HE Update
Data, Data Returns and Regulation in a Pandemic
May 2020

Background

Now that the dust has somewhat settled after the disruption to work caused by COVID 19, late May has been particularly busy for the Higher Education data community, and discussions are starting to gather steam. In this briefing note, we present some of the key points that are beginning to emerge.

Regulatory Landscape

An emerging message is that the Office for Students (OfS) and HESA want providers to engage with them independently and/or via sector groups to voice concerns about pandemic related pinch-points that may affect their ability to meet deadlines. They expressed sympathy for individual providers struggling and would prefer to offer exceptions on a case-by-case basis. If the sector does unite behind specific solutions to any particular problems, they implied they would be open to this.   In the meantime, HESA expect all 2019/20 collection schedules to remain the same, and there are no formal plans to extend submission deadlines. Accordingly, the onus is firmly placed on higher education providers to alert the OfS or HESA as soon as they become aware of any potential problems.

This means that providers need to be aware of their limitations for each data collection/return, and the likelihood of failing to meet submission deadlines. Ideally, this should already be understood and so alerting the relevant body should not be too burdensome. This supportive tone from the OfS might have seemed unlikely just weeks ago, and providers who are aware of any arising or ongoing issues not related to the pandemic may benefit from raising them now.

The OfS are currently distancing themselves from the Department for Education's implementation of temporary student number controls for English providers in 2020/21 – this is a 5% cap above any planned growth for new UK/EU undergraduates. They have provided the DfE with appropriately caveated data, but have not participated in planning or decision making. We suspect that although it may be easy to distance themselves from this in theory, if a provider fails to comply with student number controls, or alternatively, the controls adversely affect providers in other ways, this may force the regulator to become more involved. The sector expects a significant number of deferrals for all students in 2020/21, and there will likely be a drop in EU numbers due to Britain leaving the EU. Providers with high demand for places may therefore meet their UK/EU recruitment targets at the cost of other providers recruiting at or below their worse-case-scenarios.

Any providers without reserves to weather one year of dramatically reduced tuition fee income may find they are unable to meet their usual standards for student experience. This could cause difficulty as the OfS are prioritising student experience over other aspects of regulatory compliance in the current conditions (though they do make it clear this doesn't mean they have stopped regulating) with an emphasis on consumer protection.

While the OfS are focussing on support, providers should assume that actions and decisions they take during this period will still be subject to OfS investigation once things return to normal, and usual practice should still be followed as much as possible.

The OfS suggested providers be careful not to promise more on student experience than they can deliver for 2020/21. While they were clear that only the Competition Markets Authority and the courts can rule on individual cases, we recommend providers pay careful attention to OfS advice on consumer protection.

Immediate Changes

For 2019/20 data, due to be submitted by the end of October 2020, MODOUT and FUNDCOMP are effectively suspended for English and Scottish higher education providers. These, in our experience, are two of the most problematic fields in sector data returns. MODOUT is the field showing student completion/non-completion of individual modules, and FUNDCOMP is used to show completion / non-completion of the year of instance. The guidance is that FUNDCOMP should be completed to show excluded students (FUNDCOMP=9), but that for all other students, providers are free to choose an appropriate value for their submission, e.g. 3 'not yet determined'. Providers will need to take special care that institutional memory is maintained to allow these fields be completed accurately for the 2020/21 student cohort.

Longer lasting impacts

Most consultations from HESA and OfS have been paused, including HESA's broad HE-BCIS review and OfS' consultation on admissions practices. The OfS have warned that their consultations will undergo review before re-opening, given post-pandemic context and priorities. For instance, when the admissions consultation returns, it will appropriately reflect the crisis in non-UK recruitment and the risk of UK deferrals. The exception to this is the OfS' consultation on temporary changes to the OfS registration framework in response to the pandemic, which closed as expected on 26th May. We would recommend waiting until consultations are re-released before spending resource on drafting responses, unless there are immediate risks that need mitigation.

HESA and the OfS have stated that they have yet to plan any changes for 2020/21 reporting, or how time series or definitions may need to be adjusted to reflect teaching delivery in a pandemic. For example, how to report students starting late in January 2021 for an intensive 2020/21 year, before continuing as usual with a September start in 2021/22. Suggestions from providers will be welcomed.

More generally, discussions have been held about how the disruption to standard processes and ways of working presents the sector with an opportunity to re-shape its relationship with data. The key points to come out are that, as quick and easy access to internal data becomes business critical in the rapidly changing environment, the profile of data as an asset is rising. Many decision-makers are realising for the first time how much resource goes into preparing data for presentation under normal circumstances; resource that could be better spent on more complex analysis. It may require cleansing, to remove input errors; or it may need a very complex series of queries to get an answer to what is assumed to be a simple question because of the way the data is stored. For example, academics may not be able to automatically see 'their' students in the groupings they prefer to use, so the data must be disaggregated before being re-aggregated in the required way. There is usually only one small group of experts with the skills to do this.

Armed with this knowledge, decision-makers can avoid known pitfalls when commissioning new collection processes for emerging issues – such as capturing remote engagement and managing assessment. There is an opportunity for data collection, storage and use be developed along the intended lines of Data Futures: entering base data accurately once, and then updating in real time as and when things change for instant, accurate, reporting capability. This requires all staff not just to understand the purpose and importance of the data they are collecting or passing on, but for 'using data' to become a core performance expectation in the same way that 'using email' is.

Critical to all this is trust, in data and in colleagues, because most providers no longer have time to argue over methodology or tidy up data that's been entered incorrectly. This is a golden opportunity to shift the culture away from data knowledge being limited to one group of experts.

Looking further into the future, providers can create better relationships with data, built on strong data cultures. Creating these strong cultures would fix many of the sector's existing problems with data, including silos, and isolated data collections/processes. In order to shift to this culture, we suggest that providers focus on creating and supporting strong data knowledge, at all levels, from entry to senior, ensuring that most, if not all staff, are equipped to understand and use their own data.

How can we help?

Uniac's data specialists can support you to identify your strengths and weaknesses in statutory data reporting, and advise on your ability to submit returns in good time under difficult circumstances. We are available to review and advise on any adjustments to how you record student data to meet internal and regulator needs. We can also review your data culture and internal reporting capability, and make recommendations on how to improve it.

For further information on how we can help or any other aspect of Uniac's internal audit and assurance service please do get in touch.

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