

Our response to the higher education reform consultation

Universities UK (UUK) is the collective voice of 140 universities in England, Scotland, Wales, and Northern Ireland. Its mission is to create the conditions for UK universities to be the best in the world, maximising their positive impact locally, nationally, and globally. Universities UK acts on behalf of universities, represented by their heads of institution.

Student number controls

- 1. What are your views of SNCs as an intervention to prioritise provision with the best outcomes and to restrict the supply of provision which offers poorer outcomes? Please explain your answer and give evidence where possible. If you consider there are alternative interventions which could achieve the same objective more effectively or efficiently, please detail these below.**

The UK's universities play a vital role in the British economy, building skills and educating our workforce to compete on a global stage. Our universities are also civic institutions, embedded into regional skills needs and collaborating with local businesses. The 2019 Conservative manifesto points to the positive impact of universities – 'They [...] do an excellent job of generating many of the skills that our economy needs' – and lays out the role for universities in the 'education, health and prosperity of their local areas.'

The UK has an unmet and growing need for graduate skills, with one million more graduate vacancies than graduates in 2022. This is likely to grow with upcoming demographic changes, with the number of 18-year-olds set to increase by over 15% between 2022 and 2030. As noted by the Chancellor of the Exchequer in 2013 when removing student number controls, 'access to higher education is a basic tenet of economic success in the global race'.

In the labour market, there is a need for skills across diverse industries, with high demand forecast for creative roles and business management skills, as well as scientific and technical positions. The UK's higher education sector supports the development of this diverse workforce for the future, preparing the country to compete on a global stage. The UK aims to be a high-innovation economy, with our ambitious target of 2.4% GDP being invested in R&D, but we lag behind many major innovation economies in terms of graduate numbers. More graduates, from diverse backgrounds, are needed so that the benefits of a highly educated workforce can be seen across the whole UK, in every region and industry.

We welcome the levelling up agenda which ensures that geography is not a limit to opportunity or aspiration, and government policies must not disproportionately impact students from certain backgrounds or regions of the UK. Higher education policy must support the levelling up agenda and be consistent with other policies which reduce inequalities, such as the operation of the shared prosperity fund.

Considering the wider context of the UK skills economy and upcoming needs of the workforce, we strongly oppose the introduction of SNCs in higher education. We understand the government is concerned whether taxpayers' money is being spent well on high-quality courses aligned with the skills needs of the economy. We are keen to work with government to explore alternatives to SNCs which can allow the higher education sector to continue delivering high-quality provision that supports wider economic goals, while ensuring the long-term financial sustainability of the higher education system. SNCs, however, are a flawed and retrograde policy response to achieve the best outcomes for students and the taxpayer for the following reasons:

- the adverse impact on government objectives such as levelling up and lack of flexibility in responding to future skills needs
- the detrimental impact they would have on the ability of students to make choices that best reflect their life circumstances, their aspirations and student confidence in the higher education system
- the disproportionate impact on students from non-traditional or disadvantaged backgrounds
- they are an unnecessary and burdensome response to addressing poor outcomes

Universities are proactively taking steps to improve outcomes and planning changes to provision to meet future demands of students and employers while providing value for money to taxpayers.

Adverse impacts on government’s objectives, including levelling up

Student number controls were previously removed as they represented a ‘cap on aspiration’, and do not serve the student or the wider economy. Students from non-traditional or disadvantaged backgrounds should have the same opportunities as others to pursue and achieve their aspirations. They are often juggling employment, caring responsibilities, care needs, and/or the pressures of lower incomes. This can lead to less flexibility in where they can live and what they choose to study – many will need to study locally or be commuter students. Therefore, SNCs will have a disproportionately negative impact on these students’ choices. This runs directly counter to government objectives on levelling up.

The government states that it recognises the importance of skills pipelines to support future-facing industries and wishes to support access to education across the creative arts, humanities and STEM. However, the risk of imposing SNCs based on current or past employment outcomes will mean the UK’s skills base becomes narrower and less responsive to future skills needs. This has previously been demonstrated with the 2011 number cap on nursing students, which has contributed to chronic shortages in nursing which are still seen today. Reducing the number of graduates in the economy would cause further skills shortages, including in strategically important areas. Strategically valuable skills can change very rapidly, as unexpected events such as the pandemic have shown. A long-term legacy of restricting access through SNCs may be a loss of expertise and knowledge across some disciplines – both in our graduates and our research capacity – that cannot simply be re-established. The nursing profession is still recovering from previously implemented SNCs, and we cannot afford to replicate this crisis at a national scale by hindering routes into highly skilled work.

ONS data reveals that there will be ongoing strong demand for graduates, with almost one million more professional jobs than workers with degrees in the UK to fill them. The Organisation for Economic Co-operation and Development (OECD) has shown that 27.7% of the workforce is underqualified for their current role. This is almost double those who are over-qualified, and the second-highest level of under-qualification in the entire OECD, behind Ireland. Analysis from the Institute of Student Employers shows there are now 20% more graduate vacancies than in 2019, and projects a 22% increase in graduate jobs in 2022 compared to 2021. There is a clear, ongoing need for graduate skills, which requires a longer-term view that promotes innovation and adaptation rather than contraction.

The imposition of SNCs, along with other proposed measures in this consultation, will have financial implications for universities. Analysis by Frontier Economics has estimated that between £1.9bn and £2.6bn could be lost over a five-year period. There is significant variation in the size of the impact across different geographies. These consequences, combined with a continued freeze in the fee cap, will restrict the ability of universities to maximise their contributions to meet the skills agenda and levelling up objectives of government. Some providers may wish to provide

additional support for disadvantaged students or invest more locally but are constrained financially. It is well established ([OfS 2020, p32](#)) that deficits are being experienced in recovering the costs of provision, and this problem is particularly acute for STEM subjects. Imposing SNCs, without additional funding, would only exacerbate issues around a falling amount of real funding per student, and potentially create reputational issues for providers that would restrict their ability to attract income from domestic and international students.

Adverse impacts on students

All those who are qualified and wish to enter higher education should be able to do so. Students must have the freedom to make choices that best suit their individual circumstances, through their choice of course and provider of study. SNCs would take away this freedom of choice.

The government's consultation cites the reasoning for SNCs as ensuring a fair deal for students and to protect students who are disappointed by their university experience. Addressing this disappointment must explore the motivations for why students make these choices in the first place and empower them to make the right choices to fit their circumstances – through strengthening career guidance and information, and improving communications between students, future employers and providers. Removing choices altogether for students is a heavy-handed approach and does not guarantee the alternative path selected will provide a more positive outcome for students, or that it will generate better economic outcomes. Introducing SNCs would appear to be at odds with the government's ambitions to empower learners through the lifelong loan entitlement, a welcome and powerful policy which will give learners greater flexibility and more control over their learning choices.

In 2021, there were record numbers of applications to study in UK higher education. This was a 4% increase in the number of individual applicants for undergraduate study (made via UCAS) when compared to 2020, and a 10% increase in 18-year-old applicants ([UCAS, 2021](#)). Research commissioned by [UUK in 2021](#) showed that around 84% of students and recent graduates agreed that future salary was not the only factor in choosing their degree. This research is further backed by UCAS research that shows that career prospects are not the primary motivation of choice of degree subject ([UCAS, 2021 p10](#)). Understanding student motivations, and informing and empowering how they make their choices, is essential to minimising the potential for disappointment – rather than removing their ability to choose.

Introducing SNCs would have knock-on impacts for the confidence of students in the higher education system – for example, if SNCs were imposed on a particular provider, subject or course, employers and students would be likely to view this as a signal of poor quality or poor outcomes. This would create perceptions that some graduates are more worthy than others in their contribution and undermine the wide range of transferable skills students gain through higher education. These

perceptions would have detrimental reputational impacts (the post-18 review refers to a ‘spiral of decline’) for past or current students at that provider or who have studied that subject or course. Future students would become increasingly hesitant about exercising their choices. It could also damage the UK’s reputation for world-leading education to prospective international students.

A burdensome and disproportionate response to addressing poor outcomes

Higher education in England is high quality, and by international standards of very high quality. It supports students to achieve outcomes in line with their interests and aspirations. This view is shared by the regulator. In its latest strategy for 2022-23, the Office for Students (OfS) states that ‘Much of the provision in the English higher education sector is exemplary’ ([OfS 2022, p5](#)). In its recent consultation on regulating student outcomes, it further states that ‘The English higher education sector is generally high-performing, and many providers support their students to achieve outcomes that are among the best in the world’ ([OfS 2022, p9](#)).

If most courses are judged to be high quality and delivering outcomes the OfS considers to be positive, it is not necessary or beneficial to introduce the additional administrative infrastructure of SNCs. The OfS already regulates in this area. It does so in a risk-based way, targeting those areas where there are significant concerns on quality and/or outcomes and then promoting improvement activity. This represents an approach which is more targeted and sophisticated than the imposition of SNCs, which are a very blunt measure. As we have set out in [responses to OfS consultations](#), we support this overarching approach.

The OfS’s approach is driving – and will continue to drive – targeted change within universities. Even without being subject to a specific condition of registration or improvement notice, universities are recognising the challenges this consultation and the OfS have set out and being proactive in responding. This includes exploring how outcomes can be improved on courses through incorporating more work placements, employer partnerships, and redesigning assessment to better develop transferable skills. It includes working with students and offering opportunities through careers services, academic skills support, and volunteering. A revised Teaching Excellence Framework (TEF) will be a further motivator for universities to prioritise those courses and activities that offer the best experiences and outcomes for students.

With regulation already in place through the OfS to promote the objectives of prioritising quality and outcomes, there is an additional risk that SNCs simply create an unnecessary layer of burden and bureaucracy. Universities will have to not only meet their regulatory requirements as defined by the OfS, but also engage with the criteria by which SNCs would be determined. All the effort that this requires takes time away from teaching, learning and working with students.

It would also risk compounding the limits on student choice set out above, with the cumulative impact of multiple levers being used to target similar issues. As we argued in responding to the OfS on student outcomes regulation, there are risks of universities adopting overly risk-averse recruitment practices that will favour students from more advantaged backgrounds. Adding SNCs on top of this will reinforce this divide.

As Universities Scotland notes in their response to the consultation, it is important to recognise Scotland has its own quality and regulatory approaches. Measures introduced in England should not apply to Scotland – such as participation in OfS or TEF metrics.

Proactive steps by universities to maximise value to students, employers and the taxpayer

The recently launched UUK [framework for programme reviews](#) sets out how we will support universities to ensure they identify courses where value or quality might be an issue and act on it, building confidence in the quality and value of our provision, and demonstrating the sector's commitment to consistency and transparency.

Universities regularly look at the performance of courses and consider where attention should be (re-)focused and where courses need to be updated or, in some cases, no longer be offered. We have set out a range of metrics universities should use to inform their reviews, and identify where action should be taken, covering student and graduate views, student outcomes, and graduate prospects. These processes are therefore already doing the work that SNCs would be looking to achieve in addressing courses where quality or outcomes may be an issue.

The framework sets out how universities should reflect the wider value of courses to students and taxpayers, including their contribution to local and national economic growth and social responsibility. Rather than there being a nationally determined judgement on which courses should or should not be a priority, often based on historical and narrow data, our framework sets out how institutions are best placed to know what is of most value to their students and their regions. Allowing universities the autonomy to lead on this, in a responsive manner tailored to the specific needs of their students and local areas, will be central to achieving levelling up objectives.

UUK members have also committed to a [fair admissions code of practice](#). This sets out our expectation that universities act responsibly in determining how many and which applicants are accepted onto courses. This includes students having appropriate information to make decisions about where and what to study, not being put under pressure, and places being offered only where a university is confident the student can succeed on the course.

The higher education system must remain flexible enough to meet future skills needs. The lifelong loan entitlement is an excellent opportunity to drive future economic growth through greater opportunities for upskilling and retraining. Introducing SNCs has the potential to undermine this by restricting opportunities for students to take advantage of credit transfer and modular study while also making the system less agile. The imposition of SNCs would create uncertainties that would prevent universities being able to make local decisions on provision and disrupt their consultative work with students and employers to better meet future skills needs.

2. What are your views on how SNCs should be designed and set, including whether assessments of how many students providers can recruit should be made at:

- Sector level?
- Provider level?
- Subject level?
- Level of course?
- Mode of course?

Please explain your answer and give evidence where possible.

We do not believe it is appropriate to set SNCs at any level, due to the problems set out in our answer to the previous question. Specifying a particular level to set SNCs will create reputational problems for a particular provider, subject or course and undermine the confidence of domestic and international students in making their decisions on where and what to study.

3. The Government is considering which outcomes should be used if SNCs are introduced and has identified the three broad categories as quantifiable, societal, and/or strategically important. What are your views of the merits of these various approaches to consider outcomes and/or do you have any other suggestions? Please explain your answer and give evidence where possible. (For further explanatory detail, please see pages 37–40).

We have mentioned in our previous answer that UUK's [framework for programme reviews](#) helps universities act on courses where value or quality might be an issue. Our framework sets out the measures universities should consider when undertaking

internal reviews of courses, which reflects government research into the benefits of higher education participation for individuals and society and measures already reported through the Teaching Excellence Framework. These cover student and graduate outcomes views of their study and career progression, how courses are supporting economic growth (through provision of skilled employment in low growth areas or through entrepreneurship) and how courses support social responsibility (for example, supporting key health and education professions, contribution to culture and positive contribution to the green economy.)

These measures reflect the wider value of courses that universities should reflect when regularly reviewing provision and making decisions on where to act to ensure high value. Measures should evolve as the priorities and needs of students and employers shift, and new data becomes available or is developed. Our framework states that universities should inform - but not necessarily lead - their review of courses by metrics, as wider contextual information is valuable to inform where action is needed, and to support diversity and innovation in course design and delivery.

The government's proposed approach to SNCs based on the proposed three broad categories does not allow for this flexibility and fails to acknowledge the numerous limitations in use of outcome measures, in particular earnings and progression to highly skilled employment. The limitations of outcome measures include:

- they can easily become outdated and miss trends in emerging industries
- they do not capture all employment outcomes graduates might pursue, particularly for those with non-standard career paths (e.g., in the creative industries)
- they do not reflect the views of graduates with evidence showing positive graduate views linked with careers that may fall outside of definitions of 'good outcomes' used (eg in caring and leisure sectors)

For these reasons, we do not support the government's three categories. They are narrow and misleading, and they would create unintended consequences for universities to support the needs of students, employers, and local and national economies.

4. Do you have any observations on the delivery and implementation of SNCs, including issues that would need to be addressed or unintended consequences of the policy set out in this section?

Please give evidence where possible.

Our answers to the previous questions have set out the unintended consequences of implementing SNCs, which we summarise below:

- entrenching disadvantage and inconsistency with levelling up objectives
- narrowing of the skills base, loss of innovation and agility to meet future skills needs including making a success of the lifelong loan entitlement
- removal of students' right to choose the path that best suits their life circumstances
- risk of students choosing a path with even poorer outcomes (eg long-term unemployment)
- reputational damage to courses, subjects or providers which create a lack of confidence in the higher education system from domestic and international students and employers
- creation of additional burden for universities that takes time away from core activities such as teaching, assessment, student support and research
- exacerbating financial constraints due to a freeze in the fee cap and restricting the ability of universities to cover deficits in the cost recovery of provision.

There would be significant operational difficulties associated with the implementation of SNCs. If the OfS were to set, monitor and enforce SNCs, it would send a message that its own risk-based regulatory approach is not sufficient to maintain quality. If the Department for Education were to do this instead, there would need to be steps put in place to determine – and regularly review – the basis on which SNCs should be set. Measures would need to be consistent with those used by the OfS and there would be an additional layer of burden and bureaucracy. Decisions would need to be made far in advance to allow for the long lead-in times needed for university planning processes, as there would be impacts on staffing, expenditure and planned income streams.

Although the consultation does not explicitly state this, our understanding is that SNCs, if implemented, would only apply to providers in England as student numbers elsewhere in the UK are a matter for the devolved administrations. UK Government should consider the wider implications of such a policy proposal and liaise with devolved administrations to explore what impact the policy would likely have. SNCs could significantly change applicant behaviour and create barriers to the flow of

students across the internal boundaries of the UK. It is important that students should be able to choose to study at whichever UK provider best meets their needs.

Minimum eligibility requirements

5. Do you agree with the case for a minimum eligibility requirement to ensure that taxpayer-backed student finance is only available to students best equipped to enter HE?

Yes or No.

Please explain your answer and give evidence where possible.

No. We are very supportive of the government's aims to ensure the Robbins Principle is adhered to whereby university courses are available to all who are qualified and wish to pursue them. Students must make as informed choices as possible, and there must be a full range of viable alternatives to university study available (that also allow progression to university at a later stage if needed). The government's plans for the lifelong loan entitlement are unprecedented in the scope to give students more choice and to empower their ability to learn over their lifetimes.

However, we are concerned that a minimum eligibility requirement (MER) applied to access to student finance would be problematic and not help government achieve all its aims listed above. We provide further details of these problems below. We would strongly recommend that government engages further with UUK and other relevant stakeholders to discuss how problems with a MER could be overcome, and to ensure actions are joined up with the work of the OfS on raising attainment much earlier in life. We believe introduction of a MER is an unnecessary step as universities already have their own minimum entry requirements and processes in place to assess which students will succeed on their courses. Therefore, we would also welcome discussing with government alternative policies, and actions by universities, that would potentially be more effective in meeting the government's aims and address any 'misdirection' to university courses. In Scotland, for example, universities have introduced minimum entry requirements that support access by recognising that disadvantaged students' qualifications may not fully reflect their potential.

The government's consultation states that a MER policy would apply to students accessing English student finance for full-time level 6 study. Therefore, it will impact on cross-border flows of students wishing to study in Scotland, Wales and Northern Ireland. The UK Government may wish to discuss with the devolved administrations

any unintended consequences of such a policy, including its potential impact on student choice and opportunity, as well as widening access. There may also be complications in setting equivalent eligibility requirements for qualifications from the devolved administrations, and care must be taken that learners holding these qualifications are not disadvantaged.

The problems with a minimum eligibility requirement include the following, and more detail on each is provided below:

- restrictions on student choice for those from non-traditional or disadvantaged backgrounds
- unintended consequences for government objectives for levelling up
- unintended consequences for government objectives for strengthening the skills base
- a deterioration of universities' abilities to assess whether a student is qualified to enter higher education.

Impact on students from non-traditional and disadvantaged backgrounds

Prior attainment is a very important indicator of whether a student is qualified to enter higher education, but other information must also be considered to assess whether a student is qualified and has the potential to succeed in higher education. Students who enter higher education with lower entry qualifications are still able to succeed and benefit from a university education. OfS widening participation data shows students who entered higher education with the lowest reported A level results had continuation rates higher than the sector average. This demonstrates that prior attainment data does not determine a student's pathway in higher education.

Students with higher levels of disadvantage are more likely to have lower level 2 and level 3 attainment. Those who receive free school meals have consistently lower than average GCSE attainment, and those who are considered the most disadvantaged have consistently lower A level attainment. This is because opportunity in terms of schooling is not evenly spread, with many students not receiving adequate support at secondary school. This is acknowledged in the OfS' new focus on pre-18 attainment in their widening participation agenda.

Therefore, a MER could prevent some of the most disadvantaged students from achieving their potential and entrench their disadvantage. Recent research by the Institute for Fiscal Studies shows that a blanket GCSE MER likely increase the large socio-economic gaps in higher education participation, disproportionately affect under-represented groups and exclude many who would experience good degree outcomes. The MER would only affect those who depend on Student Finance to continue their study, not those who are able to pay. Removing disadvantaged students' ability to choose higher education could result in far worse outcomes for themselves and the taxpayer (eg long-term unemployment).

This could be particularly challenging given upcoming demographic changes, with the number of 18-year-olds in the UK increasing by 15% between 2022 and 2030. Restricting pathways to higher education will affect an increasing number of young people over the next decade.

We acknowledge the government's concern around students making the best possible choices and are supportive of efforts to strengthen alternatives to full-time undergraduate degrees, which will empower students' decision making. However, we would question whether implementation of MERs would address concerns around misdirection. As acknowledged in the Education Committee's launch of its inquiry into careers education in schools, there are significant challenges to be met in careers education, information, advice and guidance. Students' understanding of pathways would be better improved by investment in this area rather than closing opportunities through a MER.

Consequences for government objectives on levelling up

Educational opportunities are not evenly spread across England, with A level results dependent on where students are from and the schools they have access to. The majority of areas with lower GCSE and A level attainment are in government priority levelling up areas. Therefore, a MER would further entrench disadvantage and be directly at odds with government aims of levelling up. We have provided evidence of regional disparities in attainment in response to the questions on thresholds.

The universities who would be most affected by the introduction of a MER are those who recruit high proportions of students from disadvantaged backgrounds. OfS data shows nearly all of the most impacted providers drew more than a fifth of their students from the most deprived areas of the UK (IMD2019 Q1). Some of these universities are located in government priority levelling up areas, or areas that have low gross value added to the economy (GVA) per head relative to the UK, such as Wolverhampton, Middlesbrough, or Bolton.

Reduced recruitment numbers would have financial implications for these universities, and impact on their ability to provide support for their disadvantaged students and invest locally – further restricting their ability to make contributions to the government's levelling up agenda. There is also a risk that, over time, financial consequences could lead to greater 'cold spots' in access to higher education.

Consequences for government objectives to strengthen the skills base

The imposition of a MER would have unintended consequences on the government's objective to strengthen the skills pipelines to support future-facing industries, across the creative arts, humanities and STEM, by causing lower enrolments. UUK analysis shows that a MER set at GCSE would have the most detrimental impact on subjects allied to medicine, exacerbating skills shortages in medical professions. This subject

area would see the greatest student losses, both in terms of proportion and number of students below the threshold. Only 62% of students in subjects allied to medicine are above the proposed GCSE MER threshold, meaning this policy could create or exacerbate shortages in some occupations, such as nursing. Other subjects which would see significant student losses as a result of a MER include European languages (72% above threshold) and engineering (79% above threshold). Lack of foreign language skills has been cited by the [House of Lords](#) and the [British Chambers of Commerce](#) as a serious impediment to economic growth and the government's vision for Global Britain, and engineering is fundamental to achieving the ambitious aims of the [UK Innovation Strategy](#).

Research by the [Institute for Fiscal Studies](#) shows that a GCSE MER would exclude 22% of age 18-19 entrants to social work courses, 15% to communications and creative arts, 17% of computer science and 13% of business entrants. UCAS analysis found that the shortage areas of education and computer sciences would see particularly negative impacts of a MER set at Level 2. The wider context of increasing graduate vacancies, with [high rates of under-qualified graduate employment](#) and graduate jobs forecast to increase by 22% in 2022 relative to 2021, means it would be short-sighted to restrict the number of graduates in these valuable areas.

We support the government's efforts to ensure there is a greater range of valuable post-18 opportunities to learners. The success of government reforms to higher technical education rests on how well prospective students understand the benefits to them. Prospective students must make an informed choice to pursue alternatives to full-time undergraduate study if they wish to do so – and not feel compelled because they have no other alternative due to a MER. Students and the public could perceive the introduction of a MER to be at odds with government's ambitions around lifelong learning, and the introduction of the lifelong loan entitlement (LLE). The LLE should empower learners to be more flexible in their learning and its eligibility must ensure any students prevented from studying through a MER have repeated chances to enter higher education to upskill and retrain.

Reduced effectiveness in assessing whether a student is qualified to enter higher education

Institutional autonomy is crucial to the success of universities, including in their admissions decision-making. University admissions departments are best-placed to assess which students will thrive on their courses. Some universities already have their own minimum entry requirements in place to fit their local circumstances, needs of courses and widening participation aims. In recent years – and with the autonomy to make decisions on who to admit – universities have expanded access whilst simultaneously reducing access gaps and reducing attainment and continuation gaps. The [latest UCAS data](#) shows a further reduction in the gaps between the most and least disadvantaged students and the highest and lowest

participation areas, indicating the positive impact of institutional autonomy in this area.

The introduction of a minimum eligibility requirement (MER) that relates to access to student finance would remove the flexibility universities have in their decision making to use contextual information alongside their own minimum entry requirements. A MER would also have considerable resource implications and create practical difficulties for school and college advisers and for university admissions teams. We would recommend government consulting further with universities and schools on how a MER would work in practice, how problems could be overcome, and to consider what other actions could be more effective in meeting the government's aims. For example, many universities already do a great deal of work to ensure their students attain the levels of numeracy and literacy required, and further actions could build on this.

6. Do you think that a grade 4 in English and maths GCSE (or equivalent), is the appropriate threshold to set for evidence of skills required for success in HE degree (L6) study, managed through their eligibility for student finance?

Yes or No.

Please explain your answer and provide reference to any pedagogical or academic sources of evidence to explain your reasoning.

No. We are concerned that this proposal would have unintended consequences and not be helpful to meet government's objectives behind a MER. We would welcome further engagement with government and other relevant stakeholders on how problems with this proposal might be overcome and what alternatives could work more effectively. Level 2 is a relatively early stage of learning and restrictions could impact on student confidence and their ability to succeed at level 3. A proposed level 2 MER would have the following unintended consequences:

Consequences for disadvantaged students and across ethnic groups

- Level 2 attainment is strongly linked to students' backgrounds and levels of disadvantage. Students who receive free school meals (FSM) tend to have lower average attainment than those who do not. In 2018-19 those receiving FSM had an average attainment 8 score of 34.6 compared to 48.6 for non-FSM students.

- Research by the Institute for Fiscal Studies shows one in four undergraduates eligible for FSM at age 16 would not have been able to access student loans under a GCSE English and Maths requirement – compared to 9% of those not receiving FSM.
- This research also shows large differences in the impact across ethnic groups – nearly one in five Bangladeshi and Pakistani students would be affected, nearly one in four black African and black Caribbean students, compared with around 7% of white British undergraduates from state schools.

Consequences for levelling up

- Overall GCSE attainment varies considerably across regions. In academic year 2018-19 (the last year where exams were unaffected by the coronavirus pandemic), overall GCSE attainment in different local authorities (measured with Attainment 8 scores), ranged from 33.8 for the lowest scoring local authority to 58.6 in the highest.
- The vast majority of local authorities with lower GCSE attainment have also been identified by the government as levelling up priority areas. Using attainment 8 scores from 2018-19 again, 29 of the 40 local authorities within the bottom quartile were identified as being the highest priority (priority 1), with another 9 at priority level 2.
- GCSE attainment in the subjects proposed also varies considerably by region. Ofqual's analysis of GCSE results by county shows that the proportion of students achieving grade 4 or above ranged from 66.1% to 80.8% for maths, and 62.7% to 81.4% for English language.

Consequences for the skills base

This is discussed in our response to Question 5, demonstrating that a MER could lead to skills shortages in subjects allied to medicine, languages, social, work, education and computer sciences.

Unintended consequences for student success in higher education

There may be individuals who, for several reasons, are unable to attain both English and Maths requirements (for example, learning difficulties affecting literacy or numeracy) but would go on to be highly successful at university in their specific chosen field. Research shows that in London, 86% of pupils with special educational needs would be unable to go on to higher education.

For a MER based on level 2 attainment to be a fair threshold, gaps in level 2 attainment linked to protected characteristics as well as socioeconomic background would need to be reduced.

7. Do you think that two E grades at A-level (or equivalent) is the appropriate threshold to set for eligibility to student finance, to evidence the skills required for success in HE degree (L6) study?

Yes or No.

Please explain your answer and provide reference to any pedagogical or academic sources of evidence to explain your reasoning.

No. Again, we are concerned that this proposal would have unintended consequences and would be unhelpful to the government's objectives. We would recommend further exploration with universities and schools of the problems, how they might be overcome and what potential alternative actions exist. Unintended consequences include:

Consequences for disadvantaged students

Level 3 attainment is strongly linked to students' backgrounds. In 2018-19 disadvantaged students had an average point score (APS) at A level of 28.8 compared to 34.2 for non-disadvantaged students. Gaps also exist by institution type. In 2018-19, students who attended independent schools had an APS of 40.9, compared to 32.9 for state-funded schools – a trend that continued during the coronavirus pandemic where attainment increased for all school types. A larger proportion of students at independent schools also achieved at least two A levels, compared to their counterparts at state-funded schools (89.4% versus 79.0%).

Consequences for levelling up

- A level attainment varies considerably by region. In 2018-19 (the last year where exams were unaffected by the coronavirus pandemic), the average point score (APS) for A levels across English local authorities ranged from 24.7 to 39.8.
- Research by London Higher's AccessHE division shows an A level MER would disproportionately affect London's black African, black Caribbean, Bangladeshi and Pakistani students.

8. Do you agree that there should there be an exemption from MERs for mature students aged 25 or above?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. It would be inconsistent with the aims of the lifelong loan entitlement if a MER were to apply to students aged 25 or above. Mature learners are more likely to enter higher education through further education routes, access and foundation degrees, meaning a MER based on GCSE or A-levels would not be a valid approach for this group. If an exemption for mature learners were not included, institutions which do the most work supporting this underrepresented group would be disproportionately impacted. Many institutions where students aged 25 and over account for over 50% of their undergraduate population are the only provider in their local area, upskilling the workforce in their communities. HESA data shows that regions with the highest proportion of students aged 25 and over are the South East (33%), the East of England (32%) and the North East (20%), primarily due to specific lead institutions educating high numbers of mature students.

We strongly recommend that the government modifies the age threshold for mature students to be aged 21 and above rather than 25. We do not believe there is a strong rationale for using 25 over 21. The [Office for Students](#) includes mature learners, aged 21 and over, as a core widening participation group given their under-representation in higher education. [Research by MillionPlus and the NUS](#) has shown that these students are more likely to be from disadvantaged and underrepresented groups, including BAME students and those with disabilities. The consultation proposes an exemption for those aged 25 and over based on reasoning that work-based learning and experience can support preparedness for higher education. We agree with this reasoning, and see no reason why this should not apply to those aged 21 and over, who will also have several years of such experience by this age. This would enable the policy to fully support an underrepresented group, and maintain consistency with the sector standard for mature student classification.

9. Do you think there should be an exemption from MERs for part-time students?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. The demographics of part-time students differ from full-time students, with many juggling study alongside working or caring responsibilities. Previous research has indicated that 46% of part-time students have children, compared to 7% of full-time students, and 82% of part-time students are employed. Many part-time students are mature learners who have entered higher education through alternative routes listed above in the previous question. This demonstrates that a MER would unnecessarily impact on the skill levels of the UK without an exemption for part-time students. This evidence also shows that most part-time students are choosing to study to enhance their existing careers, retrain or start a career later in life. Therefore, a MER based on GCSE or A-levels would not be appropriate or relevant.

As with mature students, provision for part-time students is unevenly distributed, with some institutions in geographically isolated areas educating large numbers of part-time students. HESA data indicates that most institutions with 15% or more of their undergraduate students studying part-time are the only such institution in their region, meaning that a MER would disproportionately impact these institutions and the students they serve. Without the exemption, the West Midlands would be much more affected by a MER due to higher proportions of part-time students in this region.

10. Do you agree that there should be an exemption to the proposed MERS for students with existing level 4 and 5 qualifications?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. Those studying level 4 or 5 qualifications choose to take an alternative route to higher level skills instead of an apprenticeship or a university degree course. This should include all level 4 and 5 qualifications, including both those awarded by universities and HTQs. This supports the flexibility, choice and progression opportunities that we want the LLE to increase. There should be consistency between

all level 4 and 5 qualifications on MER. It is important that level 4 and 5 learners can progress between different pathways, to give them the broadest possible choice of options, and that they can choose to go on to study at university. A MER applying would prevent this.

11. Do you agree that there should be an exemption from any level 2 eligibility requirement to level 6 study for students with good results at level 3?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. Students should be rewarded for making rapid progress at level 3, and therefore if a level 2 MER was imposed, there should be an allowance made for level 3 results.

12. Do you agree that there should be an exemption to MERs for students who enter level 6 via an integrated foundation year, or who hold an Access to HE qualification?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. Foundation year and Access to HE courses prepare individuals without traditional qualifications for study in higher education, including those who would not meet a MER. This preparation helps to rectify any skills gaps that would hold a student back from succeeding at university. If this exemption did not apply, there would be little value in some students taking a foundation year or Access to HE course, as they would not be eligible to study in higher education.

13. Are there any other exemptions to the minimum eligibility requirement that you think we should consider?

Yes or No.

Please explain your answer and give evidence where possible.

Yes. As there is a link between level 2 and 3 attainment and socio-economic disadvantage, there could be a case for including exemptions for disadvantaged students (including care experienced students). We are opposed to students being excluded from accessing higher education as a result of their background. However, there are many methods for measuring disadvantage, such as FSM, IMD, POLAR, and MEM. Each measure has its own advantages and disadvantages, making it difficult to apply an agreed measure consistently at a national level. In our earlier answers, we highlighted that university admissions teams are well equipped to make informed decisions about a student's potential to succeed on their course. UUK's [Fair admissions review](#) proposed a set of recommendations for making the use of contextualised offers more consistent (as has been taken forward in Scotland), and these form part of UUK's recent sector-owned [Fair admissions code of practice](#). We would recommend the use of an informed approach in administering an exemption for disadvantaged students.

Foundation years

14. Do you agree with reducing the fee charged for foundation years in alignment with Access to HE fees?

Yes or No.

Please explain your answer, providing evidence where possible.

No. We commend the government's view that foundation years are a useful route to higher education and are supportive of government aims to ensure the charging of routes to higher education are fair to students. However, we are concerned that the magnitude of the reduction in fee across all foundation year courses would create difficulties (which are outlined in our answer to the next question) and

disproportionately impact those students who need support to succeed in higher education.

We recognise government's concerns on the differences between what students are charged between foundation years and Access to HE. We propose working with government to explore how cost savings could be made and passed on to students, while protecting funding for strategic priorities, and to improve the guidance given to prospective students so they are empowered to make the best choice for them between their alternatives. We also propose working with government on how best to monitor foundation year provision and their outcomes on an ongoing basis, so that good value for money for students and the taxpayer can be demonstrated.

We strongly support and endorse the government's view on the benefits of foundation years. Foundation years are crucial to provide opportunities for individuals with non-traditional qualifications and backgrounds to enter higher education. They also support students who are changing subject area or desire additional support in their transition to higher education. Foundation years play an important role in increasing the number of students on strategically important subjects and preparing students to succeed in degree level study. In 2020-21, foundation year students accounted for 16% of entrants in engineering, 12% of entrants in physical sciences, 11% of entrants in computing, and 10% in biological sciences.

Foundation years are also key in supporting underrepresented groups to access competitive courses in these strategically important areas. In 2020-21, 43% of foundation year students were from a Black, Asian and minority ethnic (BAME), compared to 31% of first-year students on Level 6 courses. In the same year, 21% of those from a BAME background aiming for a full-time degree in engineering entered through a foundation year, as did 16% of BAME students in veterinary sciences, biological sciences, and physical sciences. Previous data has also indicated that 32% of students on foundation years were from the most disadvantaged areas in England. These courses support diverse students to enter HE, particularly in STEM; this includes many students who may otherwise not access upskilling in HE which will support them throughout their careers.

We would highlight that while both foundation year and Access to HE study prepares students for degree level study, they are very different:

- in the outcomes they achieve. Analysis from the OfS showed that 86% of foundation year students from the most disadvantaged areas progressed to degree study, compared with 57% who took other routes.
- in the approach to provision. The courses have differing composition, with foundation year study worth 120 credits and Access to HE study worth 60 credits. On this basis, the cost per credit is similar.

- costs of foundation year provision are likely to be much higher than Access to HE costs. There is indicative evidence which shows that costs in higher education are higher than in colleges.

We also note that, while foundation year provision can be delivered successfully and to a high quality in further education partners, there are key benefits to delivering foundation years in higher education. Students benefit from the continuity of provision between their foundation year and Level 6 qualification; the curriculum and delivery is fully integrated to maximise the likelihood of success at Level 6; and students benefit from wider resources and support, such as libraries and laboratories, which may not otherwise be available to them. Access to these resources account for a large part of the cost of delivering in HE, and students see a clear benefit in their progression and attainment as a result.

15. What would the opportunities and challenges be of reducing the fee charged for most foundation years, and of alignment with Access to HE fees?

Please explain your answer, providing evidence where possible.

We are concerned that a reduction in fee to foundation year courses would create issues for some universities to meet their costs in funding provision, as it would represent a shortfall of £182m and a 43% cut to current foundation year funding. This figure accounts for the many institutions that charge below the maximum fee of £9,250. Reduced provision will unfairly impact on the chances of success in higher education for disadvantaged students. Not all students may wish to undertake an Access to HE course, and the lack of a foundation year option may mean those with non-traditional backgrounds or under-represented groups do not enter higher education at all.

This would harm social mobility – and be unhelpful to government to achieve aims for levelling up. Combined with other changes proposed such as an MER and SNCs, an unintended consequence could be that the overall package of proposals sends a strong message to disadvantaged and under-represented groups that higher education is not for them. This would influence student perceptions and choice and may reduce the talent entering higher education.

The cost of living crisis presents another challenge to disadvantaged students. Reduced foundation year funding for universities could restrict their ability to fund support services and alleviate hardship. Some members of the Foundation Year Network have reported that, depending on the nature of the student cohort,

foundation year students generally make greater use of both academic and pastoral support services.

Foundation years strengthen the pipeline of skills for many sectors, with significant proportions of students in some subjects entering through a foundation year. Foundation years accounted for 16% of all entrants aiming for full-time degree level university study in engineering, 10% in biological sciences, 11% in computer sciences and 12% in physical sciences. These students go on to work in key shortage areas, supporting the government's wider aims of levelling up and an advanced, highly skilled workforce in strategically important areas. Therefore, reduced foundation year provision has the potential to exacerbate skills shortages in many areas, which runs counter to government aims of better meeting the needs of employers and the economy.

The government's consultation also states that lower tuition fee loan limits would apply to students accessing English student finance whether they choose to study in England or elsewhere in the UK. UK Government may wish to consider unintended consequences of this policy through liaison with the devolved administrations.

16. Do you agree there is a case for allowing some foundation year provision to charge a higher fee than the rest? Or is there another way for government to support certain foundation years which offer particular benefits? Please explain your answer.

Foundation year provision differs in scope across UUK members. For some universities, provision will be focussed on a small number of subjects, whereas for others it will be more widespread. Therefore, if higher fees were permitted for some courses, then it may not affect one university but create viability issues for provision for another.

We would recommend further consideration of this proposal with government and universities working together to explore how and where cost savings could be made, while protecting funding for strategic priorities, and what the implications of higher fees to students for some provision would be. For example, students may feel it is unfair that higher fees are set for strategically important subjects. Some may choose to study the cheaper subject. If higher fees were set for foundation years as a path to highly selective education, this could send the wrong messages to disadvantaged students. We would recommend testing of scenarios with prospective students – for example, in 2018, UUK conducted focus groups to ascertain views from students on differential fees. This would ensure that such a policy could be pursued with a clear evidence base and understanding of the most effective approach.

17. If some foundation year provision were eligible to attract a higher fee, then should this eligibility be on the basis of:

- particular subjects
- some other basis (for example by reference to supporting disadvantaged students to access highly selective degree-level education)?

Please explain your answer.

Please see our answer to the previous question.

National scholarship scheme

18. What are your views on how the eligibility for a national scholarship scheme should be set?

We commend the government's aim to address the ongoing financial barriers preventing disadvantaged students from achieving their full potential in higher education and its plan to introduce a national scholarship scheme, backed by new funding. We agree that additional support is needed alongside other existing interventions. We are unclear whether there will be corresponding funding being made available to the devolved administrations for similar schemes. We would welcome clarity on this. It is also important that English domiciled students supported by this scheme are able to choose the right courses for them at whichever UK provider they choose.

The proposals set out in this consultation, on top of changes to parameters to the student loan system, have the potential to damage access to higher education. Therefore, the national scholarship scheme will be crucial to offset some of the more damaging impacts. The scheme should be targeted at disadvantaged individuals who have the potential to succeed in higher education, but who may not have had sufficient opportunity through their pre-HE education. It should come with the freedom of choice to allow these disadvantaged individuals to study at the most suitable course for them at a UK institution that is right for them and should not be limited to higher tariff institutions.

Eligibility should be informed by consistent and reliable metrics that relate to disadvantage. As part of our [Fair admissions review](#), we evaluated the indicators used to inform contextual admissions and proposed that the sector move towards a 'basket' of consistent indicators for disadvantage that included Index of Multiple

Deprivation (IMD), free school meals (FSM) status, and care experienced status. A similar approach could be implemented here.

It is also important that a national scholarship scheme complements the work that universities do through their access and participation plans (APPs), rather than duplicating it.

Design of the scheme should consider that students (both young and mature) are significantly concerned about meeting their living costs while studying; these concerns will only increase due to the cost of living crisis. Students from disadvantaged backgrounds will have less recourse to family support, and will need to take out higher loans to cover their living costs. UUK has long recommended reinstating maintenance grants, targeted to students who need them the most, as the most direct means of supporting disadvantaged students in higher education.

Level 4 and 5 courses

19. How can Government better support providers to grow high-quality level 4 and 5 courses? You may want to consider how grant funding is allocated, including between different qualifications or subject areas, in your response.

We are keen to develop level 4 and 5 courses both through HTQ provision and with existing undergraduate programmes to increase choice and flexibility but most importantly to open higher education to new learners and those upskilling in the workplace.

One of the most effective ways of growing high-quality level 4 and 5 courses is to build local partnerships between providers and employers. This has already been the focus of the strategic development fund, but this needs to go further. We need to ensure that all level 4 and 5 provision can be increased and integrated in a coherent offer for learners. We need support to build partnerships that will sustain this provision over time, engaging learners, working with employers, enabling progression between providers and embedding in local skills infrastructure, including Institutes of Technology. We want to explore practical ways in which we can make these changes work for learners and employers including the provision of information, advice and guidance, developing and testing user journeys and adopting smart regulation. This will require grant funding.

Specific demand remains uncertain for level 4/5 provision, so additional support will be needed to both research and understand demand but also engage with learners and employers and promote the opportunities that will be created. High quality

courses can be designed where effective partnership with students is established. Greater collaboration with students in the programme of reform at levels 4-5 would ensure these courses are attractive. This would also identify some of the key barriers to study at level 4-5 such as the importance of progression arrangements.

Both the local piloting and the understanding and raising of demand will need to have a strong national support element to ensure that the provision can be relevant and has recognition across the UK, but also to ensure that partnerships and provision can be replicated across the UK and scaled up quickly. We do not want any locality or any learner left behind, so we need the design of local pilots and provision to ensure that it is easily transferable to other localities and the support mechanisms in place to make this happen quickly. The strong collaboration we want to encourage at local level should be replicated at national level, linked to the LLE governance structures and such developments as the future skills unit in the DfE.

20. What drives price differences at level 4 and 5, where average fees in FE providers are significantly lower than in HEIs?

One of the key drivers is staff experience and sector, with more experienced HE staff being remunerated more highly. This was demonstrated in the [Association of College's research](#) on differing costing for foundation years. This may change as informal feedback from piloting indicates the need for some FE staff to be upskilled and/or recruited to deliver level 4/5 provision, and a number of universities are supporting colleges to do this.

It is also important to consider all the support for learners in addition to direct teaching and learning such as libraries, IT support, health and counselling. Those studying more flexibly at level 4 and 5 should still be entitled to the full range of support available and treated the same as all other students.

There will be different costs for different subjects. It is important that provision is not skewed towards cheaper provision, and that funding supports the delivery of higher cost subjects.

There is also a brand issue, as the [collaborative research with the AoC and the Gatsby Foundation](#) indicated that many learners equated price with quality, making demand relatively price insensitive. However, some FE providers were reluctant to charge higher fees out of concern for their brand in the market. The fact that, in every subject examined, at least some FE providers charged the full fee, without any detriment to recruitment, demonstrates that some FE colleges are perhaps underestimating the value of their brand and provision and unnecessarily reducing

the resources available to them. We need to ensure that provision is funded on a sustainable basis as a firm foundation for future growth and success.

21. To what extent do the drivers of fees at levels 4 and 5 differ from those for level 6 (including between universities, further education colleges and independent providers)?

There is a varied market in level 4, 5, and 6 provision; there are some indications that many learners equate price with quality, whilst other learners may be more price sensitive. With the real value of fees declining, and continuing to decline, there is a strong incentive to charge the maximum fee for any institution wanting to maintain investment and quality and retain high quality staff as well as ensure the breadth and value of student facilities and support. Charging less than the full fee either indicates very low costs or risks the resources available to the learner, both of which risk undermining the quality of provision. However, this needs to be balanced with the need to consider whether some learners are more price sensitive than others, and taken into account in the overall package of support available to learners and the need for targeted initiatives.

22. How can we best promote value for money in the level 4 and 5 market to avoid an indiscriminate rise in fees?

There are many existing mechanisms in place for higher education to demonstrate the value of their provision to learners and to inform learner choice, especially OfS monitoring of student outcomes. The challenge is whether these mechanisms and requirements will apply to all provision at level 4 and 5. It is unclear where the concern about the rise in fees is coming from and what would make it indiscriminate. Given the decline in the real value of the fee, and the set-up costs of establishing programmes with uncertain demand, undercharging for provision would pose a considerable risk to the success and sustainability of this provision.

The local piloting we propose in partnership with learners and employers will help to identify the drivers of value from learners and employers, enabling providers to respond to this.

23. Which learner types are more or less price-sensitive, and what drives this behaviour? As part of your response, you may want to specifically consider the learner cohorts described above and the equalities considerations set out in the level 4 and 5 section of the equality document, published alongside this policy statement and reform consultation.

Our evidence demonstrates that part-time learners are price sensitive in terms of the funding available to them. Maintenance support for part-time learners will be particularly important.

Research will also need to be undertaken into which sections of society are debt-averse, and steps taken to address this.

24. What are your views on the current barriers, including non-financial barriers, that providers face in offering and marketing level 4 and 5 courses? Where possible, please include evidence in your answer. In answering this question, you may wish to consider the steps we have taken to reform THE to date, as set out in the following section.

One of the key barriers is understanding the demand from learners and employers and the scale of demand. Whilst we strongly support increased flexibility and choice, especially at level 4 and 5, this needs to be informed by research on demand and rigorous user testing to ensure that increased flexibility responds to practical needs rather than theoretical demand.

Employer awareness, understanding and recognition of level 4/5 provision will take time to develop and could constrain early learner demand for this provision. We need a concerted effort to raise employer awareness of level 4 and 5 provision, in partnership with providers and encompassing HTE, existing level 4 and 5 provision and apprenticeships.

The increased flexibility planned as part of the LLE is important because we need to ensure that all learning is recognised, recorded and valued. There is a fundamental cultural shift needed to reform views of non-completion, drop out and failure. Even if a learner 'drops out' before a final qualification, the LLE should be designed to ensure that the learning to that point is still recorded and valued and neither the learner is stigmatised nor the provider punished. This is an essential change needed to ensure that learners understand that they are not leaving learning as a failure, but that they

can pause their learning to take account of their personal circumstances or change what they are learning and will be supported to re-enter learning at a later date. Whilst the resources devoted to learners who drop out is concerning, more concerning is the stigma attached to learners who pause early, which may prevent them picking up their studies later and coming back to learning. It is a fundamental barrier to lifelong learning and reskilling. This challenge needs to be resolved for level 4/5 HTQs, OfS requirements for higher education provision and apprenticeships.

25. We want to ensure that under a flexible study model, learners studying HTQs still develop occupational competence. We also want the quality and labour market value of individual higher technical modules to be signalled. Which of the approaches below, which could be introduced separately or together, do you prefer for delivering these aims, and why?

- **Introducing requirements for each module to be individually assessed and/or for students to complete a summative assessment at the end of a qualification.**
- **Awarding bodies submit qualifications with a modular structure and the Institute carry out an assessment of the quality of individual modules to provide assurance of their value to learners and employers.**
- **An Institute/employer-led process to develop a common modular structure for HTQs, to support credit transfer and labour market currency of modules.**

We support the development of frameworks in partnership with providers to guide providers, learners and employers and to serve as a reference point for quality assurance. The combination of regulated qualifications delivered by registered providers already provides strong quality assurance and regulation. There is already a credit framework within higher education, and there already exist many ways in which providers work with employers to ensure the relevance of their provision.

It is unclear whether the increased focus on modules in HTQs will lead to interim qualifications below level 4 and 5 and whether the structure of HTQs will enable this to happen. HTQ modules delivered by higher education providers will already have a credit value that learners can record and share with employers. We would welcome consideration of greater flexibility with HTQs.

Given that one of the main aims of the LLE and the introduction of HTQs is to increase flexibility and choice, introducing overly burdensome and unnecessary regulation will undermine this aim. Whilst it is important to have a summative assessment at the

end of a qualification the assessment of each module needs to be considered by the providers at the point of programme design. It is unclear what an assessment of the quality of individual modules by the Institute would cover and how this would add value to learners and employers rather than burden to providers. Considering the ambitions for the LLE to be the single student funding mechanism, the scale of assessing every module, and the resources, administration and delays that this would involve far outweigh any potential benefit.

We believe there are already sufficient mechanisms in place to deliver what the LLE aims to achieve. This includes the fact that the standards for HTQs are approved by IfATE; that higher education institutions processes for programme design and quality assurance are already covered by QAA/OfA arrangements; that there already exists a credit framework in higher education that almost all institutions use; and that increased guidance on modularity will come out throughout the LLE process. More guidance should be developed as needed, based on experience and evidence.

Overall, we must avoid an increasingly complex regulatory landscape for qualifications at level 4-5. There is significant overlap between the activity of the regulators – this often manifests in duplicate reporting recruitments which takes time away from supporting students. This is something that was acknowledged in a [recent letter](#) to the OfS. We would be happy to work with the DfE to explore where the burden can be reduced to support wide engagement with the government's level 4-5 reforms.

26. How would these approaches align or conflict with OfS and/or university course approval requirements?

We do not see these proposals as necessary or adding value to the learner or employer or justifying the potential resources involved. The increased flexibility for learners on HTQs needs to come from a combination of greater flexibility in IfATE processes combined with existing provider processes and frameworks rather than additional requirements or regulation.

27. Are there any other approaches we should consider?

We support the risk-based, data-driven approach of the OfS/QAA as a practical way of safeguarding quality and meeting the needs of learners and employers without diverting unnecessary resources way from delivery. The introduction of the LLE is already a complicated reform programme. There must be a top-level commitment to reducing potential burden to avoid excessive resources being absorbed by regulation. The powers and mechanisms should be in place to act swiftly should concerns arise and effective monitoring in place to ensure there is an early warning system.

However, imposing blanket regulation across all providers when the problem is unclear or not widespread is counterproductive.

28. How should any of these approaches be applied to qualifications already approved as HTQs?

Some of the flexibility will be already built in by providers through the award of credit. Providers can map their credit and assessment arrangements against a more flexible IfATE approach to identify potential interim qualifications and exit points and ensure full and accurate learner records.