

# Subcontractual and collaborative provision

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## Purpose

This guidance is intended for higher education data management professionals to assist in identifying which courses providers are responsible for returning as part of the Unistats collection. The Unistats collection has a coverage which includes all regulated or publicly-funded undergraduate level provision delivered in the UK.

For more details on coverage and exceptions see the guidance on the coverage of the record: <https://www.hesa.ac.uk/collection/c21061/coverage>.

The following guidance is designed to allow a provider to determine if it, or a partner provider, is responsible for returning **eligible** provision to the Unistats collection in cases where more than one provider is involved in the course.

For Welsh providers, a provider must always return provision it is responsible for through a subcontractual or franchising arrangement. Providers that are franchisees in the arrangements must not return provision that is franchised to them. Further details are below.

## Terms

**Provision** – Unistats eligible undergraduate level courses delivered in the UK.

**Collaborative provision** – provision which is taught by more than one provider. For example, a two-year course for which the first year is taught by one provider and the second year taught by another.

## Subcontractual arrangements

For the purposes of this guidance, we will use the following definitions of validation and subcontractual arrangements:

- a. A validation arrangement applies to a course (module or programme) which a degree awarding body approves to contribute, or lead, to one of its awards. The validated course is delivered by the provider that designed it and students on the course normally have a direct contractual relationship with that provider and not the validating provider. The validating provider remains responsible for the academic standards of the award granted in its name.
- b. 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.

While the nature of any partnership arrangement is for providers to decide, we would consider this to be determined by the details of the contract between the relevant providers.

**Registering provider** – the lead provider in a subcontractual arrangement with which students on the course have a direct contractual relationship but does not deliver the teaching.

**Teaching provider** – the delivery provider in a subcontractual arrangement which teaches the students and does not normally have a direct contractual relationship with the students. For the purposes of this guidance, to be considered a teaching provider the provider in question must teach at least 50% FTE of the course in any given academic year.

**Validating partner** – a provider which validates provision on behalf of another provider but does not normally have a direct contractual relationship with the students studying that provision.

**Publicly funded/regulated provider** – A provider which receives direct public funding for eligible provision or is regulated by the funding body/regulator for its country within the UK. This includes any providers receiving funding from or regulated by:

- The Department for the Economy in Northern Ireland
- The Higher Education Funding Council for Wales
- The Office for Students
- The Scottish Funding Council

## Overview

For subcontractual arrangements and courses involving collaborative provision, the Unistats record should, in general, be returned by the registering provider. There are two exceptions, to the above principle (note that these do not apply in Wales):

- Where a publicly-funded/regulated teaching provider has subcontractual relationships with one or more other publicly-funded/regulated registering providers.
- Where a non-publicly-funded/regulated teaching provider in Northern Ireland, or Scotland has subcontractual relationships with more than one registering provider.

In these cases the teaching provider should, usually, return the Unistats data for all courses it delivers and the registering provider should omit these subcontracted courses from its return. The registering provider remains responsible for ensuring that the Unistats record is returned by its partners for all its courses.

## Guidance for providers in Wales

For providers in Wales, the Unistats return must always be returned by the registering provider. Only HEFCW funded and/or regulated providers in Wales who subscribe to HESA should make a Unistats return both for courses they deliver themselves and courses that are delivered on their behalf through a subcontractual arrangement.

This means that for cross border arrangements, the provider submitting the data may differ in the C21061 return compared to previous years.

Where a Welsh provider is the registering provider and subcontracts out provision to a non-Welsh provider, the Welsh provider will be required to submit the courses in their Unistats return. From the C21061 Unistats return, non-Welsh providers who may have returned these courses in previous years, as the teaching provider, will need to ensure that they do not return

these courses if they have a relationship with a registering provider in Wales. Any duplicate courses erroneously returned by non-Welsh providers will not appear in the output file.

Where a non-Welsh provider is the registering provider and has a subcontractual arrangement with a Welsh provider, the non-Welsh provider will be required to submit the courses in their Unistats return. From the C21061 Unistats return, Welsh providers who may have returned these courses in previous years, as the teaching provider, will need to ensure that they do not return these courses if they have a relationship with a registering provider outside of Wales. The non-Welsh registering provider will need to ensure that they return these courses. Any such courses not returned by the registering provider will not appear in the output file.

If after consulting this guidance you have further questions about subcontractual arrangements, or collaborative provision arrangements please contact HESA Liaison.

Please also contact HESA Liaison for further clarification on cross border subcontractual arrangements (e.g., if the teaching provider is in England and registering provider is in Wales).

## **Types of arrangements**

For the purpose of this guidance, we are using two distinct types of arrangements to describe provision involving more than one provider – subcontractual arrangements and collaborative provision. Subcontractual arrangements refer to contractual agreements whereby a provider teaches provision that is owned by a registering provider on behalf of that provider.

Collaborative provision refers to courses that are taught by more than one teaching provider. We have structured this guidance around five common types of subcontractual arrangement and three types of collaborative provision arrangements. For each set of arrangements, we have provided questions to consider and a flow chart to direct providers to the relevant guidance.

## **Validation arrangements**

Validation arrangements are not considered to be subcontractual arrangements for the purposes of this guidance. In most cases, courses awarded via a validation arrangement should be treated as being registered by the provider with the direct contractual relationship with the students. Each provider should satisfy itself that it understands the contractual basis for validated provision and agree with the other partner responsibility for returning the course in accordance with this guidance.

## **Subcontractual arrangements**

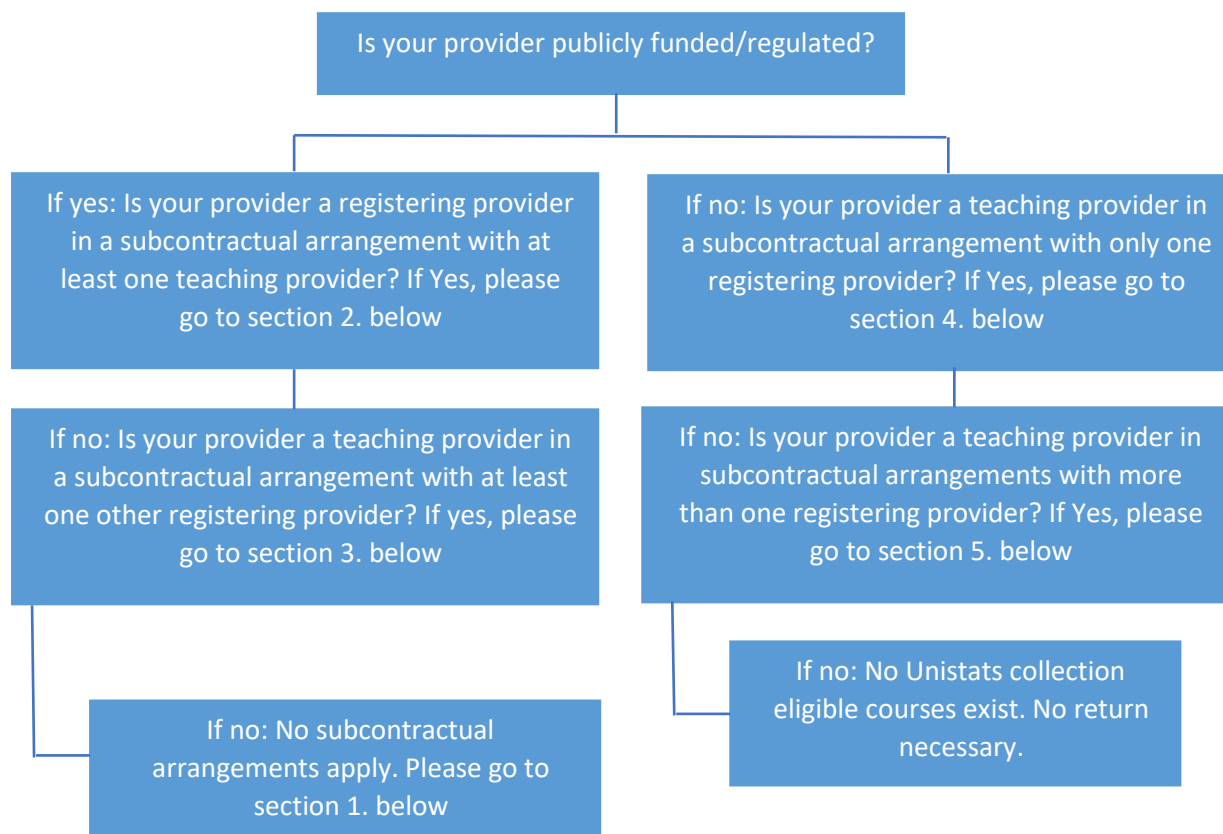
When considering subcontractual arrangements you should think about all agreements that exist between your provider and other providers for any courses that are eligible for the Unistats return. The number and type of arrangements your provider has in place can impact how the data should be returned. The number of arrangements your partner providers have in place can also impact on how the data should be returned. In order to decide the responsibilities for returning subcontracted courses, you will need to ensure you and your subcontractual partner are aware of all the arrangements both you and they have in place.

## Questions to consider

In order to understand what types of subcontractual arrangements apply a provider will need to consider the following questions:

- Is your provider publicly-funded/regulated?
- Does your provider teach any subcontracted students that are registered by a registering provider?
- Where is the registering provider in the UK? (England, Northern Ireland, Scotland)
- Is the registering provider publicly-funded/regulated?
- Does your provider have subcontractual arrangements in place for courses which are delivered/taught by another provider?
- Where is the teaching provider in the UK? (England, Northern Ireland, Scotland)
- Is the teaching provider publicly-funded/regulated?

Please use the following flow chart to identify which of the common types of subcontractual arrangements apply to your provider.



Please click on a link below to go directly to the guidance for each type of arrangement.

Go to: 1. My provider is publicly-funded/regulated and has no subcontractual arrangements in place

Go to: 2. My provider is publicly-funded/regulated and is registering provider for at least one subcontractual arrangement with another provider

Go to: 3. My provider is publicly-funded/regulated and also teaches students that are registered by at least one other provider

Go to: 4. My provider does not receive direct funding and is not regulated but teaches students that are registered by **one other provider**

Go to: 5. My provider does not receive direct funding and is not regulated but teaches students that are registered by **more than one other provider**.

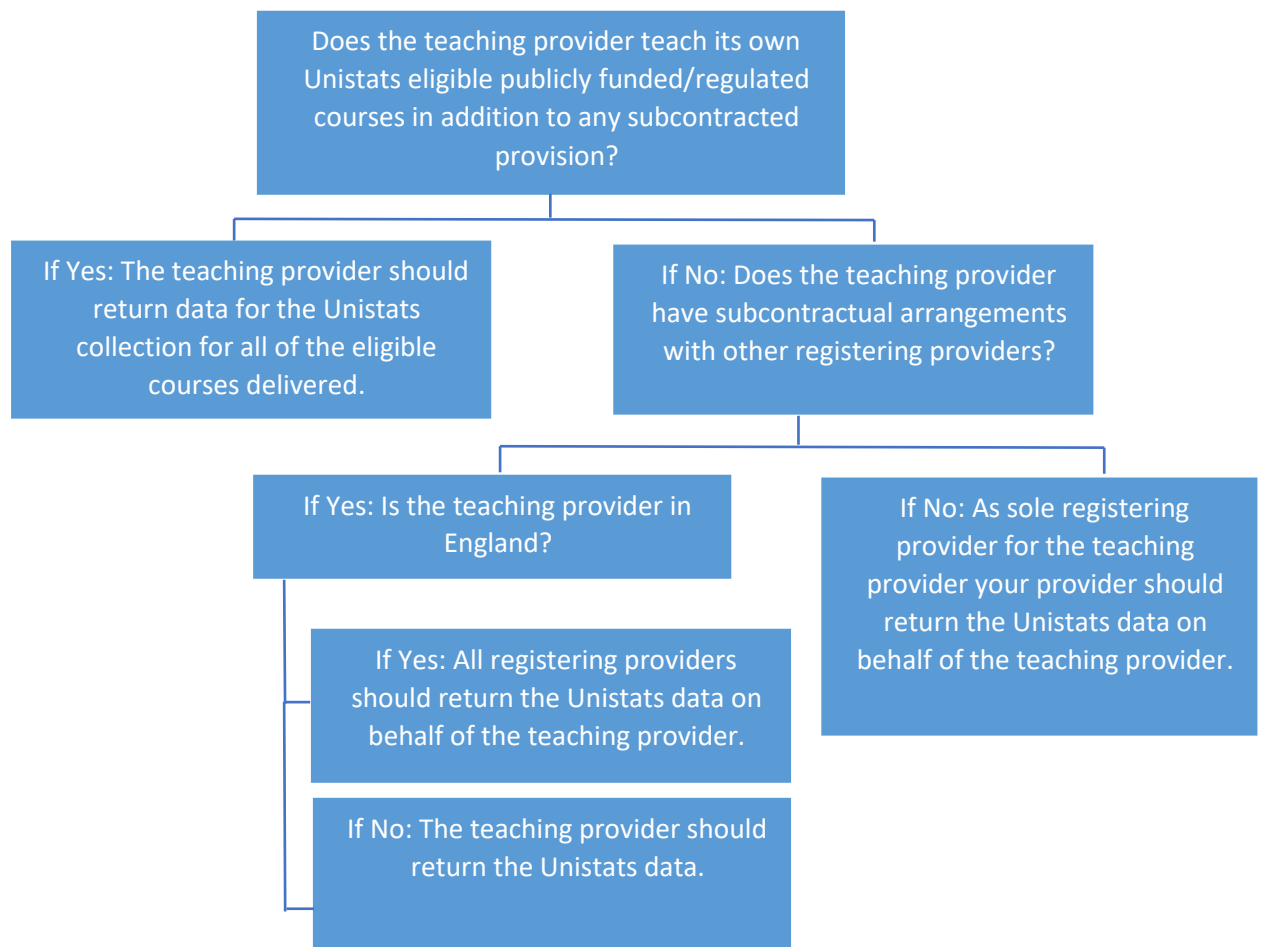
*1. My provider is publicly-funded/regulated and has no subcontractual arrangements in place*

In this case your provider should return data for the Unistats collection for all of the eligible courses it delivers.

*2. My provider is publicly-funded/regulated and is registering provider for at least one subcontractual arrangement with another provider*

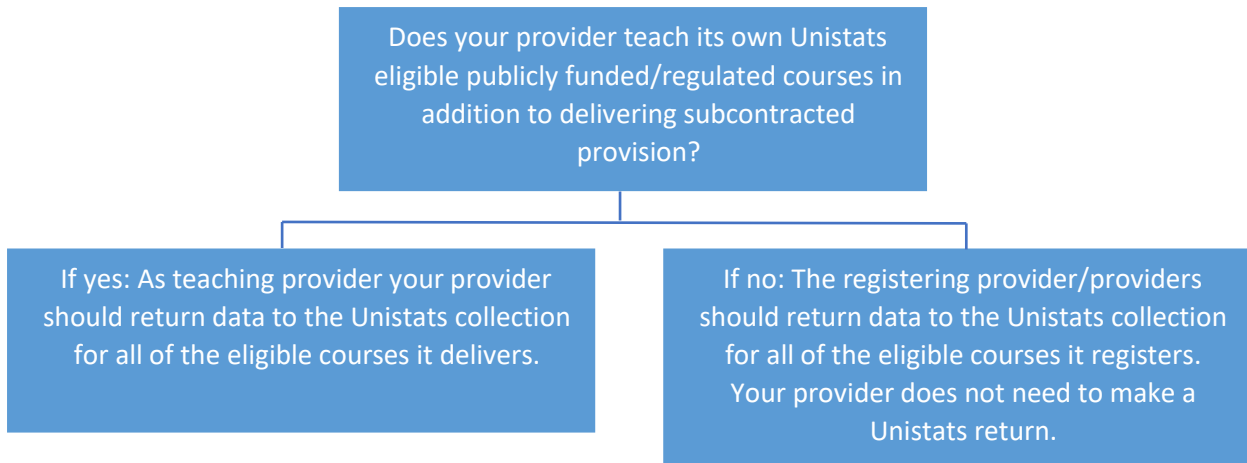
In this case for each teaching provider that has subcontractual arrangements with your provider you should determine whether:

- a. the teaching provider has its own Unistats eligible publicly-funded/regulated provision.
- b. the teaching provider has existing subcontractual arrangements with other registering providers.



You should also determine if any of the courses are taught by more than one teaching provider – see section on collaborative provision below.

3. *My provider is publicly-funded/regulated and also teaches students that are registered by at least one other provider*



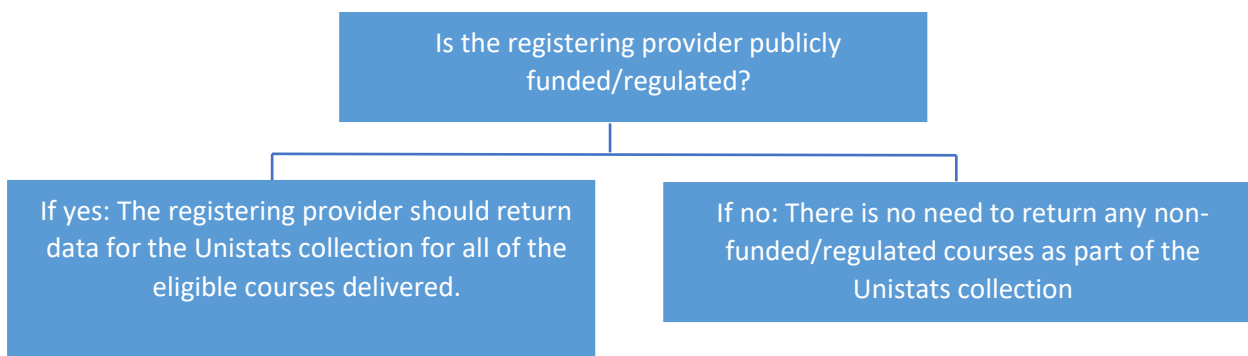
Providers that are publicly-funded/regulated and located in Northern Ireland or Scotland should make a return to the Unistats collection for all courses that the provider teaches.

Providers in England that are OfS registered for the purpose of tier four licensing but only have subcontractual provision should not make a Unistats return.

Teaching providers in England should not return courses where students are subcontracted from a provider who is not OfS registered.

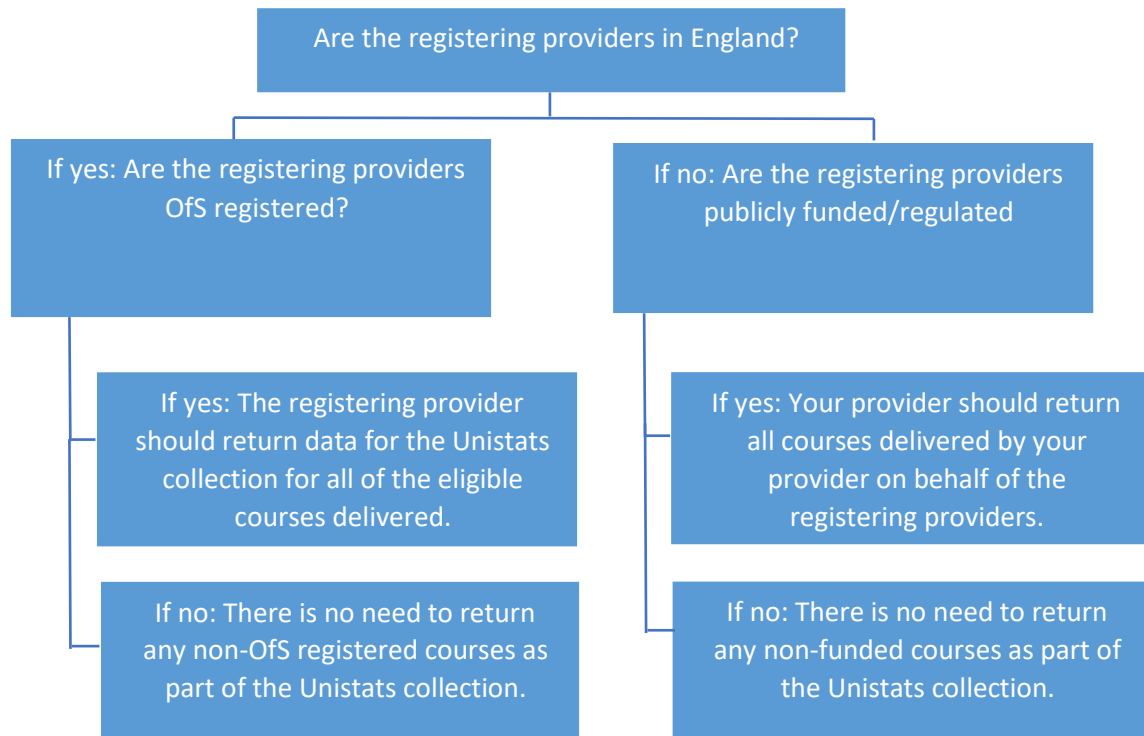
4. *My provider does not receive direct funding and is not regulated but teaches students that are registered by **one other provider***

In this case you should determine if the registering provider in the subcontractual arrangement is directly funded/regulated.



You should also determine if any of the courses are taught by more than one teaching provider – see section on collaborative provision below.

5. *My provider does not receive direct funding and is not regulated but teaches students that are registered by **more than one other provider**.*



Teaching providers in England that are not OfS registered and have subcontractual arrangements with more than one OfS registered registering provider should ensure all eligible provision is returned by the registering providers.

Teaching providers in England should not return courses where students are registered with a provider who is not OfS registered.

Non-publicly-funded/regulated providers in Northern Ireland or Scotland with subcontractual arrangements with more than one registering provider should return data for all eligible courses taught.

You should also determine if any of the courses are taught by more than one teaching provider – see section on collaborative provision below.

## Collaborative provision arrangements

After considering all subcontractual arrangements that apply, for each remaining eligible course being returned by your provider please identify whether any collaborative provision arrangements apply. Collaborative provision arrangements apply to individual courses rather than the entire return.

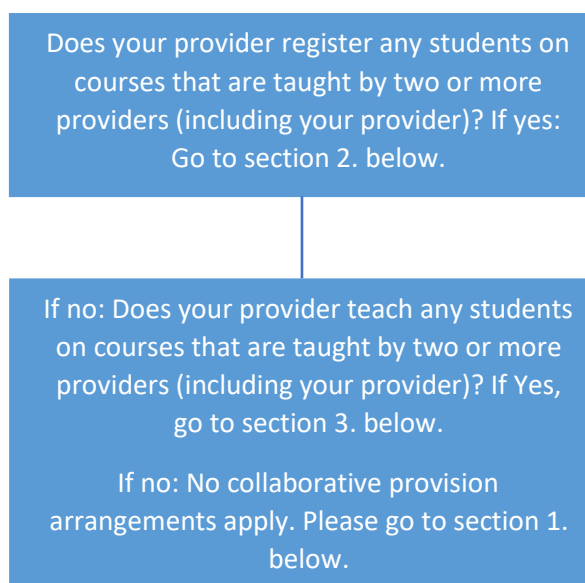
### Questions to consider

In order to understand what types of collaborative provision apply a provider will need to consider the following questions:

Is your provider the registering provider for courses that are taught by two or more providers (including your provider)?

Is your provider a teaching provider for any courses that are taught by two or more providers (including your provider)?

Please use the following flow chart to identify which of the common types of collaborative provision arrangements apply to your provider.



*1. My provider is not involved in any collaborative provision arrangements.*

No further action is necessary, please return any eligible courses your provider is due to according to the guidance on subcontractual arrangements.

*2. My provider registers students that are taught by more than one provider*

In this case, your provider is responsible for returning these courses – you should contact any teaching providers on the affected courses and let them know this provision is being returned on their behalf to avoid any duplicate submissions of the provision.

*3. My provider teaches students that are taught by more than one provider*

In this case, the registering provider is responsible for returning each of these courses – you should contact your registering providers about the affected courses and let them know this



provision is not being returned by your provider to ensure each is aware of the need to add the course to its submission.

## Technical guidance on returning subcontractual and collaborative provision

There are two entities and two fields that control the collation of data for subcontractual and collaborative provision; entities KISCourse.ILRAims and KISCourse.HESACourse, and fields KISCourse.TEACHUKPRN and Institution.OTHERINST. The fields that should be completed will depend on the exact nature of the provision; a summary of how the fields will be used is given below:

**Institution.OTHERINST** – This field is used to indicate the subcontractual partners for providers that have a mix of funding routes. When a provider returns a Unistats record for a course for which the students are registered at a different provider they need to return the UKPRN of the registering provider. Every provider that subcontracts provision to the provider must be listed here and all students subcontracted to the provider from these partners will be included in the provider's Unistats aggregations. This may lead to a small number of students who are taught at more than one provider as part of their course being included in more than one set of Unistats aggregations.

**KISCourse.TEACHUKPRN** – This field should record the UKPRN of the provider teaching the course. Where students on a course are taught by more than one provider then multiple providers should be specified (including the provider's own UKPRN if they are one of the teaching providers). This field should only be returned where not all teaching providers for a course can be identified in the HESACourse or ILRAims entities. For example, new courses where these entities are not returned. KISCourse.TEACHUKPRN should therefore be returned with any provider offering teaching that is not identified in either HESACourse.TEACHUKPRN or ILRAims.TEACHUKPRN. Where multiple providers are specified and data is aggregated for this course they will only include students wholly taught at the registering provider or explicitly linked via HESACourse.TEACHUKPRN or ILRAims.TEACHUKPRN. If the returning provider is the only provider of teaching, this field does not need to be returned.

**HESACourse.REGUKPRN and ILRAims.REGUKPRN** – These entities are used to record the courses in the HESA Student/Student Alternative return or the ILR which the Unistats records link to. Correct linking is essential in allowing the correct NSS, Graduate Outcomes and student data to be aggregated and published on the Discover Uni website. The below fields are those on these entities specifically relevant to subcontractual provision. HESACourse.REGUKPRN and ILRAims.REGUKPRN – These fields must be returned where subcontracted provision is returned by the provider teaching the courses, rather than the registering provider. In these cases, the UKPRN of the registering provider must be returned.

**HESACourse.TEACHUKPRN and ILRAims.TEACHUKPRN** – These fields should be used to record the provider teaching the course. Each of these fields is used in two different ways. Where a provider has all of its provision subcontracted from a single provider then these fields indicate that provider. Where courses are taught at multiple providers these fields restrict the aggregations to only include students taught at the specified provider(s).

Where providers receive funding or are regulated through a number of routes, for example a further education college that has its own publicly-funded/regulated provision and subcontracted provision,

the provider will need to work closely with its partner providers to ensure that it has the HESA course identifiers and/or ILRAim identifiers for any subcontracted provision.

### Example 1

Poppleton College has its own publicly-funded/regulated provision and subcontracted provision and hence makes a Unistats return in its own right. Poppleton College (UKPRN=22222222) teaches an HND in Motorsport Engineering that is franchised from Poppleton University (UKPRN=11111111).

Poppleton University return the course on the HESA Student record with a course code of “MotoEng”. In this case Poppleton College would return the Unistats record and would include Poppleton University in the OTHERINST field as the registering provider. The HESACourse entities with the HESACOURSEID of ‘MotoEng’ and Poppleton University in the REGUKPRN would then also be returned. Poppleton University would not need to return a Unistats record for this course.

XML snippet

```
<KIS>
  <INSTITUTION>
    <UKPRN>22222222</UKPRN>
    ...
    <OTHERINST>11111111</OTHERINST>
    ...
    <KISCourse>
      ...
      <HESACourse>
        <REGUKPRN>11111111</REGUKPRN>
        <HESACOURSEID>MotoEng</HESACOURSEID>
        <HESAYEAR>2013</HESAYEAR>
      </HESACourse>
      <HESACourse>
        <REGUKPRN>11111111</REGUKPRN>
        <HESACOURSEID>MotoEng</HESACOURSEID>
        <HESAYEAR>2014</HESAYEAR></HESACOURSE> </HESACourse>
      <HESACourse>
        <REGUKPRN>11111111</REGUKPRN>
        <HESACOURSEID>MotoEng</HESACOURSEID>
        <HESAYEAR>2015</HESAYEAR>
      </HESACourse>
    </KISCourse>
  </INSTITUTION> </KIS>
```

The ILRAims entity works in an identical way but is used where the franchising provider is a further education college. An OTHERINST must be returned for each provider that franchises to the provider returning the Unistats record. The OTHERINST element contains the UKPRN of the registering provider.

### Example 2

Poppleton College has its own publicly-funded/regulated provision and subcontracted provision and hence makes a Unistats return in its own right. In 2015 and 2016 Poppleton College had an HND in Mechanical Engineering franchised from Poppleton University (HESA course ID = “MechEng”), the provision is no longer offered at Poppleton College so no Unistats record is produced for the course and no HESACourse entity would link to the “MechEng” COURSEID.

The college continues to offer similar provision and therefore Poppleton College should return a Unistats record for the similar courses. The OTHERINST must be returned as follows:

```
<OTHERINST>11111111</OTHERINST>
```

Poppleton College would continue to return the OTHERINST for 3 years after the Mechanical Engineering course last had students as after this point they would no longer inform any of the Unistats aggregations.

### Example 3

All of Poppleton College's (UKPRN=22222222) provision is franchised from Poppleton University and therefore Poppleton College does not complete its own Unistats return. Poppleton University should include all of Poppleton College's courses within its Unistats return. Poppleton College teaches an HND in Motorsport Engineering. The course is returned on the HESA Student record with a course code of "MotoEng". In this case Poppleton University would return the Unistats record but would include the UKPRN of Poppleton College in the HESACOURSE.TEACHUKPRN field.

### XML snippet

```
<HESACourse>  
  <TEACHUKPRN>22222222</TEACHUKPRN>  
  <HESACOURSEID>MotoEng</HESACOURSEID>  
  <HESAYEAR>2015</HESAYEAR> </HESACourse>
```