

# 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/c22061/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.

## 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.

**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

As advised in April 2021, the arrangements for submission of the Unistats record for subcontractual arrangements and courses involving collaborative provision for C22061 is now aligned across the UK. This means that for providers in England, Wales, Scotland and Northern Ireland, the Unistats return needs to be submitted by the registering provider.

## 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.

## 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.

## 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. For C22061, the arrangements for returning the data under subcontractual arrangements have been changed; data for all courses should now be returned by the registering provider.

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

## Teaching providers with multiple subcontractual arrangements

Teaching providers that have subcontractual arrangements with more than one OfS registered registering provider should ensure all eligible provision is returned by the registering providers.

## 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 courses that have a mix of funding routes. This field may be used where a course is taught by the registering provider, but some students on the course are registered at an additional partner provider. The non-teaching registering provider should be listed here.

**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 KISCourse.HESACourse or KISCourse.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 fields are used to record the courses in the HESA Student/ Student Alternative returns 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.

**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).