

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

Are you responding as an individual or on behalf of an organisation?

Organisation

What is the name of your organisation? (If not relevant, please answer 'N/A')

Specialist Evidence, Evaluation & Research (SEER) network. This response has been endorsed by our HEP members: Writtle University College; London School of Architecture; SAE Institute; New College of the Humanities (NCH); Northern School of Contemporary Dance; Central School of Ballet; The Place (London Contemporary Dance School); ICMP; London School of Management Education; Point Blank Music School; Falmouth University; Academy of Contemporary Music.

General questions regarding this consultation

Q1. Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

The consultation paper is steeped in jargon and needs to be decoded before it can be understood. If the whole process is difficult for professionals to understand it will be unintelligible for students who the OfS was established to protect.

This is especially relevant given the relatively short timeframe for responding to this consultation and linked consultations. These timeframes also disadvantage smaller and newer providers who may have less experience with sector measures and limited capacity to respond quickly to complex technical consultations such as this one. This has not been helped by references to data suppression and management of small populations being in the later portion of the consultation document – this is essential information for small providers to be able to consider the proposals in light of

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impact on their own institutions.

In relation to para 59 on four views of a provider population, more clarity on the relevance of these different populations to assessing outcomes is needed. Currently the overlap between these populations is confusing.

GENERAL COMMENTS:

This consultation delves into the technicalities of measure and data definitions – but does not consult on the approach of imposing sector wide thresholds (esp. point 43) – which is rolled into the other consultation on B3 and TEF. This is really concerning and demonstrates the weakness of the approach as a whole, as it focusses intently on a particular proposed solution to a particular problem, whilst ignoring wider issues.

Although it looks as though small and specialist providers will have the opportunity to provide context about why their context has made it difficult for them to achieve positive threshold outcomes in the measures, the linkage between the two aspects seems a bit vague.

“In other words, as part of our assessments of condition B3 and TEF, a provider will have an opportunity to demonstrate and evidence why outcomes achieved by particular students, which do not satisfy the OfS’s definition of a positive outcome, may nonetheless constitute a positive outcome for those students. The OfS will then consider this evidence when making a regulatory judgment about student outcomes.” (Point 43).

In terms of proposing an alternative approach, we would suggest that this framework is paused and more consultative work is done with a diversity of practitioners engaged in the activities that are the subject of this regulation to explore the potential for identifying more positive and relevant measures.

Q2. 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?

The process proposed is overly bureaucratic and will place a significant additional burden on providers, proportionately greater on small providers. More frequent collection of data requires extra staff to provide it, with finite resources this means fewer teaching staff and hence a decline in teaching quality. The reverse of what is intended. The Scottish system of ‘outcome agreements’ would seem to be a more efficient system.

In addition there is a risk that those institutions (for example, small specialist providers and others with limited staff resource), which will be

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disproportionately impacted by the complexity of the requirements, will be those least likely to be able to formulate a timely response to this consultation. This would result in a bias in responses towards larger and better resourced providers rather than reflecting the concerns of the sector as a whole.

The focus on progression measures (11.b) needs to be contextualised within a wider political economy, with understanding of geographical variation in employment opportunity, and the advantages afforded to more affluent students in terms of social, economic and cultural capital.

It is unclear how the intention set out in paragraph 15 – to consider use of the same definitions in other contexts – is being addressed within this consultation or how the OfS intend to address it.

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

Q3. 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.

Not at all. We doubt that the proposals will be universally applicable, especially where the definition of a positive outcome seems to be inappropriate. Complex issues need nuanced answers not 'binary measures.'

Moreover, binary measures can increase the risk of data determinism by encouraging gaming of the measures for those providers most able to engage in this approach. Blunter measures may also discourage a considered and nuanced response to the challenges they are supposed to reflect.

Binary measures are particularly problematic for small and specialist providers, due to small population sizes and resultant volatility of such measures; the use complementary qualitative data should be encouraged in such circumstances to enable a more accurate and fairer representation.

This is a concern for our SEER (Specialist Evidence, Evaluation and Research) service members; they are being pushed through a machine not designed for their context, with only the promise of a consideration of context by the regulator. Given the technical detail provided elsewhere, this essential and legitimate concern is brushed off with vagaries, which smacks as very odd.

Q4. 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.

Any publication should acknowledge and celebrate the diversity of the sector.

Whilst attempts to maintain transparency are valued, the complexity and nuanced differences between the published datasets will not be easily interpreted, even by those within institutions. Further detail on how the OfS intends to make this published data truly transparent by supporting audiences to engage meaningfully with it is needed. Although the consultations make clear that provider context and input will be taken into account in regulatory decisions, this contextualisation does not appear to apply to publication of data, making it easily open to misinterpretation which is a reputational risk for providers. This can have a meaningful impact on students within providers.

For small providers whose data will be suppressed in publicly available datasets, this creates a potential lack of parity in their public perception, as they will not be comparable to other institutions.

As above, this should allow for the appropriate publication of qualitative data findings where small population sizes increase volatility.

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

Q5. 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.

TEF grades should only be derived from those courses and cohorts actually taught by the provider to be of any value to the student. The needs and interests of students should be central to your approach.

Q6. 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.

Similarly the A&P dashboard should be derived from those courses and cohorts actually taught by the provider. There will be some issues with regard to data protection and small sample sizes, particularly for smaller providers, that must be addressed in an equitable way.

Q6. 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.

This is touched upon in terms of suppressions later in the document so the focus here should perhaps be on the fact that the many different indicators and different approaches (between B3, TEF and the dashboard) will be challenging for providers to navigate, never mind laypersons. For small and specialists, the split indicators rapidly make the dashboard unusable as their numbers will be suppressed and the data supplied by OfS is not comparable in terms of accessibility. It assumes capacity on the part of providers to interpret the data and work with it – which has been evident is not present in some providers (particularly small and specialist) to the extent required.

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

Q7. 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.

There is significant extension of state intervention into the academic autonomy of providers proposed here. Whereas the state may claim to have a legitimate interest in education for which it provides loan support, the inclusion of non-prescribed courses and international students leads us to substantially not agree with the proposed coverage. The QAA and its predecessors have always overseen quality and standards effectively where awards are given. It should be remembered that the best quality higher education systems are those most free of state interference. Again these proposals are a major increase in reporting burdens on providers and will discourage the provision of short courses, previously regarded by HMG as an important area for providers to expand. The proposals will act as a disincentive to modular provision which will be more burdensome. It would appear from the proposals that OfS are unaware of the complexity of many international partnerships which cannot simply be defined as 'in-house' or 'TNE'. One major advantage enjoyed by English HE has been flexibility, in a rapidly changing world this is a crucial advantage for both providers and students. Flexibility will be lost in the rigid classifications recommended here.

Whilst we acknowledge the very significant challenges in constructing the kind of sector wide framework proposed here, we also note that these frameworks can have unintended consequence, as the measures become an end in themselves and serve to obscure the issues that are supposed to represent. A cautionary tale is available in the way in which the POLAR measure of HE progression came to represent disadvantage for many WP practitioners. This can encourage an exclusive focus on addressing the measure, (as has been successfully done in London with the POLAR measure, for example, without necessarily engaging broader issues of disadvantage). Ideally, there would be a longer period for the regulator to engage closely with the sector to explore potential measures with those 'at the coalface'.

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

Q8. To what extent do you agree with our proposed definitions of mode and level of study? Please provide an explanation for your answer. If you believe our approach should differ, for example to rely on a student's substantive mode of study across their whole course, please explain how and the reasons for your view.

We agree with your proposals on levels but not on mode of study. The differences between full-time and part-time are increasingly blurred and only really survive to assist with the allocation of student support. Your whole approach to part-time students needs to be re-thought in consultation with significant part-time providers, both large and small. Your proposals will also have the effect of discouraging Credit Accumulation and Transfer Schemes (CATS), something HMG was actively encouraging recently.

Q9. 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.

Agree. As per responses to Q5,6:

TEF grades should only be derived from those courses and cohorts actually taught by the provider to be of any value to the student. The needs and interests of students should be central to your approach.

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Q10. 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.

Agree, with caveats presented in 7: There is significant extension of state intervention into the academic autonomy of providers proposed here. Whereas the state may claim to have a legitimate interest in education for which it provides loan support, the inclusion of non-prescribed courses and international students leads us to substantially not agree with the proposed coverage. The QAA and its predecessors have always overseen quality and standards effectively where awards are given. It should be remembered that the best quality higher education systems are those most free of state interference. Again these proposals are a major increase in reporting burdens on providers and will discourage the provision of short courses, previously regarded by HMG as an important area for providers to expand. The proposals will act as a disincentive to modular provision which will be more burdensome. It would appear from the proposals that OfS are unaware of the complexity of many international partnerships which cannot simply be defined as 'in-house' or 'TNE'. One major advantage enjoyed by English HE has been flexibility, in a rapidly changing world this is a crucial advantage for both providers and students. Flexibility will be lost in the rigid classifications recommended here.

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Questions relating to proposal 5: Construction of continuation measures

Q11. 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.

Disagree over part-time, why is the period not one year here? Life changing events are often a legitimate reason for a student becoming inactive e.g. pregnancy or serious accident. Under your proposals the effect on part-time student continuation would be double that of full-time. More care should also be taken in the construction of continuation measures to ensure they are non-discriminatory on the grounds of protected characteristics e.g. gender, where pregnancy is an obvious example.

Q12. 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.

As per response to Q11, for a strong case for a one-year census for part-time students:

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Q13. 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.

As per responses to Q7 and Q11:

There is significant extension of state intervention into the academic autonomy of providers proposed here. Whereas the state may claim to have a legitimate interest in education for which it provides loan support, the inclusion of non-prescribed courses and international students leads us to substantially not agree with the proposed coverage. The QAA and its predecessors have always overseen quality and standards effectively where awards are given. It should be remembered that the best quality higher education systems are those most free of state interference. Again these proposals are a major increase in reporting burdens on providers and will discourage the provision of short courses, previously regarded by HMG as an important area for providers to expand. The proposals will act as a disincentive to modular provision which will be more burdensome. It would appear from the proposals that OfS are unaware of the complexity of many international partnerships which cannot simply be defined as 'in-house' or 'TNE'. One major advantage enjoyed by English HE has been flexibility, in a rapidly changing world this is a crucial advantage for both providers and students. Flexibility will be lost in the rigid classifications recommended here.

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Q14. 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.

OfS need to decide if they want to encourage CATS or not. We believe in line with Government policy and the needs of students that they should and the proposals need to be adjusted so that exporters and importers of students are encouraged to participate in CATS and not penalised.

Questions relating to proposal 6: Construction of completion measures

Q15. Do you have any preference for one of the proposed approaches to measuring completion outcomes over the other? Please provide an explanation for your answer. In particular, please describe any strengths and weaknesses of the two methods that inform your preference.

We very much prefer an actual measure and not a projected measure, a real measure which can be used to enhance quality.

Q16. 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.

Our agreement with this measure is limited by the knowledge that the 'one size fits all' approach leads to complex and arbitrary definitions. This particularly marked in the part-time mode where the long-discredited notion that normally part-time students study at 50% intensity seems to be the starting point. On full-time students, we are partially reassured by your acknowledgement of differing lengths of study e.g. undergraduate

Q16. 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.

degrees as standard vary from 2 to 6 years, that is before including legitimate extensions or reductions. These problems would be ameliorated by using a credit accumulation model but this has unfortunately been explicitly ruled out in the consultation.

Q17. To what extent do you agree with the definition of the compound indicator measure defined within this proposal? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We do not agree with the use of the compound indicator measure, as it is not helpful in the management and enhancement of quality which after all should be the ambition of this consultation. We don't feel the compound indicator measure is measuring what it says it is. It's an estimate and not entirely definitive. There needs to be recognition that in some cases, completion takes several years, and the lag on the data will inevitably reflect this.

Questions relating to proposal 7: Construction of progression measures

Q18. To what extent do you agree with the proposal to exclude international students from the calculation of progression measures? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree that international students should be excluded from this calculation.

Q19. 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 GO responses)? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree with your proposed approach to survey non-responses.

Q20. To what extent do you agree with our proposed approach to partial responses to the GO survey? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We agree with your proposed approach to partial response.

Q21. To what extent do you agree with our proposed definition of positive progression outcomes and the graduates we propose to count as progressing to managerial and professional employment or further study? In particular, do you have any comments about the approach to caring, retired and travelling activities, or to employed graduates without a SOC code? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We fundamentally disagree with such a functional approach to the definition of positive outcomes for higher education. While obtaining professional employment may be an ambition of many students, the purpose of higher education is to enable a student to fulfil their potential. The Robbins Report had a much broader and satisfying definition of the purpose of higher education than the diminished view of this set of consultation papers. There are known problems with the use of SOC codes in the fields of self-employment, the arts and theological study to mention just three. In the context of what you are seeking to do we do support your treatment of those who are caring or retired. The option of travelling is only really open to the more affluent and it will therefore disadvantage those providers who recruit students from less affluent backgrounds. This will further undermine access and levelling up. Also problematic in terms of maternity leave, caring responsibilities, ill-health. We are also concerned that some of the “non-professional” jobs identified by the consultation do not reflect how some students may envisage “success” for themselves e.g., textiles artists, gardening and horticulture.

In relation to small and specialist providers in particular, who you note in this and other consultations may have many outcomes for students that could be deemed positive but are not recognised by these measures, the exact means of OfS considering ‘context’ is extremely unclear across this and the consultation on regulating student outcomes. It does not inspire confidence that a measure that will be publicly reported without nuance has been chosen, which knowingly excludes positive outcomes for some students and providers. Further consultation specifically with those providers that you are aware that this measure will affect specifically, which are also those less likely to be well resourced to respond to this consultation, would be desirable.

Q22. To what extent do you agree with our proposed definition of negative progression outcomes? In particular, do you have any comments on the definition of 'doing something else' as a negative outcome when it is reported as a graduate's main activity? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We disagree with your definition of negative outcomes. We can think of a whole host of reasons for 'doing something else' which could be very positive, including volunteering and deep thinking.

Q23. 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?

You correctly identify the problems with some other methods of defining what used to be termed 'graduate jobs' yet you do not critique your own which is flawed by being too functional.

Q24. Do you have any comments on our proposed approach to interim activities, and the costs associated with extending the GO survey infrastructure to collect and code more information about interim employment occupations, if we were to pursue an alternative approach?

We recognise that 15 months after graduation many graduates are involved in interim activities but shudder at the thought of more surveys and more cost.

Q25. Do you have any comments or suggestions on the potential future use of graduate reflective questions?

Graduate reflective questions might inform many interesting research projects but they will be costly and if applied reduce significantly the response rate from existing surveys. OfS should be mindful of the Regulators Code and only conduct surveys which are essential.

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

Q26. 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.

Agree.

Q27. 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.

Agree this approach is sensible.

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

Q28. 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.

Agree.

Q29. 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.

These indicators could cause problems for providers with small cohorts of students.

Q30. 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.

These indicators are all 'nice to haves' but increase the burden on both providers and regulators, there should be more evaluation of risk before selecting such a large range of indicators.

Q30. 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.

Some of the indicators for Access and Participation are ones where there are incomplete data and limited evidence of validity. E.g. First in family as a proxy for disadvantage is not relevant across the whole of the sector (HEPI, 2022). Whilst there is value in these indicators, even given some of the drawbacks noted, the granularity for regulatory and public information purposes seems excessive.

Current collection of data around sex and gender does not enable nuance, either for individuals whose experience of sex and gender does not align with the form of questions provided, or for institutions who might wish to examine the experiences of these students in higher education. Research from LGBTQ+ organisations and student groups indicates that these students can face significant and specific challenges whilst studying. Reconsideration of these questions could benefit students currently rendered invisible by the reporting indicated here.

Q31. 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.

It is unfortunate if the value of sandwich degrees and placements will not be evaluated.

Q32. To what extent do you agree with our proposed definition of split indicators showing provider partnership arrangements? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reasons for your view.

We prefer the 'taught view' as being most informative for students and teachers.

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

Q33. 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.

Agree.

Q34. 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.

We agree because OfS has experience of using benchmarks in the past and they work reasonably well.

Q35. 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?

No.

Q36. 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?

Geography is undoubtedly an important determinant of employment and would hope that you can improve the methodology over time.

Q37. Do you wish to make any well-evidenced arguments regarding effects of the COVID-19 pandemic on continuation and completion outcomes, yet to be borne out in the data?

We are still collecting data on the impact of COVID-19 and it is too early to present the evidence.

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

Q38. 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?

The presentation of the indicators is helpful and the guidance good but we doubt that the media will pay any attention to it.

Q39. 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?

Clearly the granularity of the data being provided and the legitimate requirement of data protection make this whole exercise extremely problematic for small providers. It would be unfortunate if providers whose very size means they have excellent staff- student contact, small teaching groups and excellent pastoral support are perceived to be of lower quality solely because of data protection requirements.

Questions relating to proposal 12: Definition and coverage of data about the size and shape of provision

Q40. 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.

We don't disagree but remain amazed at the massive data sets that you are proposing to produce. Whatever happened to 'light touch regulation'? Incredibly burdensome for small providers who will not have data expertise "in-house"