

# INDEPENDENT HIGHER EDUCATION

IHE response to the OfS call for evidence on positive outcomes for students studying on a modular basis

November 2023

*1) Do you agree with our list of potential changes to the delivery of higher education in England as a result of the implementation of the LLE? Are there other changes that could arise that you think we should consider when developing our approach? Please explain your answer.*

Agree

Additional changes to be considered:

1. For most IHE members, short courses and modular delivery have been at the heart of their offer since they first opened their doors. Delivering high quality professional training, practical skills courses, and CPD which meets their student's and industry's needs was how they built their successful brands. They know what makes these courses high quality, because if they didn't they would not have survived to be shaped by the funding model which prioritised Degree study over their existing offer.
2. Regrettably, specialist independent providers were not given the option to participate in the HESC trial, despite their proven success at supporting the type of learners being targeted by the LLE. Low recruitment to courses within the HESC trial has been discussed within the sector<sup>1</sup> as a signal that there is no demand for modular, stackable courses, funded through student loans. What IHE members know, and those on the HESC trial discovered is it is very difficult to establish a new short course portfolio at speed. Considerable investment needs to go into marketing and recruitment, both financially but also for lead in time prior to course launch. The approach to the HESC

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<sup>1</sup> <https://wonkhe.com/wonk-corner/another-short-courses-trial-datapoint/>

trial has potentially restricted the ability for the OfS to use this as a means to establish methods for determining successful outcomes. We urge OfS to work with IHE to explore expansion of the trial to those with tested, proven markets for modular provision, to ensure that there is greater evidence for regulatory decision and the sector can gain a better understanding of the learners who are studying in this manner.

3. For this reason IHE has gathered extensive case studies and feedback from members to understand why they deliver short and modular courses and how these differ from the regulated Degree courses they provide as an alternative. Many IHE members are often driven by employer need, where short courses are valued for the skills they deliver. The short courses also widen access, which allows industries to expand their diversity. A further uniting factor is the facilitation of interdisciplinary approaches which is enabled by the modular approach to course design.
4. For students, it allows them to get to the next level – which could be in either their studies or their careers. Short or modular courses act as stepping stones to building skills and competencies. This allows students to start new careers, found their own businesses, or simply pursue their passions and interests in learning.
5. With this in mind, the implementation of the LLE may result in:
  - a) Providers offering more flexibility in their full-time courses due to being able to boost student numbers through:
    - accrediting previously unaccredited modules for access by students enrolled on degrees
    - providers creating more modules at all levels to support student choice within degrees.
  - b) Providers offering different delivery modes for existing modules to increase access to modules including online, blended or block teaching. This could considerably change the demographic of courses. IHE have long argued that online delivery is a different mode, like Part-time or Full-time and should be measured as such. The flexibility required for modular delivery to be successful may change the metrics for those courses currently regulated.
  - c) Providers registering with OfS who have only ever operated in the short course sector, and who teach only on the RQF. These providers have not traditionally fit the OfS mould, and may have very different approaches to quality and standards than Degree providers.
  - d) Providers wishing to collaborate with each other, to produce 'stackable' qualifications across multiple institutions. This will be dependent on proper consultation on transcript arrangements, with requirements that do not become overly burdensome in administration or cost for smaller providers.
  - e) Providers may decrease delivery of foundation year programmes, instead increasing modular delivery at level 4 for the purposes of access to higher education. This will broaden the design of modular courses at level 4, which are currently focused on skills and designed for students to exit following completion.
  - f) Students increasingly studying undergraduate modules instead of postgraduate courses due to greater access to funding post-UG graduation and a lack of modular

funding at level 7.

- g) Students increasingly studying undergraduate modules based on interest or passion, who may not fit into current metrics for judging quality.
  - h) Students increasingly making modular study choices based on where they can engage with successful learning communities, or students who had success at Degree level finding it more difficult to have success in modular delivery because of the disconnect with the learning community common in this type of delivery. This is of particular value to some students with protected characteristics. Our members who teach students with disabilities stressed the importance of ensuring there are suitable learning communities however it is unclear what these might look like for modular delivery.
6. In addition to provider and student impacts, consideration should be given to impacts of employer behaviour. It is not possible to predict how employers will react to an expansion of short, modular courses and their reaction could have significant influence on student intention, choice and outcome. Some or all of the following could happen:
- a) Employers increasingly funding modular provision for employees – increasing the number of students who are accessing modules and short courses alongside funded students but outside of the funding regime.
  - b) Employers increasingly encouraging/requiring students to use their LLE funding in place of personal development funding. This changes the motivation and outcomes for students, as they are likely to remain in the same role after completion of their learning. Knowing whether students have chosen their study options for themselves, or been required to take modules by their employer, will be important for understanding whether outcome measures truly denote quality.
  - c) Professional accreditation bodies may expand or contract their accreditation model to adapt to modular delivery. This is an area we strongly encourage OfS to explore further as we know these accreditations are especially important to students at our providers studying shorter courses, and where they have been embedded in modularised delivery.
  - d) There may be non-funded courses which will compete with modular LLE provision. market scoping is critical to understanding how courses will be modified or designed, and how they may meet success. The impact of this is unknown but given that OfS currently relies on market pressure to support regulation, publishing data so providers will make changes to improve their score against the baseline, understanding the significant market outside of the funded sector is critical.
7. IHE encourages the OfS to think more broadly about the impact on students than those stated in the Call for Evidence. There may be:
- a) Motivations for study affecting the nature of success, such as students wishing to re-skill to maintain currency rather than to upskill and progress in a career. This may not result in students who want to take assessment for qualifications, or who aim to progress in the way that the OfS has defined as successful to date.
  - b) Longer breaks in study, which impact on progression expectations.

- c) Changes in student aspirations over longer study periods, which will add complexity to definitions of success.
- d) Students who wish to use the short study periods of modular courses to understand whether they are able to continue onto a longer period of study. This may be due to a number of reasons such as caring responsibilities, but could also include disabled students. The LLE should accommodate a broad range of needs without measures of success that prohibit providers from creating true flexibility in approach.

**2) Do you agree that these are appropriate policy aims for the OfS in relation to the implementation of the LLE? Are there other aims that we should consider? Please explain your answer.**

Agree

The stated policy aims are suitable, as long as the definition of outcomes is ultimately suitable, and measured suitably.

In addition to the aims proposed, the OfS should seek to:

- Expand student choice by ensuring providers can register with the OfS in a transparent and timely manner.
- Expand the regulatory approach, such that new providers can join the regulated space through a timely and efficient process.

### ***Flexibility and choice***

- 8. IHE does have some concern with one of the policy aims stated in the consultation: *"Providing clarity and transparency about our regulatory approach such that registered providers can comply, innovate and grow."*

Given the complex nature of modular delivery, and the new providers who may seek to join the regulated sector as a result, we believe the aim must be to provide clarity, transparency **and** flexibility, which will enable innovation and growth. Without this, as the new method of delivering higher education is established, it will be constrained by an overly rigid structure of regulation, driven by quantitative metrics and ignoring the rich qualitative data which can inform the regulator as it allows high quality innovation to flourish.

- 9. Crucially, the policy aims must include promotion of student choice by ensuring providers can register with the OfS in a transparent and timely manner. This will allow those outside of regulation wishing to offer Advanced Learner Loans (ALLs) courses under LLE the realistic ability to access the OfS Register, and ensure their students still have the choices currently open to them. In addition, an aim for transparency and timeliness will allow other providers who are considering registering the confidence to do so after years of delays in the system, rather than concerns of being put to the back of a suddenly expanding queue.

10. To achieve this transparency, new entrants and their investors need to be able to understand the requirements and expectations of the regulator with sufficient accuracy and reliability in advance to judge the cost of market entry and the timespan for a return on their investment. They also need confidence that the OfS's regulatory approach is genuinely supportive of start-up and scale-up businesses, offers a stable environment for long-term investment, and encourages growth, agility and innovation both through the consistent application of predictable rules and where appropriate through a regulatory sandbox which allows experimentation.
11. The registration process is considered currently by SMEs and new providers to be opaque, complex, slow and unpredictable. What they tell us is most needed is clear and accessible guidance which avoids assumptions about the size, structure and experience of a provider and its staff. This consultation is almost too late to make changes that will successfully ensure an expansion in the regulated sector for launch in 2025, which is by its nature, anti-student choice. Our members are unable to progress with validators and accrediting bodies, to prepare for the change in 2025 due to the delays in clarifying this issue, and how OFS will change registration to adapt to the new market. As such they will not have the time to develop highly successful short courses or modular Degrees to fit the new regulation. Without these changes to the policy aims, the LLE will not be utilised to its full potential, and student choice will be restricted.

***3) Do you agree that a measure of 'completion' would be an appropriate part of delivering our general policy aims for the implementation of the LLE?***

Agree

12. IHE members agree that completion could be used as a measure of quality for their modular or short courses. However we strongly encourage the use of benchmarks in the initial quality measures, over absolute thresholds as the data is not mature enough to set thresholds with confidence. IHE also understands the risk of not applying any thresholds, with our members operating in the unregulated short course sector for considerable time. We believe a benchmark approach to completion will provide both a suitable measure of quality while also supporting greater understanding of the types of provision and students who will access it.
  - a) Context is critical for understanding completion. Benchmarks will support all the below providers to understand the wider sector approach to modularization or short courses:
    - Example A: A provider who teaches CPD within an industry where credit is not necessary finds that many students complete the taught element of the course but not the assessment. Students greatly value the course but those who do not need the credit do not complete the assessment and thus the course. This is considered acceptable within the current industry context, but it will be important to understand the frequency of this approach across modular delivery.
    - Example B: Flexibility in the length of completion of short courses for one provider allows students to step between short courses, thus one course is not necessarily completed before they begin another. This flexibility also allows students to switch between full and part-time delivery which can change the

expected date of completion. We need to understand how to promote this flexibility as it plays a vital role in widening access to the most vulnerable of groups and at modular delivery is relatively low risk as the student does complete the course.

- Example: As with their degrees, one provider's short courses are designed to connect students directly with industry. This means some students are offered a job, or start their own business before the course is completed and change their priorities from study to work. Benchmarking may help us to understand if this is more standard in specific industries, perhaps based on industry perceptions of formal qualifications.
- b) In all these examples we don't know how they will be represented in a funded modular model with hundreds of thousands of courses. This needs to be explored further in the data in order to set thresholds for success accurately, which is why we strongly recommend using benchmarks as an initial measure of quality, alongside other metrics.
13. The OfS should be prepared for flexibility in approach over the first few years of delivery of the LLE as it will take time to experiment with the measures of completion. Benchmarks may be more appropriate, particularly in the early stages of regulation for the LLE. IHE members have serious concerns that proceeding with an absolute threshold for modular completion without a greater understanding of student behaviour for these courses could have a detrimental impact on students from underrepresented groups. It is clear that both government and OfS believe these courses could contribute to widening participation in higher education, and if this is a primary purpose for introducing funding it may be more appropriate to use benchmarks to measure quality until student behavior can be assessed.
14. Not all credit-bearing short courses should necessarily be funded – it should not automatically be assumed that should be the default position. For this reason we seek assurances that OfS will not implement a similar model to the non-proscribed courses, where all similar courses must be returned and included in the data regardless of funding. For example, in the case of NHS courses at one IHE member, student attendance and skill acquisition is the crucial component, and this cannot be equated with the wider short course market. The provider should be able to determine what is funded and therefore regulated. Where a module is not funded, even if fundable, then it should not be regulated or required to be returned. The modular market is too diverse to assume it can all be homogenised. The burden on some providers who have significant modular provision would be too great, if they do not wish to attract funding but still are required to return data for their modules.
15. Current anecdotal data on short courses shows higher non-completion rates than full degrees. The implication is that because the course is shorter and costs less money students feel less financially committed. Benchmarking around this needs to be understood as a sector, starting with analysis of student behaviour. There are no current models of students taking self-funded standalone modules with no upfront payments, and how this may impact on completion rates.
16. Consideration also needs to be given to the time limits associated with completion. Most IHE members feel students should be able to complete within the annual funding window. However, work needs to be undertaken around how to support students with mitigating circumstances who are undertaking modular study, and in turn what the impact will be on expectations on completion. Similarly, a greater understanding is

required of deferrals and the impact on study durations. Although modules may be offered for enrolment outside of a degree structure, they still may only be available once per year, and students may not be able to complete within a funding year. Depending on assessment types, deferral may not be an option for modules where re-sits cannot be offered. The OfS should work with the sector to understand the potential complexities around completion that mitigating circumstances and deferrals may cause, allowing providers the space and time to facilitate the right choices for students.

17. There should be some caution applied to using completion as a sole measure of quality. There are a multitude of reasons that can lead to students deciding to complete a modular course. They may in fact lack the opportunity to leave – with intensive short courses students may not have the same chance to consider withdrawing and seeking refunds. Members tell us of students who come to study with them having completed a similar module elsewhere; they were dissatisfied with the original experience and decided to try again, seeking the skills and knowledge they require from a second provider. A short survey of students conducted at the end of the module in the style of NSS questions, compiled annually, is an essential additional measure as discussed below under questions 4 and 5.

***4) How should we approach measures of 'progression' for students undertaking one or more modules? For example, when should we seek to measure the outcomes of modular study for a student?***

The approach to measuring progression or outcomes on short or modular courses within IHE members is highly contextual. It is often woven across quality processes, and tempered by the constraints of collecting this data from students who may only spend a brief period of time with the provider. Students have different motivations for taking shorter study periods, and evidence from our members suggests that these can (and in some cases should) change as the student progresses through the course of study.

18. Whilst there are a great many reasons why a student would enrol in these courses, for expediency we have clustered them into three groups:
  - Access: These students are exploring the subject or seeking skills/credit to help them progress to further study.
  - Professional Development: These students already work in the subject or field and are undertaking CPD, either independently or required by their employer. They are unlikely to see an immediate progression in their career, and in some cases their module choice will have external factors which have more weight than their own preferences.
  - Upskill or re-train: These students have a strong motivation to change their current employment, either to advance within their chosen industry or to switch to a new industry. This group also has the largest number of entrepreneurial students, who are seeking to use these skills to start or advance their own company.
19. For each of these groups measures of 'progression' could be a useful measure, if the approach is correct. Members current models seek to measure both intent and success, merging student surveys and reviews with data on returning learners, increases in

learners from specific employers, and progression to full-time Degree courses or similar. Some also use alumni data collection to explore progression into direct employment but these are far more common in modular delivery and short courses of 4 months or more. In all cases satisfaction surveys include questions which seek to understand both the students intent and their perception of success such as 'Will you use the skills you have gained in your current or future job role or company?' and "Has this course prepared you for further study in this subject?"

20. IHE members have significant reservations around setting graduate outcomes linked to Degree level study within modular study as there are some well-documented issues with current progression measures that are used for industry relevant study, linked to SOC codes which classify graduates as unskilled. Norland College have long argued this point on behalf of their highly trained and sought after nannies, classified in group 6 with negative consequence for their progression outcomes, despite their excellent Longitudinal Education Outcomes data. Other professions are similarly classified as unskilled, with static SOC codes trailing behind industry realities. To support student choice, and allow for innovation in modular delivery, there should be no use of SOC codes in progression, but instead a focus on the students perception of the skills gained.
21. Progression measures on a national scale will be much more difficult to construct but should follow the same core principles:
  - Learning by module or short course is, by it's nature, a far more personalised approach to education and therefore needs a personalised approach to progression. What is success for some may not be success for others, and the variation is much less predictable. Therefore measures or assumptions must be made about intent before any measure can be constructed. These should always be tested, as attitudes can change.
  - Students will move on from shorter courses more quickly than longer (and in some cases their circumstances will not change at all). Whatever measure is created must be delivered quickly or the student will not engage, or the evidence will be coloured more by what they did next than the actual module.
  - By design, some modules will be created to fit one of the three motivators for study. Creating a measure which focuses on one, will then judge all the others as "low quality". Progression measures may need to be more rounded, and interlinked than other metrics.

For all these reasons we support a multi-tiered approach to progression which prioritises low burden methods such as linked data to determine further study, but prioritises student feedback through survey models shortly after study.

22. A new method of measuring intentions and success simultaneously is the most commonly agreed upon approach to considering progression within modular study within IHE membership, derived broadly from questions already used within the Graduate Outcomes question bank, and to consider future aspirations as well as initial motivations. For example:



- In the job you were doing during the census week, did you use the skills developed through the module?
- Will the will the learning you have gained lead to a future career or further study?
- Did the module open your awareness of future study or career options?

It could also consider a model of motivation question such as is found in the postgraduate research optional banks.

23. The independent sector has established provision for the LLE market, in modular form. IHE would welcome the opportunity to work with the OfS to draw on this expertise to allow better understanding of the learners who are studying in this manner, and what types of measurement can be used for progression. There cannot be an assumption that students wish to study on a modular basis in order to progress to anything – even though many will. Members are in agreement that the intentions of students are more important than any predetermined standard measure. Any consideration of progression also needs to acknowledge that leaving a course is not necessarily an indicator of failure either of a student or provider. If a student decides to cease their study because of employment or opportunity, then that should be deemed a success, and there should be a mechanism for capturing this.

***5) Are there other measures that we should consider as we think about how to deliver our policy aims? What measures do providers currently use to understand outcomes for students studying modules?***

With extensive experience of the current short course market, our members note that some models they have found successful in measuring quality could be applied in regulation with appropriate evidence.

24. It is essential for IHE members who are delivering short courses to understand their students' perceptions of their experiences during their studies. Without access to student funding, the students are truly consumers, and without maintaining a reputation for quality provision their customers will not self-fund their modules. Many of these courses rely on industry partnerships and endorsement, with the learning outcomes based on meeting high levels of external scrutiny. Members have therefore developed methods for monitoring and enhancing their provision to ensure student and industry needs are met, and that their own business models are sustainable.
25. From amongst the IHE membership, common measures of quality in modular provision include:
- a) Students returning to study more modules.
  - b) Strong recruitment as an indicator of reputation.
  - c) Positive feedback from students.
  - d) Externality: external examiners; industry assessments of learning outcomes, feedback from visiting lecturers, wider communities of practice.

- e) Student feedback forms are widely used, and are often delivered in person at the end of teaching to ensure a meaningful response rate. Examples of questions used are often around resources and facilities, or are drawn from some NSS style questions, but also feature future aspirations, or whether students find their intentions have been met. This is found to be the most valuable way of discerning quality among providers of short courses. For example:
- The course has helped me achieve the goals I set for myself
  - Did the module open your awareness of future study or career options?
- f) In particular, these questions should be considered by the OfS for use at the end of a module of study, for annual aggregation and analysis.
26. In addition to the stated policy aims of the OfS, there is a need to provide IAG for students who may use the LLE for re-skilling. Several IHE members have described the importance of their internal processes for advising students who study multiple short courses or modules to help with determining their best study pathways. IHE would urge the regulator to state the expectations and responsibilities for ensuring advice for all current and potential students is fit-for-purpose under the LLE, particularly for those not accessing HE through traditional pathways who may not have pre-enrolment advisors externally to the HE provider. This should include updated guidance for how OfS will apply the C conditions to modular delivery, and any additional expectations on providers which may not be covered in their existing regulatory processes. As with current guidance around Condition C1, the OfS should consider the role of self-assessment specifically for IAG under the LLE, and how this will interact with CMA responsibilities.
27. The OfS should explore the role that professional accreditation plays in shorter courses and modular delivery to assess whether or not it's useful as a measure of quality. In independent providers, such as specialist creative providers, the teaching and learning teams understand how to design programmes which are context relevant. Skills courses are subject relevant and transferrable to specific careers in ways that are accessible to students. One mark of quality in such circumstances is professional accreditation; it is particularly crucial that no OfS measure of success is found to contradict such external indicators of quality. IHE members have high volumes of professional accreditation on their short courses and existing modular delivery, especially where these are skills based. For example, an IHE member with large scale modular offer in information technology has Microsoft accreditation in a significant number of their provision which is highly valued by students.
28. For the first time some of these courses could come within the purview of the OIA, increasing the ability of students to raise complaints and gain redress for poor quality provision. We strongly encourage OfS to engage with OIA to understand their views and evidence on student and provider behaviour for complaints and appeals of modular courses.