02-05: Medical sciences
		CAH02-06: Allied health

Broadly defined subject group	CAH level 1 group	CAH level 2 group
	CAH04: Psychology	CAH04-01: Psychology
Natural and mathematical sciences	CAH03: Biological and sport sciences	CAH03-01: Biosciences
		CAH03-02: Sport and exercise sciences
	CAH07: Physical sciences	CAH07-01: Physics and astronomy
		CAH07-02: Chemistry
	CAH07-04: General, applied and forensic sciences	
	CAH09: Mathematical sciences	CAH09-01: Mathematical sciences
Engineering, technology and computing	CAH10: Engineering and technology	CAH10-01: Engineering
		CAH10-03: Materials and technology
	CAH11: Computing	CAH11-01: Computing
Law and social sciences	CAH15: Social sciences	CAH15-01: Sociology, social policy and anthropology
		CAH15-02: Economics
		CAH15-03: Politics
		CAH15-04: Health and social care
	CAH16: Law	CAH16-01: Law
Business and management	CAH17: Business and management	CAH17-01: Business and management
Humanities and languages	CAH19: Language and area studies	CAH19-01: English studies
		CAH19-04, CAH19-02: Languages and area studies
		CAH20-01: History and archaeology

Broadly defined subject group	CAH level 1 group	CAH level 2 group
	CAH20: Historical, philosophical and religious studies	CAH20-02: Philosophy and religious studies
	CAH23: Combined and general studies	CAH23-01: Combined and general studies
	CAH24: Media, journalism and communications	CAH24-01: Media, journalism and communications
Education and teaching	CAH22: Education and teaching	CAH22-01: Education and teaching
Design, and creative and performing arts	CAH25: Design, and creative and performing arts	CAH25-01: Creative arts and design
		CAH25-02: Performing arts
Natural and built environment	CAH06: Agriculture, food and related studies	CAH06-01: Agriculture, food and related studies
	CAH13: Architecture, building and planning	CAH13-01: Architecture, building and planning
	CAH26: Geography, earth and environmental studies	CAH26-01: Geography, earth and environmental studies

2. Table C6 shows the groupings of entry qualifications that we propose to use as benchmarking factors. We have proposed to use these groupings as follows:

- 11 entry qualification groups as benchmarking factors for the full-time continuation, completion and progression measures.
- Five entry qualification groups as benchmarking factors for the part-time and apprenticeship continuation, completion and progression measures.

Table C6: Groupings of entry qualifications used as benchmarking factors

5 groups of entry qualifications	11 groups of entry qualifications	Detailed entry qualification group
Higher education qualifications, and other qualifications reported by non-UK domiciled students	Higher education level qualifications on entry	Higher education qualification: first degree
		Higher education qualification: other undergraduate
		Higher education qualification: postgraduate
	Other qualifications reported by non-UK domiciled students	Other qualifications reported by non-UK domiciled students

5 groups of entry qualifications	11 groups of entry qualifications	Detailed entry qualification group
A-levels, international baccalaureate, BTECs (DDM or higher) and other Level 3 qualifications at 105 tariff points or higher	A-levels (AAA or higher)	A-level: A*A*A*A*
		A-level: A*A*A*A
		A-level: A*A*AA
		A-level: A*AAA
		A-level: AAAA
		A-level: A*A*A*
		A-level: A*A*A
		A-level: A*AA
		A-level: AAA
	A-levels (ABB or higher)	A-level: AAB
		A-level: AAC
		A-level: ABB
	A-levels (BCC or higher) or international baccalaureate	A-level: ABC
		A-level: ACC
		A-level: BBB
		A-level: BBC
		A-level: BCC
		International baccalaureate
	A-levels (CDD or higher)	A-level: CCC
		A-level: CCD
		A-level: CDD
A-levels (DDD or lower, other Level 3 at 105 tariff points or higher, or 2 A-levels and 1 BTEC	A-level: DDD	
	A-level: Below DDD	
	2 A-levels and 1 BTEC	
	>115 tariff points	
	>105 tariff points	
BTECs (at least DDM), or 1 A-level and 2 BTECs	1 A-level and 2 BTECs	
	BTEC: D*D*D*	
	BTEC: D*D*D	
	BTEC: D*DD	
	BTEC: DDD	
	BTEC: DDM	
BTECs (lower than DDM)	BTECs (lower than DDM)	BTEC: DMM
		BTEC: MMM and below
		BTEC: unknown grades

5 groups of entry qualifications	11 groups of entry qualifications	Detailed entry qualification group
Access and foundation courses, or other Level 3 at 65 tariff points or higher	Access and foundation courses, or other Level 3 at 65 tariff points or higher	Access to higher education course
		Foundation course
		>90 tariff points
		>80 tariff points
		>65 tariff points
		Other Level 3 qualifications
None, unknown or other entry qualifications	None, unknown or other entry qualifications	>40 tariff points
		>0 tariff points
		Other qualifications
		No qualifications on entry
		Unknown qualifications on entry

Annex D: List of abbreviations and glossary

Term	Explanation
ABCS	Associations between characteristics of students – an intersectional measure that, based on a model considering a range of student characteristic factors, assigns each student to a quintile according to their modelled propensity to achieve a positive outcome
APPs	access and participation plans
CAH	Common Aggregation Hierarchy – centralised subject classification groupings
DfE	Department for Education
DLHE	Destinations of Leavers to Higher Education survey – the predecessor to the Graduate Outcomes survey. It asked graduates what they were doing six months after successful completion of their study.
ESFA	Education and Skills Funding Agency
FSM	free school meals
FPE	full-person equivalent
FTE	full-time equivalent
GDPR	General Data Protection Regulation
Graduate Outcomes	Survey of graduates 15 months after successful completion of their study that captures the perspectives and current status of recent graduates
HEFCE	Higher Education Funding Council for England
HERA	Higher Education and Research Act 2017
HESA	Higher Education Statistics Agency
HESES	Higher Education Students Early Statistics. An aggregate data collection to support the calculation of recurrent grant funding
HTQs	Higher Technical Qualifications
IDACI	Income deprivation affecting children index – measures the proportion of all children aged 0 to 15 living in income deprived families
ILR	Individual Learner Record – data on further education and sixth form colleges, returned to the ESFA
IMD	Index of Multiple Deprivations – area-based measure of deprivation
KPMs	key performance measures
LEO	Longitudinal Education Outcomes – a dataset produced by the DfE which links students educational and tax records

Term	Explanation
LLE	Lifelong loan entitlement – government initiative
NPD	National Pupil Database
NSS	National Student Survey, conducted annually by the OfS on behalf of the four UK nations, to collect students' views on the quality of their courses
NS-SEC	Socio-economic background is classified on the basis of the National Statistics socio-economic classification
OfS	Office for Students
ONS	Office for National Statistics
POLAR	participation of local areas – area-based measure of access to higher education
Proceed	Projected completion and employment from entrant data
RAG	Red-Amber-Green – rating system
self-benchmarking	The amount that the provider's own students contribute to the calculation of its benchmark
SLC	Student Loans Company
SOC	Standard Occupational Classification – ONS employment coding system
studentisation	An approach in which a given provider's benchmark is informed by sector averages calculated from all other providers' data but not its own, meaning it can potentially help mitigate risks of self-benchmarking
TEF	Teaching Excellence Framework
TorR	students taught or registered by the provider – Referred to as the Taught or Registered population view
TTWAs	travel to work areas – defined using employment and commuter patterns based on the 2011 census
TUNDRA	tracking underrepresentation by area
UKRI	UK Research and Innovation
Uni Connect	Programme which brings together 29 partnerships of universities, colleges and other local partners to offer activities, advice and information on the benefits and realities of going to university or college



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