

Office for  
Students



# Regulatory Advice 8

Guidance for providers about  
condition of registration F1:  
transparency information

Reference **OfS 2018.52**

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Date of publication **12 December 2018 (updated 1 August 2019)**

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# Regulatory Advice 8: Guidance for providers about condition of registration F1: transparency information

This regulatory advice has been extended and republished to include further information about the collection and publication of transparency information to help providers to prepare to meet our requirements.

## Introduction

1. This regulatory advice sets out guidance for higher education providers in England that are registered with the Office for Students (OfS). Section 9 of the Higher Education and Research Act 2017 (HERA) requires the OfS to ensure that the ongoing conditions of registration for certain providers includes a transparency condition.
2. This mandatory condition will apply to all registered higher education providers in either the Approved or Approved (fee cap) part of the register, once regulations are made by the Secretary of State pursuant to section 9 of HERA. The regulations have been approved by both Houses of Parliament in accordance with section 119 of HERA and we expect them to be made in December 2018. We are issuing this guidance now to give providers more time to take preparatory steps in relation to the transparency requirements.
3. This guidance sets out what you must do once you are registered, to prepare to comply with the ongoing condition of registration relating to transparency information. **More detailed technical requirements will be published in February 2019 and you will need to comply with these.** This guidance should be read in conjunction with the OfS's regulatory framework (OfS 2018.01) which sets out in full the approach that we will take to the regulation of providers. If there are any inconsistencies between the regulatory framework and this document then the regulatory framework will prevail.

## What is the transparency information condition?

4. Our regulatory framework contains an ongoing condition of registration that applies to providers in either the Approved or Approved (fee cap) part of the register:

**Condition F1:** The provider must provide to the OfS, and publish, in the manner and form specified by the OfS, the transparency information set out in section 9 of HERA.

5. The transparency information means the information we request in relation to the following:
  - a. The number of applications for admission on to higher education courses that the provider has received.
  - b. The number of offers made by the provider in relation to those applications.

- c. The number of those offers accepted and the number of those who go on to register at the provider.
  - d. The number of students who registered and went on to complete their course with the provider.
  - e. The number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.
6. In each case, the information that we ask you to provide may include those numbers by reference to the following:
- a. The gender of the individuals to which they relate.
  - b. Their ethnicity.
  - c. Their socioeconomic background.

## What do I have to do?

7. If you are registered or applying to be registered by us, you should note that you will be required to submit and publish the transparency information listed above from the 2019-20 academic year<sup>1</sup> – this will apply to applicants and students on your undergraduate courses only (first degree and other undergraduate courses, and programmes such as apprenticeship programmes where these are higher education level, HNDs, foundation degrees and so on). We will undertake further work with students and providers to inform our decision about whether we should extend the transparency information to cover postgraduate applicants and students in future years.
8. As part of our work on access and participation, we will also undertake further work in 2019 to develop proposals to include breakdowns of data by disability and age within the transparency information condition.
9. If you are registered or applying for registration, you will need to comply with the transparency information condition from 1 August 2019. Therefore, for 2019 only, you will need to submit to us and publish the required information in August 2019 about those applications, offers, acceptances and registrations<sup>2</sup> from students that applied to start their study with you in the 2018-19 academic year. You will also need to publish the required information about the number of students who attained a particular degree or other academic award or a particular level of such an award on completion of their course in the 2017-18 academic year. This will be the only year for which you will be required to submit and publish the required information in August.
10. After the submission and publication in August 2019, you will need to submit and publish the required information thereafter in April of each year. This means that in April 2020, you must publish, and submit to us, information on all the applications, offers, acceptances and registrations for all courses starting between 1 August 2019 and 31 July 2020. This will ensure that you publish the information in the academic year to which it relates, whilst also allowing the majority of student intakes at different times during the academic year to be recorded. You must also publish information on the number of those applicants who started their study with you in 2018-19 who completed their course by the end of the 2018-19 academic year (i.e. those completing after one year or less). You must also publish information on the number of **all** students (i.e. not limited to students that started their study with you in a particular academic year) who attained a particular degree or other academic award, or a particular level of such an award on completion of their course in the 2018-19 academic year.
11. We are aware that an April publication will result in some students that start their courses after March not being included in the data for that year. You will therefore submit and publish ‘in-year’ data and ‘full-year’ data. For example, you would publish data relating to those applying to and starting their study with you in 2019-20 as in-year data in April 2020. You would then update this

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<sup>1</sup> We use the term ‘academic year’ to refer to the period from 1 August of one year to 31 July of the following year; so the 2019-20 academic year runs from 1 August 2019 to 31 July 2020. This applies irrespective of the start and end dates of your own academic year.

<sup>2</sup> We use the term ‘registrations’ to refer to those students that begin their course and do not leave within two weeks of the start date.

with any further late registrations and publish this as full-year data in April 2021. Tables 1 and 2 set out what you will need to submit and publish, and when you will need to do this. The requirements set out in the tables will ensure that you will be able to include all of your students in the data that you submit and publish. We will keep the timing of publication under review to ensure that we optimise both the timeliness and completeness of the required information.

12. Table 1 sets out, in broad terms, the information you will need to submit and publish and when you would need to do this in the 2019-20 and 2020-21 academic years. Table 2 illustrates how this would work across the first two academic years.

**Table 1: Information requirements and publication points for transparency information relating to data for the 2017-18, 2018-19 and 2019-20 academic years**

Data required	Month and year of publication
Application, offer, acceptance and registration data for applicants who intended to start their course in the 2018-19 academic year	August 2019
The number of students who attained a particular degree or other academic award or a particular level of such an award on completion of their course in the 2017-18 academic year*	August 2019
In-year application, offer, acceptance and registration data for applicants who intend to start their course in the 2019-20 academic year; and full-year application, offer, acceptance and registration data for those who started in the 2018-19 academic year	April 2020
Data on the number of those applicants who started their study with you in 2018-19 who completed their course by the end of the 2018-19 academic year (i.e. those completing after one year or less)**	April 2020
The number of students who attained a particular degree or other academic award or a particular level of such an award on completion of their course in the 2018-19 academic year*	April 2020
In-year application, offer, acceptance and registration data for applicants who intend to start their course in the 2020-21 academic year; and full-year application, offer, acceptance and registration data for those who started in the 2019-20 academic year	April 2021
Data on the number of those applicants who started their study with you in 2018-19 who completed their course by the end of the 2019-20 academic year (i.e. those completing after two years or less). Data on those applicants who started their study with you in 2019-20 who completed their course by the end of the 2019-20 academic year (i.e. those completing after one year or less)	April 2021
The number of students who attained a particular degree or other academic award or a particular level of such an award on completion of their course in the 2019-20 academic year*	April 2021

\* You should provide data for the cohort of students who are completing their courses for the year in question rather than the cohort of students who are applying.

\*\* You should provide data on students that have completed from the cohort of students who applied for the year in question.

**Table 2: Transparency information required to be published across the first two academic years 2019-20 and 2020-21**

Data category	Published August 2019	Published April 2020	Published April 2021
In-year application, acceptance, offer and registration data	For students entering in academic year 2018-19	For students entering in academic year 2019-20	For students entering in academic year 2020-21
Full-year application, acceptance, offer and registration data		For students entering in academic year 2018-19	For students entering in academic year 2019-20
Full-year completion		For students who entered and completed in academic year 2018-19 (i.e. those completing after one year or less)	For students who entered and completed in academic year 2019-20 (i.e. those completing after one year or less) For students who entered and completed in academic year 2018-19 (i.e. those completing after two years)
Full-year attainment	For students completing in 2017-18	For all students completing in 2018-19	For all students completing in 2019-20

# What does the terminology in the transparency information condition mean?

## Application, offer and acceptance data

13. You must adopt an applicant cohort approach in the provision of the required data in paragraph 5 (a-d) above. This means that you will be reporting on the same set of applicants (all your home, i.e. UK domiciled) that have applied to register with you in the year in question for each of the requirements in set out in that paragraph.
14. You should ensure that you capture all applications from UK domiciled students to study for a recognised undergraduate higher education award. You should include students on apprenticeship programmes, where these are higher education level, as well as students studying HND, foundation degrees and other higher education programmes that lead to a full award. You should also include students who have applied to foundation years where these are integrated into a full higher education qualification.
15. If you use UCAS for your students' applications, and all such applications to register with you are handled by yourselves directly, most of the application data for full-time undergraduate courses will be relatively accessible and straightforward to provide. However, you will need to collate data for all other applications which are made outside of the UCAS system. This includes, but is not limited to, part-time applications, direct full-time applications, apprenticeship starts, transfers in and those on programmes which allow direct progression from pre-higher education programmes onto higher education awards.
16. You should only include applications that will, if successful, lead to registration with your provider. If you teach students that are registered with another provider under a subcontractual arrangement, these students and the related applications should not be included in your transparency information.
17. A subcontractual arrangement (sometimes described as a 'franchise arrangement') is a relationship, based on a formal contract, in which a body with degree awarding powers (the lead provider) allows another provider (the delivery provider) to deliver all or part of a programme which has been designed, approved and owned by the degree awarding body. The lead provider or subcontracting provider retains overall control of the programme's content, delivery, assessment and quality assurance arrangements.
18. We recognise that outside UCAS the point at which an enquiry becomes an application may not always be clear cut. In these cases you should record a query as an application at the point at which an offer is made. This would include offers made and accepted through the UCAS Clearing process.
19. For the purposes of the transparency condition, you should ensure that you capture all of your UK domiciled applicants and students studying in the UK. If you are delivering awards in other countries, you do not need to include information on those applicants and students. You do not currently need to include information on EU and international applicants for the purposes of the transparency information condition. However, we will undertake further work, as part of our broader responsibilities for all students studying in English higher education providers, to



determine the most appropriate mechanism through which to collect relevant information on these students.

20. For 2019 only, you will be expected to publish the information required by the transparency information condition in August 2019. As a consequence, you will need to provide the required information for those applications you received for study starting in the 2018-19 academic year. This will be the only year for which we will require an August publication.
21. The submission and publication of the required information thereafter will be in April of each year. You will publish information on all applications, offers, acceptances and registrations for all undergraduate courses starting between 1 August and 31 July in that academic year. This means that in April 2020, you will submit and publish information for courses that start in the 2019-20 academic year. Therefore, you will need to report your application data as follows:
  - applications made during the most recent application cycle (i.e. for UCAS applications, the 2019 UCAS cycle which opened in September 2018 with a mid-January 2019 deadline for applications in the main system) for entry in 2019-20
  - applications made in previous cycles where entry was deferred until 2019-20
  - within-year applications (for example, applications to nursing courses in November 2019 to start in January 2020).
22. We are aware that publishing data in April relating to that academic year will result in some applications not being captured due to later start dates. Therefore, this 'in-year' data should be complete up to the end of March. You will add your later, post-March applicants and publish your 'full-year' data the following April. This means that you will publish the in-year information relating to applications to start in 2019-20 in April 2020 and the full-year information for applications to start in 2019-20 in April 2021.
23. You will need to present the application data about your students broken down into full-time and part-time applicants and those on apprenticeship programmes, to ensure that data on completions are meaningful.

## **Application data collection**

24. The OfS, working with UCAS, is developing an application data collection tool for providers which you will be able to download from the OfS website by the end of February 2019. The tool will allow you to copy your UCAS data into it and record your direct applications so that both sets of data are consistent.
25. Use of the data collection tool is not mandatory. You are able to use your own systems if you prefer, as long as the way in which you record the application data enables you to provide aggregated data in the format required by the OfS for submission and publication.
26. In addition to the data collection tool, we are developing a submission and publication template which will be available from the OfS portal in summer 2019. The use of this template is mandatory. You will be required to copy your aggregate application data, either from the OfS collection tool or from your own systems, onto the template which you will need to submit to the OfS.

27. When using the data collection tool and are transferring aggregate data to the submission and publication template, you must follow the detailed, technical instructions which will be published in February 2019 to ensure that you fully comply with the condition. So that you are able to see the broad nature of the publication tables, we have provided a copy of the prototype submission and publication template at Annex A. Please note that it is still under development, so aspects of the prototype are likely to change. The template will be finalised early in 2019 when we issue the technical instructions for use of the data collection tool and the template.

## **Completion and attainment data**

28. You will need to publish data showing the number of students in the relevant applicant cohort who accepted offers, and completed their course with you. You should ensure that you clearly distinguish between those applicants who accepted offers and those who both accepted offers and subsequently registered and started studying with you (this is to ensure that when presenting completion data, those applicants that accepted offers but did not subsequently register with you are not included). This does not include deferred entrants, who should be accounted for in the applicant cohort data for the year in which they registered and started studying with you. For non-UCAS applicants, you will be able to use the data collection tool described in paragraph 24 to record those who accepted and registered, and those who accepted but did not register. This will enable students that did not register from both non-UCAS and UCAS applications to be accounted for in the completion data to be delivered to you.
29. Higher education courses will vary in the length of time taken to complete. Generally, full-time undergraduate courses can vary from one to seven years to complete, with part-time courses taking significantly longer. Therefore, we will consider the last eight applicant cohorts for full-time students and the last 16 applicant cohorts for part-time students when compiling your completion and attainment data. This would mean that, for the purposes of the transparency information condition, the last point at which applicants who entered to study full-time in 2019-20 could be recorded in the completion and attainment data would be 2027-28. For those who entered to study part-time in 2019-20 the last recordable year would be 2035-36.
30. It is also the case that students may take breaks in study, re-take a year or transfer to another provider.
31. In recognition of the complexities involved in reporting on completion for applicant cohorts, you will be required to publish information about students who:
- have completed (part I)
  - are still studying with you (part II)
  - have left without completing (part III)
  - are taking a break in study (part IV).
32. As the information required to determine the completion status of students will already have been returned to the Higher Education Statistics Agency (HESA) student record or in the Individualised Learner Record (ILR), we will deliver the necessary information to you to enable you to meet the requirements for completion data. The data you receive from us will be derived from the data you had submitted in your HESA and ILR returns, signed off as accurate by the

head of provider or accountable officer. Students who have transferred from one course to another within your institution will be recorded within part II. Students who have transferred to another provider will be recorded within part III. If you have large numbers of such students you may wish to reference this in any contextual information you publish with your data.

33. If you do not have the relevant HESA or ILR data because this is the first year you have been required to return your data to HESA or the ILR, you will not be required to publish your completion and attainment data. In subsequent years, as this data becomes available, we will deliver it to you as described in paragraph 32.
34. With respect to the requirements for attainment data, it is not necessary for you to report this by the applicant cohort. The attainment requirement requires transparency regarding the number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider in the year in question. Therefore, we will give you attainment information from the HESA student record or the ILR for the latest cohort for which it is available.
35. With respect to the data you will need to publish in August 2019, only the attainment data for students graduating in 2017-18 will be provided to you for publication.
36. From April 2020 the OfS will provide completion data for those students that entered and completed in 2018-19 (i.e. those completing after one year or less). Please note that we will only count as completed those students who have completed the course or programme for which they were originally registered or one of an equivalent or higher level (e.g. a student registered for a first degree in one subject but transferred to a different first degree course at the same provider which was then completed). We will not count those students who withdraw from their course or programme before it was completed and leave with a lower level award (e.g. a student who registered for a first degree but withdrew after one year and was awarded a Certificate of Higher Education).

## **Breakdown by student characteristics**

37. You will need to break down all of the information for UK students on applications, offers, acceptances, registrations, completions and attainment by the characteristics listed in the condition which are:
  - a. The gender of the individuals to which they relate.
  - b. Their ethnicity.
  - c. Their socioeconomic background.
38. You should put processes in place to split your application data by the characteristics specified. The data collection tool will include the relevant characteristics for your direct applicants, and, if you use the UCAS system, the UCAS data extract will provide the breakdowns for you. When reporting such data you need to minimise the risk of individuals being identified. You, we, UCAS and others will need to comply with the General Data Protection Regulation 2018 with regard to data disclosures. We will issue guidance on the disclosure controls that you should apply to your published transparency information in early 2019 as part of the technical instructions on how to use the data collection tool we will provide and the publication template.

## Socioeconomic background

39. While a student or applicant's gender and ethnicity can be reliably and directly extracted from application and administrative (HESA/ILR) data, in most cases, individualised measures of socioeconomic background are not as straightforward.
40. One measure which seeks to indicate the socioeconomic status of individuals is the National Statistics Socio-Economic Classification (NS-SEC), which was constructed to measure the employment relations and conditions of occupations. The classification ranges from higher managerial, administrative and professional occupations through to never worked and long-term unemployed. However, this measure proved to be so unreliable for higher education students – particularly young higher education students for whom the reliance was on parental occupation – it was removed from the 2016 and later releases of the UK Higher Education Performance Indicators.
41. In view of how quickly you will need to comply with the transparency information condition and the need to ensure that you can derive the information from the most readily available, reliable and robust data sources, we will base the breakdown for socioeconomic background on the Index of Multiple Deprivation. This is a postcode based measure and necessarily a proxy for socioeconomic background rather than a direct measure, but you should be able to readily access postcode information for all applicants.
42. To determine the socioeconomic background of your applicants you should use the IMD look-up tool (<http://imd-by-postcode.opendatacommunities.org/>) which enables you to obtain deprivation data for up to 10,000 postcodes at a time.

## Publication of the transparency information

43. You will need to publish your aggregate data on an easily accessible area of your website. A link to the relevant area on your website where the data is situated should be prominently displayed either from your home page or your admissions page.
44. You must publish the data exactly as it appears in the publication tables the OfS provides. This is to ensure that the transparency information is consistently presented across all providers. Each of the tables will have summary data at the top with the detail underneath. You should publish the summary data from each of the tables directly on the webpage and then provide a link to a downloadable document which contains the complete dataset.
45. It will be for you to determine what explanatory information you wish to publish alongside the transparency information. However, all providers should publish the following introductory text:

### The information published on these pages shows:

The number of applications for admission on to recognised, undergraduate higher education courses that we have received from UK domiciled applicants.

The number of offers we have made in relation to those applications.

The number of those offers accepted and the number of those who have registered with us.

The number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with us.

It also shows these numbers by reference to:

The gender of the individuals to which they relate

Their ethnicity

Their socio-economic background.

It is important to note that the data presented has not been contextualised. This means, for example, that you will not be able to see from this data how many of those applying to courses met the entry criteria. It is also the case that universities and colleges will often receive many more applications than they have spaces on courses and so offer rates will necessarily be lower than application rates in those circumstances.

46. We recognise the importance of providing a relevant contextual narrative alongside the data which allows the transparency information to be considered within the broader circumstances of the provider. But it will be important within this to recognise where the data has highlighted differences, and to explain what actions will be or are being undertaken to address them. You should refer to the commitments you have made in your access and participation plan or your

access and participation statement, to improve your provision and support across the student lifecycle.

47. The information you are required to publish is the aggregated numbers in each category. These are not benchmarked. You must not add benchmarked figures to the published tables. Should you wish to publish benchmarked data, such as that produced by UCAS in respect of equalities information, this must be done separately from the transparency information publication tables. UCAS will publish 2018 equalities data for individual universities and colleges, which will include such contextualisation, in January 2019.

### **How the OfS will use and publish information**

48. The OfS will produce and publish a report on the transparency information in autumn 2019 which is intended to provide a national overview of the information and draw out any key themes that emerge from it.
49. The transparency information condition is a regulatory mechanism that we will use to support our ambitions and priorities for access and participation. The report we publish will therefore reflect the issues of importance to this element of our work. In addition we will publish elements of the transparency information data in our access and participation dataset (described in paragraphs 51 to 56).
50. At the provider level, the transparency information will provide a further useful data source with which to assess overall performance in access and participation, and as part of our dialogue with providers in respect of their access and participation plans. It will complement the broader access and participation dataset under development by the OfS described below.

### **The access and participation dataset and dashboard**

51. The OfS will create, publish and maintain an access and participation dataset. We recently consulted on the development of the dataset as part of the new approach to access and participation we have set out<sup>3</sup>. This will provide a sector-level picture of the challenges in access and participation across the student lifecycle, and at provider level. In addition it will enable greater clarity on how we assess performance across the lifecycle.
52. Where possible, the measures will be aligned with the Teaching Excellence and Student Outcomes Framework (TEF) metrics and OfS lead indicators (including those used to assess registration condition B3<sup>4</sup>). They will also align with the targets that providers with access and participation plans will be setting using OfS-specified measures. However, where TEF looks at three-year aggregated data and uses benchmarked data, access and participation data is concerned with absolute gaps and changes over a five-year time series.

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<sup>3</sup> Full details of our new approach to access and participation can be found in the consultation document at: [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation/).

<sup>4</sup> Condition B3 of the regulatory framework: the provider must deliver successful outcomes for all of its students, which are recognised and valued by employers and/or enable further study.

53. The dataset will consist of a dashboard of data in the form of graphs, supported by access to additional and more granular supporting data. The dataset will cover the following stages of the student lifecycle:
- access – profile of higher education entrants
  - continuation – continuation in year following entry
  - attainment – percentage awarded first or 2:1
  - progression – highly skilled employment or further study at a level higher than the qualification obtained.
54. For each stage of the student lifecycle, the main dashboard will show gaps in access and participation for the following groups:
- POLAR4 – gap between quintile 1 and quintile 5 students
  - ethnicity – gap between white and black, Asian and minority ethnic (BAME) students
  - age – gap between young (under 21 on entry) and mature (21 and over on entry) students
  - disability – gap between disabled and non-disabled students.
55. In addition to the dashboard, there will be a larger dataset that users can explore to understand a wider range of characteristics (for example, gender and the Index of Multiple Deprivation quintiles), as well as the characteristics listed in paragraph 32 in more granular detail (for example, individual ethnic group and a more granular breakdown of age groups).
56. The dashboard will provide an accessible and meaningful picture of the outcomes for different groups of students in universities and colleges. Gaps between different groups that are identified within the dashboard will, where appropriate, take account of distributions observed in the underlying UK population as well as the cohort size informing the measure. It will clearly show where universities and colleges are closing gaps and, importantly, where more progress is needed to ensure equality of opportunity and outcomes. And it will form the basis of our discussions with individual universities and colleges on the steps they will take and the targets they will set through their access and participation plans to address any gaps for their students in terms of access, student success and progression to further study or high skilled employment.



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