

C17025 ANNUAL UPDATE

SUMMARY OF THE 2017/18
HESA STAFF RECORD
CONSULTATION RESPONSES



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INTRODUCTION

In January 2017, we issued a consultation for the proposed changes for the 2017/18 annual update to the Staff record (C17025). This annual review intends to address the needs and desires of all stakeholders to make improvements to the record.

We received 95 responses to the consultation – 94 of the responses were received from higher education providers and one response was from a software supplier. We would like to thank all of the respondents for the time they took to complete the consultation.

This document summarises the responses received in the consultation.

STAFF COVERAGE

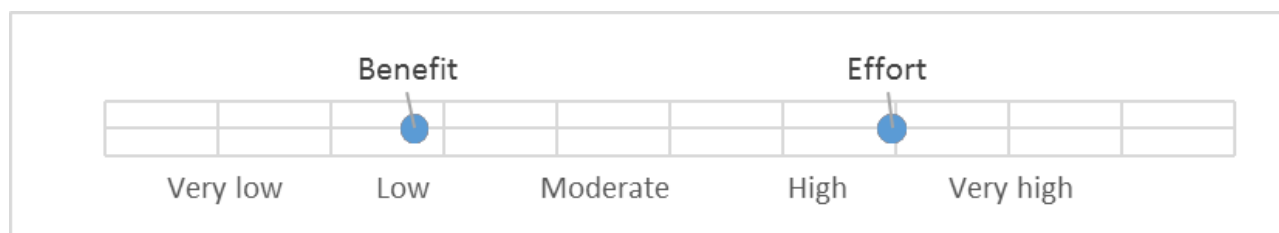
From April 2017, new rules will apply to people working for a public-sector organisation through an intermediary, such as personal services company. Providers will therefore be liable for secondary Class 1 National Insurance Contributions (NICs).

Full details of this can be found on the [gov.uk website](https://www.gov.uk).

As providers are liable for National Insurance Contributions, these staff fall into the coverage of the Staff record. The funding councils have stated that they would like feedback from the sector on these staff members being included in the Staff record from 2017/18 (C17025).

What would be the impact of this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 93 responses. On average, respondents indicated that the change would have a low benefit and high effort.



Please provide more information following your response above.

Around a third of responses stated they were either in support of this change, or had numbers which meant that the effort to implement this was low. For those in support, the majority were interested to see the comparisons of this data across the sector. One respondent stated that the increase of coverage would provide their provider with a better understanding of the balance between established and temporary resources.

Those who did not support the change highlighted the difficulty that the change would present to their organisation. A considerable number did not see any advantage in collecting this data and were still unsure about the extent of the coverage change. A small number of providers argue that these members of staff would not be considered as 'their staff' thus did not see the legality of collecting the data for HESA purposes.

The consensus across all responses indicated that there would be considerable effort to collect this data.

What is the proportion increase in the number of staff that you would expect to be included in this return due to this update?

We received 82 responses to this question. 13 providers estimate a less than 1% increase in the number of staff they would need to report. 13 providers estimate that there will be an increase of 1-5%. The remaining five stated that this would equate to a more than 5% increase in the number of returnable staff, the highest being 15%.

The remaining respondents either gave a headcount or were not able to provide a figure.

Do you have any further comments on this change?

Most providers were unsure as to how much of an impact this would have on their software developers and a few required further information on whether a new category would be included to the Staff record and the level of information that was required.

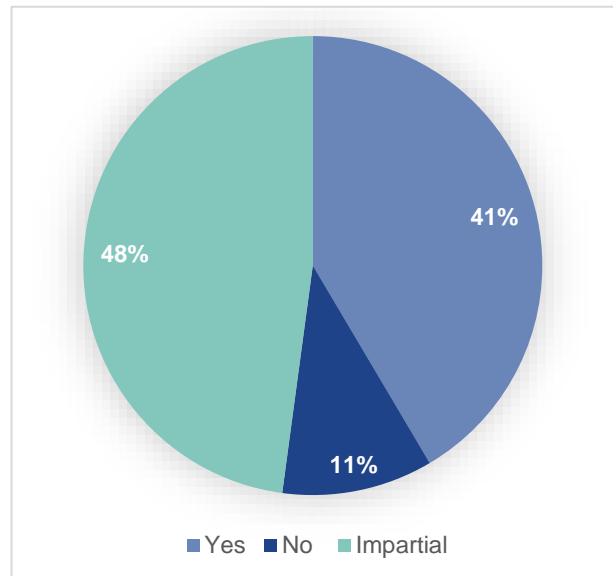
INTRODUCTION OF AN HOURLY PAID MARKER

HESA have been in dialogue with the New JNCHES group (New Joint Negotiating Committee for Higher Education Staff), and these proposals have been developed in order to improve the understanding of the HE workforce profile.

The proposal is to introduce an hourly paid marker as a new field under the contract entity. This field would not be required for atypical staff.

Do you support the introduction of this new field?

The majority of respondents who will be affected by this change were supportive of the introduction of this new field.

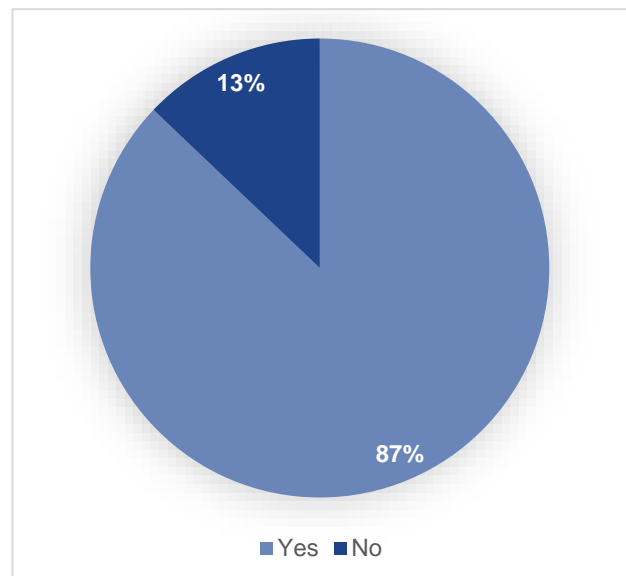


41% of responses were supportive of the change, 48% were impartial and 11% were against.

Do you support the use of the definition provided?

Definition: ‘Hourly paid staff are those staff who are paid with reference to hours worked by them, or to an estimate of hours worked, as opposed to on a pro-rata salaried part-time basis. Hourly paid staff may be employed for a fixed period of time or with an end date on their contract of employment or on an open-ended, permanent contract. For the avoidance of doubt, their hourly rate may be calculated on the basis of a pro-rata salary but if payment is made with reference to hours worked and an hourly rate (or rates), these staff should be entered as ‘hourly-paid’.’

87% of 93 responses supported the use of this definition for hourly paid.



If no, please provide an alternative definition

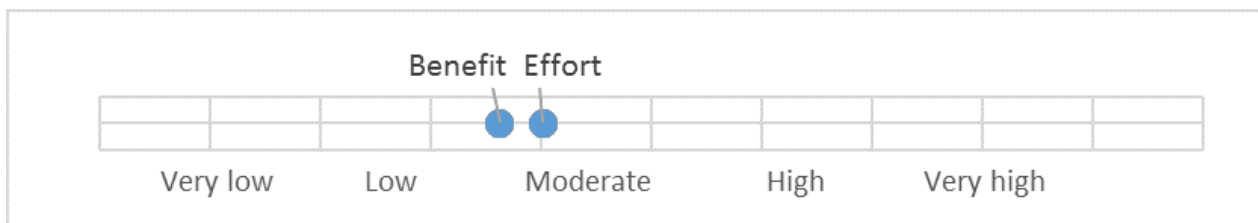
Of the 12 who stated that they did not support the use of this definition, seven responses were given. Five providers stated that the text is unclear about who the coverage would encompass. One response assumed that the coverage would exclude zero hours staff thus should be stated clearly in the definition.

Other definitions are as follows:

- Hourly Paid Fixed-Term or Hourly Paid Permanent (Open Ended)
- Non-atypical workers whose pay is expressed as an hourly rate

What would be the impact of this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 92 responses. On average, respondents indicated that the change would have a moderate benefit and effort.



Please provide more information following your response

Of the responses to this question, 65% welcomed the changes. Many see this as a positive step towards benchmarking across the sector. As it will not be required for atypical staff members, many commented that the effort will be low. The benefits identified included the uses of the data internally, transparency about the more flexible workforce and progress towards driving consistency.

The remaining 35% argued that the effort far outweighed the positives and that new systems will need to be put into place to capture this data. One provider commented that the published data could be misinterpreted and be damaging for the provider's reputation if the numbers of hourly paid staff are high.

Do you have any further comments about this proposal?

Of the further comments provided, three providers argued that the use of this data would be damaging for their reputation due to the 'politically sensitive nature of these contracts'. Three providers commented that the timing of the consultation and the proposed changes are later than their system developers would have liked.

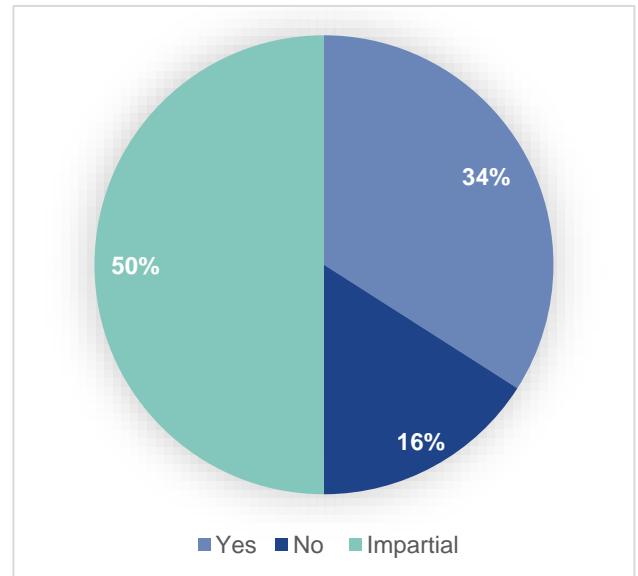
INTRODUCTION OF A ZERO HOUR CONTRACT MARKER

HESA have been in dialogue with the New JNCHES group, and these proposals have been developed in order to improve the understanding of the HE workforce profile.

The proposal is to introduce a marker to identify members of staff on a zero hour contract as a new field on the contract entity. This field will be applicable for all staff.

Do you support the introduction of this new field?

The majority of respondents who will be affected by this change were supportive of the introduction of this new field.



34% of responses were supportive of the change, 50% were impartial and 16% were against.

Do you support the use of the Acas definition provided?

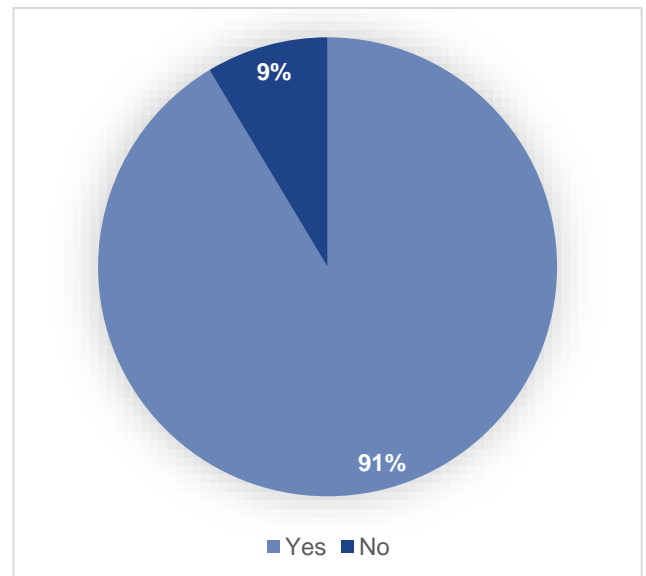
Acas Definition: ‘A zero hours contract is generally understood to be a contract between an employer and a worker where:

- the employer is not obliged to provide any minimum working hours, and
- the worker is not obliged to accept any work offered’

91% of 93 responses supported the use of the Acas definition for a zero hour contract.

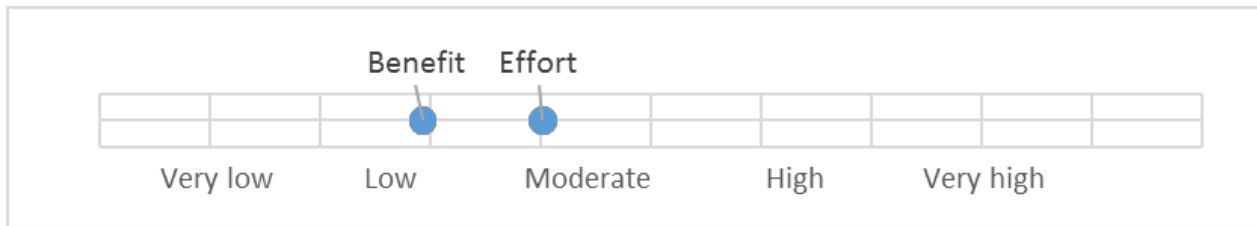
If no, please provide an alternative definition

Of the eight who stated they did not support the Acas definition, seven respondents commented on the definition. Four of these indicated that a more specific definition was required.



What would be the impact of this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 92 responses. On average, respondents indicated that the change would have a low benefit and moderate effort.



Please provide more information following your response

Fifty nine respondents gave an answer to this question. Of these, 24 indicated that they had no zero hours contracts. 12 respondents stated that this change would involve significant effort while seven said that there would be benefits to collecting this data for, for example, benchmarking. Four responses expressed concerns about the use of this data due to the negative connotations that are sometimes associated with zero hour contracts. Some respondents were concerned that this would bring non-academic atypical staff back into the coverage of the record when they were previously removed. HESA would like to note that this is not the intention of the proposal, and the return of non-academic atypicals will not be required.

Do you have any further comments about this proposal?

Thirteen respondents provided additional comments. Four of these raised concerns around the use of data both in terms of inconsistent implementation between providers and how this data would be portrayed in onward use. Two providers indicated that there was not sufficient time to implement this change with one suggesting that the change be optional for one year. Other concerns raised included the requirement for software updates and the need for a clear definition. One response indicated support for the change.

INTRODUCTION OF AN APPRENTICESHIP MARKER

HESA have been in dialogue with the New JNCHES group, and these proposals have been developed to improve the understanding of the HE workforce profile.

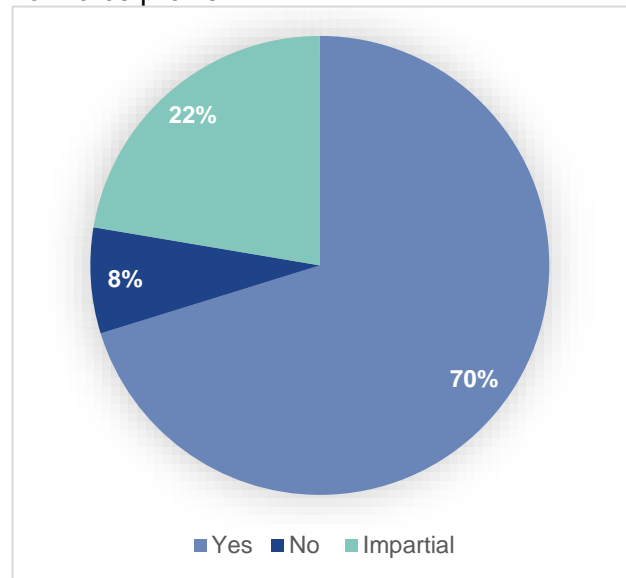
The proposal is to introduce an apprenticeship field that will identify those members of staff that are receiving apprenticeship training and the level of the apprenticeship as below:

- Intermediate level Apprenticeship – Level 2 qualifications
- Advanced Apprenticeship – Level 3 qualifications
- Higher and Degree Apprenticeships – Level 4 qualifications and above

This will be a new field under the contract entity and will be mandatory.

Do you support the introduction of this field?

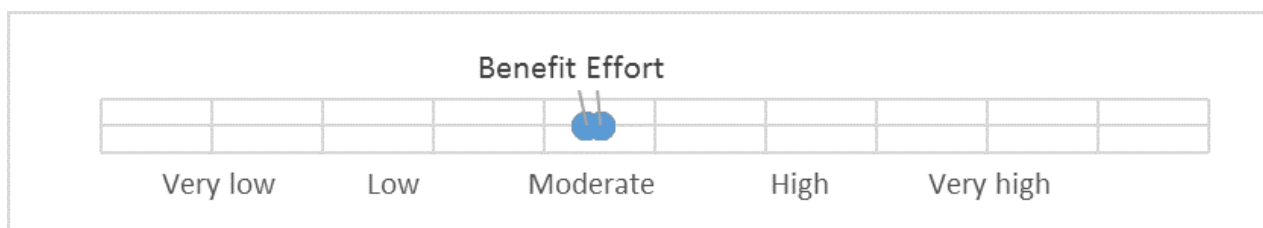
The majority of respondents who will be affected by this change were supportive of the introduction of this new field.



70% of responses were supportive of the change, 22% were impartial and 8% were against.

What would be the impact of making this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 93 responses. On average, respondents indicated that the change would have a moderate benefit and effort.



Please provide more information following your response

Many of those who responded to this question were in support of the addition of the apprenticeship marker field. Of the one-fifth that were not in support, they stated that the cost would far outweigh the benefit due to low, or no, numbers on apprenticeship programmes or that required further clarity was required. Many responses said that they welcomed the comparability of the data considering the apprenticeship levy and would require small changes to their collection systems.

Do you have any further comments about this proposal?

One provider commented that there should be a split between Higher Apprenticeships and Degree Apprenticeships whereas another argued that having the additional granularity of the levels seemed 'excessive' for a small population of the HE sector.

INTRODUCTION OF A GOVERNOR ENTITY

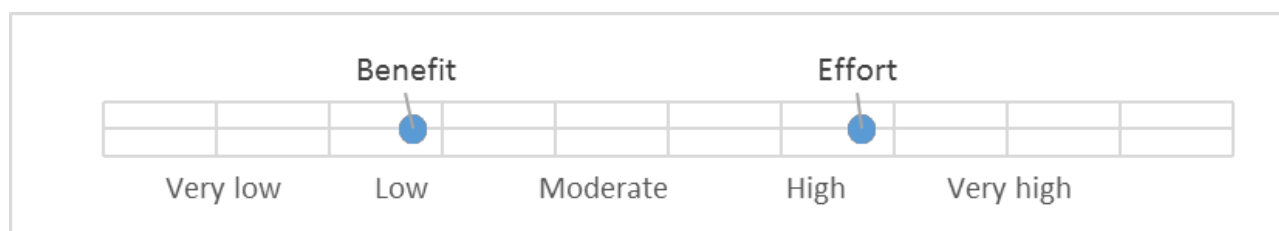
There is a new requirement to collect equality data on members of governing bodies, due to HEFCE ceasing their Annual Monitoring Statements (AMS) which currently collects this information. They have requested this is collected through the HESA Staff return, to reduce burden to providers through an additional data collection. The associated fields will be mandatory.

A Governor flag would be introduced on the Person entity which would require several Person fields to be returned for them. HESA are proposing a new Governor entity which would collect start date, expected end date and end date.

This Governor entity is a requirement for providers in England. HEFCW and SFC have confirmed that they require Welsh and Scottish providers to return this information.

What would be the impact of making this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 94 responses. On average, respondents indicated that the change would have a low benefit and high effort.



Please provide more information following your response

We received 62 responses to this question. Thirty one responses did not agree to the inclusion of governors as part of the Staff record. Many of these responses questioned the difficulties of collecting the data and the mandate for the usage. One provider reported that governor equality data is already being collected by HEFCE as part of the annual monitoring statement. Some needed further clarity on what constitutes a 'governor'. In support, one provider answered that the change would provide 'better understanding of the profile of our governing bodies, would enable us to take steps to make sure the profile is in line with that for our staff and students and would bring a diversity of views to our strategic planning'.

Do you have any further comments about this proposal?

From the 32 responses to this question, 20 gave further disapproval to this proposal. Many of these included, as in the previous question, the difficulty of collecting this data, concerns that this will set a precedent for further changes and the usage and demand for the data. One provider suggested that this should be a separate return aside from the Staff collection. Of the remaining providers, they explained that their systems would cope however, that further guidance on the change is required.

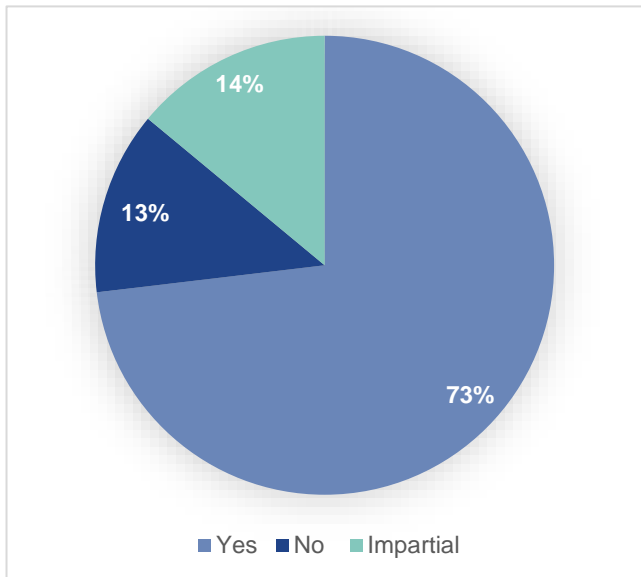
REMOVAL OF THE SEX FIELD AND INTRODUCTION OF THE SEXID FIELD

ECU have recommended that references to legal sex be removed. Legal sex is only required by HE providers in relation to insurance, pension and occupational requirements.

Proposal: to remove the SEX field and introduce the SEXID field which will include an option of 'other' as well as 'male' and 'female'. This field will be mandatory and be on the person entity. Including the option of 'other' provides an option for intersex people who may choose to identify as intersex rather than male or female: Intersex is an umbrella term used for people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies. Intersex is different from gender identity or sexual orientation.

There is also a need to introduce the response category of 'other' for staff, as many countries are acknowledging a third category for sex and so international staff and students may increasingly be providing documentation such as passports which confirm a sex other than 'male' or 'female'.

Do you support the introduction of this field?



The majority of respondents who will be affected by this change were supportive of the introduction of this new field.

73% of responses were supportive of the change, 14% were impartial and 13% were against.

What would be the impact of making this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 94 responses. On average, respondents indicated that the change would have a moderate benefit and effort.



Please provide more information following your response above.

Fifty respondents provided comments for this question. Six respondents indicated that this would be a positive change from the point of view of recording equality data. Twelve highlighted concerns around the need to still hold legal sex on HR systems for other statutory purposes. Ten responses also indicated that this would require software changes and 10 stated that this was not information that was currently held and so would need to be collected. Five, however, indicated that this would

require minimal effort. Other comments raised included the positive change to align the Student and Staff returns and that this change may lead to more accurate data, as it does not force staff members to fall into one of the existing categories.

Do you have any further comments about this proposal?

Thirteen respondents took the opportunity to add further comment. Of these, three indicated that more clarity would be needed around the definitions to ensure the quality of the data. Two stated that there was not enough time to implement the change, with one stating that making this change optional for a year would be helpful. Other comments raised included emphasising that the effort was worth the benefit of this change and that a 'prefer not to say' option should be considered.

UPDATE TO GENDERID

Proposal to update the guidance to the current **GENDERID** field so it is focused on gender reassignment and the introduction of a new field on gender identity. This is proposed as two fields on the person entity.

GUIDANCE UPDATE

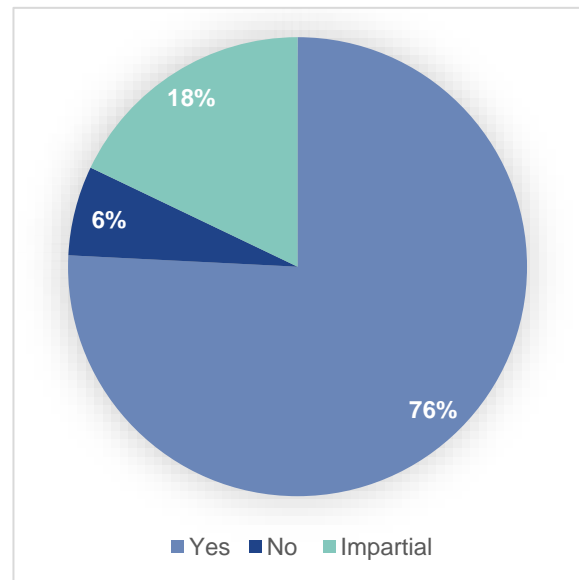
Proposal: To update the suggested question in the guidance on GENDERID to the following: Does your gender identity match your sex as registered at birth?

- Yes
- No
- Prefer not to say (Information refused)

Do you support this change?

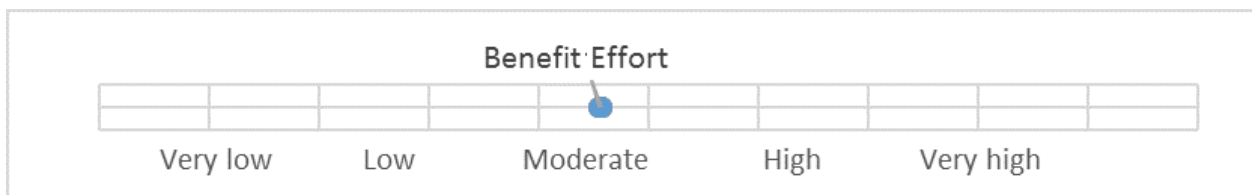
The majority of respondents who will be affected by this change were supportive of the introduction of this new field.

76% of responses were supportive of the change, 18% were impartial and 6% were against.



What would be the impact of making this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 95 responses. On average, respondents indicated that the change would have a moderate benefit and effort.



Please provide more information following your response above.

Of the 40 providers who answered this question, 21 respondents welcomed the update to the guidance. Reasons for this included that it would be useful for measuring demographics, better supports the equality and diversity strategy and allows providers to be more sensitive towards their staff with the realignment of this field. The remaining 19 had concerns over the quality of the data returned, stating that many would answer 'Prefer not to say (Information refused)'. A high percentage of respondents said that this would require some level of effort in updating their HR systems.

Do you have any further comments about this proposal?

The further comments given mainly included that the question could be made clearer. For example one provider suggested the answers could be ‘yes - my gender identity is the same as at birth’ and ‘no - my gender identify is now different’. Other providers had concerns that a high number of ‘Information refused’ would be returned in the first year. One provider gave the suggestion that material from the ECU would be welcomed to support the changes in ensuring that they articulate the differences in the new fields to staff so that they understand the differences between the options.

ADDITION OF A NEW FIELD

Proposal: Introduction of a new field to collect data on gender identity.

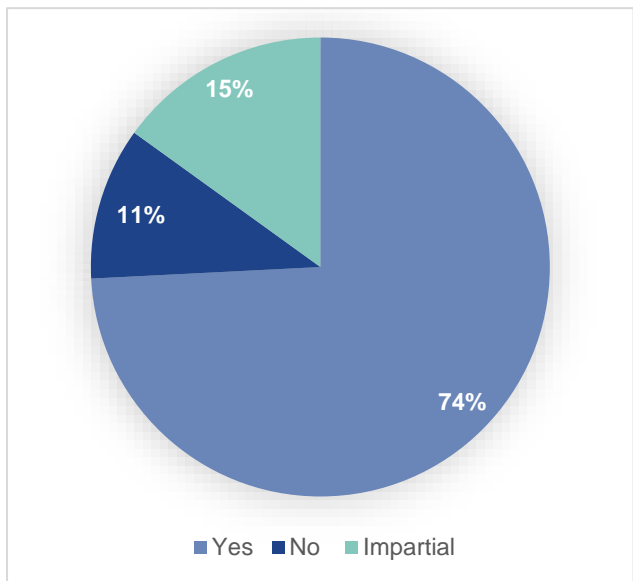
Proposed question: What gender do you identify with?

- Man
- Woman
- Other
- Prefer not to say (Information refused)

Do you support this change?

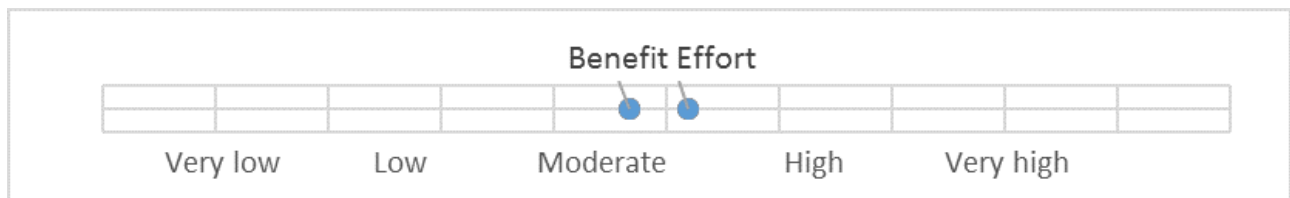
The majority of respondents who will be affected by this change were supportive of the introduction of this new field.

74% of responses were supportive of the change, 15% were impartial and 11% were against.



What would be the impact of making this change?

Respondents were asked to rank the levels of benefit and effort of making this change on a scale from very low to very high. The diagram below shows the average of 92 responses. On average, respondents indicated that the change would have a moderate benefit and effort.



Please provide more information following your response above.

Forty eight responses were provided. Most responses were positive towards the change highlighting that it would be a move to better represent their staff; however, 11 responses raised concerns that there would be a low response to this question and that there would be difficulty in requesting existing staff members to update this information. Six said that this change supports their equality & diversity strategy or that this data was already collected. Three responses questioned the use of ‘other’ as one of the valid entries for this field. Nine said that this update

would require a system change and engagement from software providers. Three responses had a concern over confusion between the gender identity, gender reassignment and sex identity questions. The need for clear guidance around this was highlighted.

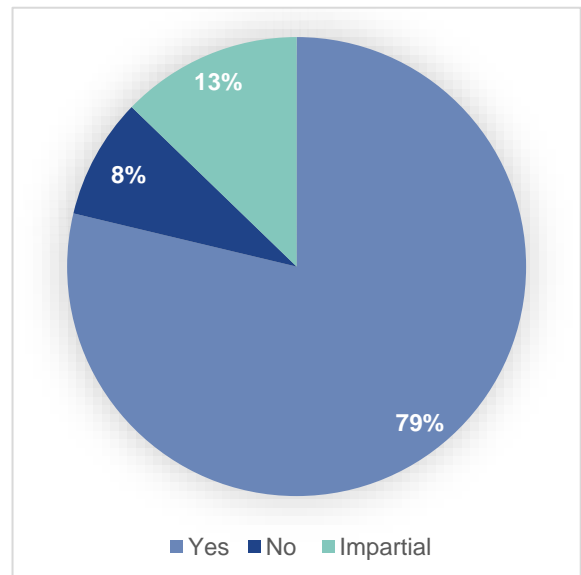
Do you have any further comments about this proposal?

Twenty two responses were provided. Five responses highlighted that they would be reliant on software providers making this change. Five providers raised concerns over potential confusion among staff between this new field, the SEXID and other gender identity field. Three providers recommend that this field is optional, with another response mentioning concern over an increase in the 'information refused' and 'not known' rates to this field.

Do you support the update to guidance for GENDERID and the addition of the new field being implemented together?

The majority of respondents who will be affected by this change were supportive of the introduction of this new field.

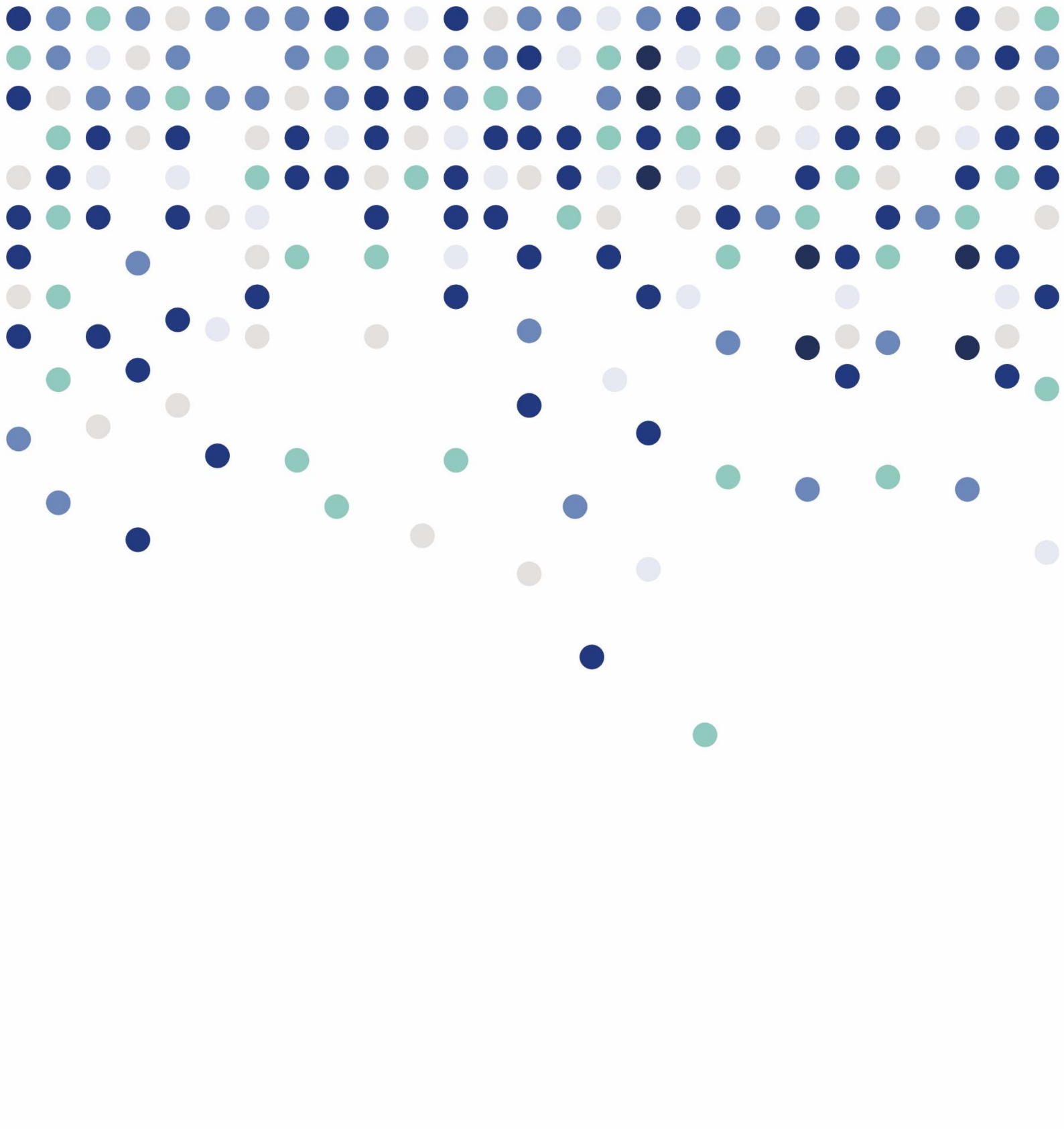
79% of responses were supportive of the change, 13% were impartial and 8% were against.



ADDITIONAL COMMENTS

Common themes in the further comments section related to communication with software providers and the provision of quality rules earlier in the submission process.

Where an individual query has been raised specific to the provider and a response is required, then HESA will respond directly to the provider.



Data Policy & Governance

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