



Department
for Education

Introduction of temporary student number controls in response to coronavirus (COVID-19)

June 2020

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Overview

1. The coronavirus outbreak has placed significant financial strain on the higher education (HE) sector. In order to mitigate the financial losses caused by potentially fewer students wishing to go to university in the next academic year, some HE providers adopted admissions practices, such as the mass use of unconditional offers, in order to recruit a greater share of domestic students than they had in previous years, leaving a much smaller pool of prospective students for other providers to draw from. This change in behaviour risked destabilising the admissions system and placed some providers at risk of significant financial strain, as well as potentially being to the detriment of students who may have been induced to accept an offer from a provider that is not best suited to their needs.

2. On 4 May 2020, the Secretary of State for Education announced a package of measures to stabilise university admissions and support the HE system in England, to continue to deliver for all students and the wider economy. This package included the introduction of temporary student number controls (SNCs) for academic year 2020/21.

3. The introduction of temporary SNCs aims to ensure a fair, structured distribution of students across providers and will play an essential role in the stabilisation of the admissions system and the financial sustainability of providers.

4. These temporary SNCs provide for English providers to recruit students up to a set level, based on 2019/20 numbers, provider forecasts, and with an allowance for additional growth of up to 5%. SNCs also apply in relation to England-domiciled students studying at institutions in the devolved administrations, again allowing for growth. The Secretary of State will also allocate up to an additional 10,000 places on top of the initial controls. Details of the scope of the controls, the underpinning methodology for calculating the controls and allocating the additional places are set out in this document. Providers will be notified of their exact SNC and any additional allocations through individual correspondence for reasons of confidentiality.

5. This measure aims to protect students, and allow students who want to go to university, and meet their entry requirements, to access HE while avoiding providers taking a recruitment approach which would go against the interests of students and the sector as a whole.

6. Where a provider has chosen not to abide by its SNC, it will have taken more than its fair share of taxpayer funding, and this imbalance should be redressed the following academic year. The Government has chosen to address this through the tuition fees and loans system as this is the place where the Government has the ability to control the flow of public funds to HE. We will lay draft Regulations - The Higher Education (fee Limits and Student Support) (England) (Coronavirus) Regulations 2020 – so that, if a provider exceeds its SNC, the sums available to the provider through the student finance system

in the subsequent academic year will be reduced. The draft Regulations can be found at Annex C, with the Explanatory Memorandum at Annex D.

7. This policy statement takes into account the fact that offers of places will have been made and accepted before the date of SNC notification and ensures that providers are not disadvantaged by virtue of those accepted offers. Overview Scope of the Student Number Controls in academic year 2020/21

Scope of the Student Number Controls in academic year 2020/21

For providers in England

8. The SNC applies to all students who are:
 - Studying at an approved (fee cap) provider. These are providers which are subject to a fee limit condition of registration by the Office for Students (OfS), the higher education regulator in England.
 - In full-time undergraduate study, including studying foundation years.
 - UK/EU domiciled entrants¹ starting at higher education providers in an academic year commencing on or after 1 August 2020 and before 1 August 2021.
9. There are two exemptions to this policy:
 - Students taking A levels or equivalent level 3 qualifications in autumn 2020 - students who opt to sit their A-levels in the autumn are not included in the control in order not to disadvantage students entering the system later than their peers.
 - New providers who are entering the market to recruit new undergraduate students in 2020/21 - new providers can enter the market as planned. There is insufficient information to calculate a control for these providers but their ability to significantly destabilise the market is limited. However, these providers should follow the fair admissions code of practice.
10. Part-time, postgraduate and international students are not included in the SNC.
11. If any provider has exceeded its control in terms of offers made and accepted on or before the notification date, there is provision to address this. In those circumstances, the level for the provider will be the higher of the SNC number notified to the provider or the number of students starting courses at the provider who received and accepted their offers before the notification date.

¹ For the purposes of SNCs, UK/EU domiciled students means (i) in relation to tuition fee limits, students falling within the Schedule to the Higher Education (Fee Limit Condition) (England) Regulations 2017, and (ii) in relation to tuition fee loan amounts, students falling within Schedule 1 to the Education (Student Support) Regulations 2011. References to international students are to students not falling within these Schedules.

For institutions in the devolved administrations

12. The SNC will apply to (and only to) all England-domiciled students, who have started full-time undergraduate study, including studying foundation years, and are in receipt of a tuition fee loan, paid by Student Finance England.

13. Part-time and postgraduate students are not included in the SNC.

14. If any institution has exceeded its control in terms of offers made and accepted on or before the notification date, there is provision to address this. In those circumstances, the level for the institution will be the higher of the SNC number notified to the institution or the number of students starting courses at the institution who received and accepted their offers before the notification date.

Student number control allocations

Methodology for providers in England

15. The student number control for providers in England is calculated from base entrant numbers for 2019/20, applying a base growth rate based on provider forecast data and then allowing for an additional 5% growth.

Base entrant number for 2019/20

16. The base entrant number is the number of full-time, UK/EU domiciled undergraduate entrants at approved (fee cap) providers obtained from the Higher Education Early Statistics Survey for 2019/20 (HESES19).

17. Approved (fee cap) providers submitted a HESES19 return to the OfS in December 2019 (November 2019 for further education colleges (FECs) and sixth form colleges (SFCs)). This return includes aggregate information on student numbers by domicile, mode and level of study in 2019/20. More detail on HESES is included in Annex A.

Base growth rate

18. The base growth rate is derived from forecasts submitted by English providers to the OfS as part of their Annual Financial Return (AFR). These forecasts are based on enrolments rather than entrants. Following discussion with the OfS, the growth in the number of entrants for academic year 2020/21 has been estimated. See Annex A for details of how this has been calculated.

19. Not all providers have submitted ARF returns:

- FECs and SFCs delivering higher education: FECs and SFCs are primarily regulated by the Education and Skills Funding Agency (ESFA) and are not required to submit an AFR to the OfS.
- Some providers have not yet submitted their AFR. Providers are required to sign off their AFR within five months of their financial year end. Therefore, all providers with a year end of 31 July have signed off their return; however, there are a small number of providers with a financial year end after 31 July who are yet to finalise their returns.

20. For those providers who were not required to submit a forecast or who did not have a signed-off forecast by 4 May 2020, the average sector growth of 1.5% is applied. This average was obtained from approved (fee cap) providers with HESES19 data for full-time undergraduate UK and EU entrants who also submitted a forecast in the AFR.

5% additional growth

21. All providers then have an additional 5% growth above their base growth rate.

Additional considerations

22. Some providers submitted forecasts which anticipated a reduction in student numbers, forecasting negative growth. For providers still forecasting negative growth (even after applying the 5% top-up to their forecast), their growth has been topped-up to 0%.

23. For providers with small base entrant numbers in academic year 2019/20, a floor of 10 students above the base entrant level has been introduced. This uplift will only be applied to those providers whose forecasts + 5% are above 0%. For the purposes of setting these temporary SNCs, this has been applied to providers that have 150 entrants or fewer, which means that for those providers, their SNC is either their forecast plus 5% above their base rate or ten students above their base rate, whichever is higher.

24. Providers' SNCs will be calculated according to a fixed methodology. If a provider believes there is a substantial error in the calculation of their control, they should raise this with DfE as soon as possible. Providers may be able to apply for additional places (see below).

For institutions in the devolved administrations

Base entrant number for 2019/20

25. The number of full-time English domiciled undergraduate entrants in the devolved administrations in receipt of a tuition fee loan in 2019/20 is obtained from Student Loan Company (SLC) data. More detail on SLC data is included in Annex A.

Base growth rate

26. The base growth rate is the average sector growth of 1.5% as covered in paragraph 20. This average was obtained from approved (fee cap) providers with HESES19 data for full-time undergraduate UK and EU entrants who also submitted a forecast in the AFR.

5% top up

27. All institutions are then granted an additional 5% growth above their base growth rate.

Additional considerations

28. For institutions with small base entrant numbers in academic year 2019/20, a floor of 10 students above the base entrant level has been introduced. For the purposes of setting these temporary SNCs, this has been applied to institutions that have 150 entrants or fewer. This means that for institutions with 150 entrants or fewer, their SNC is

either their forecast plus 5% above their base rate or ten students above their base rate, whichever is higher.

29. Institutions' SNCs will be calculated according to a fixed methodology. If an institution believes there is a substantial error in the calculation of their control, they should raise this with DfE as soon as possible. Institutions may be able to apply for additional places (see below).

Additional 10,000 places

30. Providers and institutions have the option to bid for additional places to be allocated by the Secretary of State within a fixed timescale for such bids, as set out below. These additional places are intended to support expansion in subjects of strategic importance, set out in paragraph 31, and specifically relating to the implementation of SNCs in academic year 2020/21. These places are not guaranteed, and no provider or institution should rely upon receiving additional places in their planning process.

31. There are 5,000 total places available for the following courses. An exact list of course names eligible under these headings can be found at Annex B:

- Architecture
- Biological sciences and biochemistry
- Chemistry
- Engineering
- Engineering geology; hydrogeology; geophysics; geology; and geochemistry
- Initial Teaching Training Undergraduate Courses (ITT)
- Mathematics
- Physics
- Social work
- Veterinary science

32. There are also 5,000 places available for healthcare courses, to continue to grow the provision of these vital public services.

33. These include:

- Dental Hygiene/Dental Therapy
- Dietetics
- Midwifery
- Nursing
- Occupational therapy
- Operating department practitioner;
- Orthoptics
- Orthotics and prosthetics
- Physiotherapy
- Podiatry/chiropractic
- Radiography (diagnostic and therapeutic)
- Speech and Language Therapy
- Paramedics

Process for applications

34. Providers and institutions can apply for places across all levels of higher education provision, except for foundation years. They can make one application for places for Nursing, Midwifery and Allied Healthcare subjects, and one application for the other subjects, broken down by course.

35. There is no individual limit to bids for Nursing, Midwifery and Allied Healthcare subjects. Bids for other subjects should be for no more than 250 places for each application.

36. Eligible providers/institutions should apply by 18 June via the web portal following the guidance set out in their individual letters.

37. Where a provider has been allocated a cap for undergraduate ITT places which would take them in excess of their SNC, they should notify DfE of this so that the appropriate amount of places from the total 5,000 additional places can be allocated. The eligibility criteria listed below will not apply in the same way to ITT courses. Instead, providers should:

- Be registered in the approved (fee cap) category and subject to an SNC.
- Identify a cap of ITT places which has already been allocated.

Eligibility criteria

38. This does not apply to applications for ITT or Nursing, Midwifery and Allied Healthcare subjects.

39. To be eligible to make a bid, providers in England must:

- Be registered in the approved (fee cap) category
- Have a provider-level continuation rate 90% or higher (see Annex A)
- Have high skilled employment or further study rate of 75% or higher (see Annex A)
- Not be subject to any specific conditions of registration related to the following OfS conditions:
 - Condition B1: The provider must deliver well-designed courses that provide a high quality academic experience for all students and enable a student's achievement to be reliably assessed.
 - Condition B2: The provider must provide all students, from admission through to completion, with the support that they need to succeed in and benefit from higher education.
 - Condition B3: The provider must deliver successful outcomes for all of its students, which are recognised and valued by employers and/or enable further study.

- Condition B4: The provider must ensure that qualifications awarded to students hold their value at the point of qualification and over time, in line with sector recognised standards.
- Condition B5: The provider must deliver courses that meet the academic standards as they are described in the Framework for Higher Education Qualification (FHEQ) at Level 4 or higher.

40. Institutions in the devolved administrations may bid for the 5,000 places listed at paragraph 31 only. To be eligible to make a bid, institutions must have:

- An SNC allocation.
- An institution-level continuation rate 90% or higher (see Annex A).

Assessment criteria

Providers/institutions

41. Places to expand in the subjects above will be allocated to providers and institutions based on the following prioritised criteria (where applicable):

- Honouring place allocations already made to ITT providers (see paragraph 37)
- Highest rates of continuation and high skilled employment or further study (HSE/FS)
- For applications from providers in England, specialist providers (as identified by the OfS in relation to the HE Teaching Grant)

42. If the total number of places bid for by providers exceeds 5,000, we will prioritise allocations, taking into account both course and geographical factors. This may mean that where multiple providers/institutions apply from the same region or for the same courses, places may be divided between them.

Supporting Evidence

43. Successful bids must also be able to evidence that there is sufficient capacity to support these students in their learning through appropriate facilities, infrastructure etc, and providers/institutions must submit a short narrative, maximum 500 words, to provide assurances on this point.

44. Applications should be signed off by the OfS Accountable Officer or equivalent at the provider/institution.

Eligibility criteria – Nursing, Midwifery and Allied Healthcare Courses

45. Providers of one or more of the following pre-registration courses in England will be eligible to bid for the additional places from the healthcare ringfenced places:

- Dental Hygiene/Dental Therapy
- Dietetics
- Midwifery
- Nursing
- Occupational therapy
- Operating department practitioner
- Orthoptics
- Orthotics and prosthetics
- Physiotherapy
- Podiatry/chiroprody
- Radiography (diagnostic and therapeutic)
- Speech and Language Therapy
- Paramedics

46. Providers should only submit a bid for additional healthcare places where they are able to demonstrate that have exhausted the places included in their original forecasts and an additional 5% (as set out paragraphs 15-24). Confirmation of these numbers will need to be submitted as part of the bid and should be broken down to course level.

47. Bids will also need to provide evidence that appropriate clinical placements capacity has been identified for both expansion of places onto existing courses or opening of new Nursing, Midwifery and Allied Healthcare courses. Providers must submit a short narrative, maximum 500 words, to provide assurances on this point.

48. Applications should be signed off by the OfS Accountable Officer or equivalent of the provider/institution.

49. Health Education England will work with the OfS to review all bids.

50. In the event that eligible bids exceed the 5,000 additional healthcare places available for 2020, the Government will make available further places to meet demand. In those circumstances, Health Education England will work with the Department of Health and Social Care and the OfS to allocate places based on planned workforce need, considering both course and geographical factors.

Monitoring of student number controls in 2020/21 and implementation of reduced fee limits/tuition fee loan amounts for providers/institutions

51. In the circumstances where a provider has exceeded its SNC, the mechanism the Government has chosen to implement is to apply a reduced fee limit, redressing the imbalance caused by over-recruitment by reducing payments per student in the subsequent academic year, and therefore the total funding available to those providers.

For providers in England

52. DfE will monitor whether a provider has exceeded their SNC using the OfS' HESES data for 2020/21. Other data available such as from the Student Loans Company (SLC), Higher Education Statistics Agency (HESA) and Individualised Learner Record may be used to help with this assessment.

53. Where, according to the criteria set out in this document, an English provider has exceeded the SNC level notified to them, their fee limit for academic year 2021/22 will be reduced. This is set out in the draft Regulations included at Annex C.

54. Starting from the provider's existing fee limit, the following reductions will apply:

- For a provider going beyond their SNC by >0% to 6%, a 3% reduction in the fee limit
- For a provider going beyond their SNC by >6% to 12%, a 9% reduction in the fee limit
- For a provider going beyond their SNC by >12%, a 15% reduction in the fee limit

55. These revised fee limits will apply to all students on full-time courses in all years enrolled at that provider for the duration of the academic year 2021/22. These would be limited to undergraduate courses, plus postgraduate ITT courses and postgraduate pre-registration healthcare and social work courses.

For institutions in the devolved administrations

56. DfE will monitor whether an institution has exceeded their SNC using the number of full-time English domiciled undergraduate students at institutions in the devolved administrations, who have been paid a tuition fee loan in 2020/21, obtained from SLC data. For the purposes of monitoring the SNC, students qualify as having started their course once they are registered as in attendance by the provider.

57. Institutions in the devolved administrations will have a control on the number of English domiciled students deemed to be a fair share of recruitment, calculated in accordance with paragraphs 25-29. If an institution goes beyond their control on English

domiciled students, then the maximum fee loan amount available to new entrant English domiciled students at the institution who start their studies in the 2021/22 academic year, for the duration of the 2021/22 academic year, will be reduced as follows, this is set out in the draft Regulations included at Annex C:

- For an institution going beyond their SNC by >0% to 6%, a 3% reduction in the loan amount
- For an institution going beyond their SNC by >6% to 12%, a 9% reduction in the loan amount
- For an institution going beyond their SNC by >12%, a 15% reduction in the loan amount

Annex A: Technical information

Data sources

Higher Education Early Statistics Survey for 2019-20 (HESES19)

The HESES19 return was submitted directly to the OfS in November/December 2019 by providers registered (or who had applied to register) with the OfS in the approved (fee cap) category. It provides an early indication of the number of students starting higher education courses in 2019-20.

As part of this return, providers submit the number of entrants and total number of enrolments by country of domicile, mode and level of study on the HESES census date (November 2019 for FECs and SFCs and December 2019 for other providers) and the corresponding forecasts for the remainder of the academic year. This information is included in Table 5 of the return.

Further detail on the data submitted in the HESES19 return is available from the OfS HESES19 guidance document for providers available at:

<https://www.officeforstudents.org.uk/data-and-analysis/data-collection/heses/>

Annual Financial Return (AFR)

The AFR was submitted directly to the OfS by providers registered (or who had applied to be registered) with the OfS in the approved or approved (fee cap) category. However, FECs or SFCs under the primary regulation of the Education and Skills Funding Agency (ESFA) are not required to submit an AFR to the OfS.

As part of their AFR, providers submit full-time equivalent (FTE) by country of domicile, mode and level of study for 'registered students' and 'forecast students to be registered' in 2019-20 (the current financial year or 'Year 3' of the return) and 2020-21 ('Year 4' of the return).

Registered students, at the time of preparing the return, have formally confirmed with the provider their intent to start their course, or are current or returning students part way through their courses. Providers would know who these students are and be able to identify them individually.

Forecast to be registered students, at the time of preparing the return, have not yet formally completed their registration or formally confirmed with the provider their intent to start their courses and are not part of provider's current cohort of students. These are students that providers expect to join, either through future applications or clearing.

The AFR must be submitted to the OfS within four months of the providers financial year end and signed off five months after the year end. Most providers have a financial year end of 31 July (aligned with the academic year) and have therefore signed off their return. However, a small number have a non-standard year end including some with year end of December 2019. Forecasts are only available for providers who had signed off their return to the OfS by 27 April 2020 (160 providers).

The information used for the calculations is included in Table 7 of the AFR. Further detail on the data submitted in this return is available from the OfS 'Guidance on completing the financial return workbook' at:

<https://www.officeforstudents.org.uk/publications/regulatory-advice-14-guidance-for-providers-for-the-annual-financial-return/>

Student Loans Company (SLC) data

The SLC hold and have provided an extract of their administrative data on student loan applications broken down by provider, for the 2019/20 academic year. The specific coverage of the data requested are English domiciled full-time undergraduate entrants at Welsh, Scottish or Northern Irish institutions. When calculating SNCs we only consider those student loan borrowers in receipt of a tuition fee loan or who have been approved for a tuition fee loan, and we exclude applicants studying for a PGCE or healthcare postgraduate courses. For monitoring, we only consider those student loan borrowers in receipt of a tuition fee loan. As this data comes directly from SLC, we can calculate, with good certainty and for the coverage detailed above, 2019/20 student entrant numbers for each institution.

There are some limitations to consider:

- The 2019/20 academic year has not yet completed and students are able to apply for student finance up to nine months after they have started. For that reason, the student numbers derived now may be a slight underestimate for some institutions.
- the SLC data will only include institutions where at least one student who attends an institution has taken out a tuition fee loan. For this reason, the list of institutions is unlikely to be an exhaustive list of those institutions which have English domiciled students. This limitation is also heightened as SNCs are restricted to those students taking out a tuition fee loan. There will be instances in which a student may take out a different loan product instead (e.g. maintenance loan, disabled student allowance). The data will not include these entrants.
- SLC's definition of new entrant is dependent on whether the student has previously received funding at a given course level. The data may therefore contain small numbers of continuing students who have self-funded in previous years. For this reason, the student numbers derived may be a slight overestimate for some institutions.

Calculating entrant forecasts and base growth rate in 2020/21 for English providers

For providers that have both a valid HESES19 return (i.e. non-zero number of full-time undergraduate entrants in 2019/20) and have submitted an AFR, we have estimated (in agreement with OfS) forecasts of full-time undergraduate UK and UK domiciled entrants in 2020/21 as follows:

1. Set HESES entrants for 2019/20 as E19
2. From HESES, calculate the entrant ratio (ER) as the ratio of the number of entrants in 2019/20 (E19) to the total number enrolled in 2019/20.
3. From AFR, calculate the change in total FTEs (FTE_change) between Year 4 and Year 3. This is the difference between the registered and forecast FTE for 2020/21 and the registered and forecast FTE for 2019/20
4. Derive the total entrants in 2020/21 E20, rounded up to the nearest whole number as $E19 + (ER \times FTE_Change)$
5. The providers base growth rate is then $(E20/E19) - 1$

The main assumption in our approach is that the entrant ratio has been relatively stable over the last few years. We believe this is a sensible assumption from assessing the HESA data available to us. The methodology also assumes that one full-time student is equivalent to one FTE. This will be true in most cases but not for accelerated courses, or some courses with non-standard academic years, or for students who drop out, are on a sandwich placement, suspend their studies or change their mode of study part way through the year.

Additional 5,000 non-healthcare places

In order to be eligible, providers must have a continuation rate of 90% or higher, as defined by Higher Education Statistics Agency (HESA). They must also show 75% or more of their graduates go on to high skilled employment or further study.

The data for the continuation rates and progression rate to high skilled employment or further study has been taken from the TEF 2019 datasets and is published on the OfS website. The continuation rate is based on individual student data captured in the HESA and Individualised Learner Record (ILR) student records.

The progression to high skilled employment and further study based on the Destination of Leavers from Higher Education (DLHE) survey which is taken 6 months after graduation. Both metrics use three years of data where available.

Where data are not available for three years, the data for years for which data are available are used. For continuation, this covers students entering higher education in academic years 2013/14, 2014/15, 2015/16. For high skilled employment, this covers students leaving higher education in academic years 2014/15, 2015/16 and 2016/17.

TEF Data is available at:

<https://www.officeforstudents.org.uk/advice-and-guidance/teaching/tef-data/get-the-data/>.

Annex B: List of Eligible Subjects by HECOS Code

Subject	HECOS preferred name	Other similar subjects
Initial teacher training	https://www.hesa.ac.uk/collec tion/c19053/e/sbjca	
Social work	social work	
Engineering	general or integrated engineering	aeronautical engineering, aerospace engineering, analogue circuit engineering, architectural engineering, biomedical engineering, civil engineering, structural engineering, pharmaceutical engineering, tissue engineering and regenerative medicine, bioengineering, biochemical engineering, transport engineering, mining engineering, railway engineering, rail vehicle engineering, microwave engineering, telecommunications engineering, computer systems engineering, electrical and electronic engineering, electrical engineering, broadcast engineering, systems engineering, requirements engineering, electronic engineering, electromechanical engineering, microelectronic engineering, petroleum engineering, environmental engineering, digital circuit engineering, integrated circuit engineering, analogue circuit engineering, engineering and industrial mathematics, safety engineering, automotive engineering, mining engineering, motorcycle engineering, motorsport engineering, genetic engineering, software engineering, public health engineering, timber engineering
Engineering geology; hydrogeology; geophysics; geology; and geochemistry	engineering geology, hydrogeology, geophysics, geology, geochemistry	
Mathematics	mathematics	
Physics	physics	
Chemistry	chemistry	
Biological sciences; and biochemistry	biological sciences; biochemistry	
Veterinary sciences	Veterinary medicine	veterinary nursing, veterinary microbiology, veterinary pharmacology, veterinary pharmacy, veterinary public health, veterinary epidemiology, veterinary dentistry, veterinary biochemistry

Annex C

Draft Higher Education (Fee Limits and Student Support) (England) (Coronavirus) Regulations 2020

To be added shortly

Annex D

Explanatory memorandum to the draft Regulations

To be added shortly



Department
for Education

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