

Our response to the Office for Students' call for evidence on positive outcomes for modular study

At Universities UK, we harness the power of the UK's universities and create the conditions for them to thrive. We are the collective voice of 142 universities, bringing them together to pursue a common cause: Thriving universities, serving society.

This document outlines UUK's response to the [Office for Students \(OfS\) call for evidence on positive outcomes](#) for students studying on a modular basis.

Background

The government is introducing the Lifelong Learning Entitlement (LLE) from 2025. This will enable learners to access loans for smaller chunks of study. As we've [commented before](#), the LLE is a real opportunity for the higher education sector to widen opportunities and meet the country's skills gaps.

Our response

Question 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.

1. We welcome the OfS' approach to policy development, particularly the call for evidence before a more formal consultation is launched. The Lifelong Learning Entitlement (LLE) will bring about significant change for universities and students. It is an exciting opportunity to revitalise lifelong learning and reverse the decline in flexible study and mature student numbers.
2. Given the size of this reform, regulation will also need to change. However, there are several unknown factors surrounding the implementation of the LLE reform. These uncertainties include the final product design, level of demand, extent of change required within universities, learner motivations, and the financial viability of provision. Given this uncertainty, the Office for Students will need to be reflective and responsive in the coming years to adapt to new and potentially unexpected developments on the LLE.
3. While change to regulation will be necessary, it is essential to ensure that changes to regulation do not disrupt the existing dominant modes of study, such as the full-time three-year undergraduate model which is likely to remain the preferred choice for many learners. So, while change is needed, it must be proportionate.
4. We believe that the outlined changes are largely correct. There are some additional points, and nuances to existing ones which we have detailed below:
 - a. One of the uncertainties related to this change is the scale at which these developments will take hold. For example, with changes in funding, we do not yet know the volume of students that will engage in multi-provider or concurrent study over time. Given the flexibility in the current LLE design, the OfS will need to develop a system that accounts for learners studying in a highly mobile way, even if the numbers of these learners is small.

- b. Students increasingly building up modular study to attain a full qualification or award over a prolonged period of time, either within the same institution or across multiple providers.
- c. Students at short notice may increasingly deaccelerate and accelerate their study intensity. For example, students initially planning to study a full-time course, but transitioning to part-time or modular study. Similarly, more students may pause their study.
- d. Given the above, providers will be required to increasingly keep track of more complicated student journeys, credit transfer arrangements and levels of guidance. All these delivery costs were underplayed in a recent DfE consultation on the assumptions within the LLE impact assessment. There will also be a need for wider changes to higher education data infrastructure in England to record these learners.
- e. We are likely to see increased employer collaboration when redeveloping modules for particular skills needs. During this period of change engagement with Professional statutory and regulatory bodies (PSRBs) will be critical to better understand the needs of professions and currency of learning over time.

Question 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.

- 5. The policy aims should be balanced towards the ambition to grow and make a success of the lifelong learning entitlement. There is a risk, particularly during its inception, that providers are discouraged from engaging with this agenda due to concerns of disproportionate regulation.
- 6. The OfS has acknowledged the need to be mindful of the impact of administrative and regulatory burden. This could feature as an explicit aim of 'Ensuring potential increases to administrative and regulatory burden remain proportionate, by measuring, monitoring and reviewing regulatory requirements'. Related to this the OfS must publish a burden impact assessment, to support a transparent and proportionate response.

7. Related to 'protecting students by ensuring positive outcomes', we welcome this call for evidence as it acknowledges the deep complexity behind how positive outcomes are conceived in a modular context. Part of this aim must also be about collaborating with the sector and students to establish a shared understanding of what success means for learners studying on a modular basis. The insights gained from this should then inform how regulation protects student interests and sets appropriate expectations for student outcomes.
8. Related to 'protecting the reputation of higher education', one area that is still under policy development is the proposal to introduce a third category of registration. This change is likely to increase the number of providers that the OfS regulates. If the 3rd category of registration sees entrants join the register with less stringent quality requirements, then there is a risk that this could undermine the reputation of modular study. The increased diversity of the sector should be factored into how the OfS goes about protecting the sector's reputation.
9. In the spirit of lifelong learning the design of regulation should not unnecessarily hinder the portability of qualifications across the UK-nations. The OfS, and where relevant the DfE, must engage with the devolved nations to avoid any unintended consequences as the LLE is introduced. Specifically, this includes working towards the mutual recognition of quality and funding arrangements.
10. Related to 'clarity and transparency about our regulatory approach', we agree that the more clarity that can be provided the better. However, the OfS should not rush into setting out detailed expectations and measures given the uncertainties around the LLE reform. Instead, it would be appropriate for the OfS to aim to introduce regulation iteratively and reflectively over the next few years. This would ensure that regulation is shaped by the actual experience of students and providers and is proportionate. Over time many aspects of the regulatory approach may need to change, for example, the Teaching Excellence Framework, Access and Participation Plans, and the other B conditions. These changes are best done once there is a clearer understanding of the LLE policy.
11. The OfS may want to consider an aim related to how its regulation supports the upskilling and reskilling of learners. For example, the skills gaps landscape could feature as important context when the OfS is regulating providers.

Question 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?

12. If the OfS were to introduce a student outcome measure, drawing on its three existing measures, then we would agree that completion would be most appropriate. Regulation of modular provision will need to be an iterative process. It is right to build on already recognisable data sets, and we believe completion of a course can be applied to modular study. If a student enrolls on a course, it is reasonable for them to expect to complete it.
13. Providers will collect and analyse this data anyway. When institutions are analysing the outcomes of full courses, they do so through looking at this data at the modular level to pinpoint areas of strength and weakness. Despite this adding a specific completion measure, and the data splits that emerge from this will generate an administrative burden. To better understand this, the OfS must produce a burden impact assessment once its proposals are formulated.
14. When reviewing how the definition of completion needs to change, the OfS should consider:
 - a. The volume of tracking and monitoring placed on providers. The current indicator is already complex, and this is likely to increase with multiple onboarding and offboarding of students.
 - b. How to measure the completion of bundled credits (for example, two 15 credit modules).
 - c. Comparisons between different modules will be difficult since the length of study and credit value may vary.
 - d. Like other areas of regulation, the OfS should consider the context of learners. This may be particularly pronounced in learners studying in a modular fashion, who may be balancing employment, childcare or are new to study.
 - e. The OfS should ensure any measures are statistically reliable and draw from a sufficient sample size. Depending on the growth of modular study this may restrict the extent to which judgements can be made given potential small student number samples. The OfS should not set

a threshold until it has sufficient regulatory intelligence, to be able to set a baseline.

- f. We will need to learn the lessons from degree apprenticeships. Where many learners complete the learning of the course, but do not complete their end point assessment.

Question 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?

15. Understanding where students go after studying, whether that is through further study or employment, is important. However, progression is likely to be one of the most complex metrics to implement. We want to work with the OfS to help get the balance right, so that regulation for modular study has the right backstops in place to protect quality, while also developing an approach that is proportionate and enables growth. To achieve this the OfS should pilot an approach to progression first, without regulatory action.
16. If there are ways to look at progression data that are proportionate, effective and low-burden then we would be open to this. However, our current view is measures at the granular level would not be proportionate. There is also a risk that a progression measure is designed in such a way as to reward, or assume that success for learners is progressing into a full award. Given this, whatever measure is developed will need to properly reflect the different motivations learners have to study. Returning to the aims of regulating modular provision, we think significant assurance can be drawn from modules needing to derive from a parent course.
17. Points that will need to be considered should a progression measure be explored include:
 - a. Under the current B3 condition, the OfS considers a provider’s context. We think that this is especially important for modular study, given it is a different model of delivery, targeted at learner who may face barriers otherwise accessing higher levels of study.
 - b. The extent to which meaningful connections can be made between small volumes of study and progression outcomes. The existing

measures for full-time awards are based on the long-term collection of data and recognised definitions. Therefore, the base to develop something for modular provision would take time. There is a question of the extent to which progression data would provide meaningful data of a module, and then whether such an approach is proportionate.

- c. Under the LLE, learner pathways are likely to be increasingly complex, with learners moving between providers and studying over a longer period of time. Requirements to collect and report extensive data in this way are likely to require many providers to update their student record systems. Given the uncertain level of engagement in offering modular provision this could disincentivise providers.
- d. The current configuration of the B3 conditions includes multiple data splits. The volume of learners studying on a modular basis would need to be sufficiently large before the OfS can develop a statistically significant measure.
- e. The OfS should introduce a benefit-of-doubt approach when defining positive outcomes. For example, with the intended removal to equivalent or lower qualification rules the OfS should positively regard any level of further study. Retirement and caring should also be captured as a positive outcome consideration for all graduate activities at the census date.
- f. It is uncertain how data would be pulled together for a learner studying across multiple institutions. For example, over which point in time after completing a module would a progression survey be sent.

Question 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?

- 18. We welcome the acknowledgement that the current approach will need to change to effectively work for modular study. Developing student outcome measures for modular provision will be new territory for the regulator and providers experiencing it. Introducing a prescriptive regulatory approach too soon, would mean making assumptions about what success looks like for

these learners, undermining the lifelong learning agenda and the potential of this reform. Given this, for the first few years, the sector should build a greater understanding of what the study ambitions are for these learners, and then design regulation to enable learners to meet those goals.

19. Overall, we would support the below package of measures. We believe this would strike the right balance of proportionality, and meet the aims as set out by the OfS.
 - a. A reconfiguration of the completion measure for modular learning
 - b. Receiving assurance from the fact that all modules are part of a parent course which are already heavily regulated.
 - c. Receiving assurance from the development of modules which may meet employer standards or PSRB requirements.
 - d. Exploring how HESA's graduate reflection questions can be drawn upon to build a greater understanding of learner success.
20. Receiving assurance from the fact that modules must derive from a parent course.
 - a. All modules eligible for modular funding must draw from a parent course – in effect a full qualification. There is a risk of increasing duplication, if courses are regulated at both the modular and course level. When providers review the outcomes of a full course, they do so through examining data and concerns at the module level already. We believe there is significant assurance that can be drawn from this, while accepting that a completion measure at modular level might highlight any specific areas of concern. The OfS will still have means to conduct detailed investigations where it has concerns.
 - b. There was a specific choice to connect eligibility for LLE funding to a parent course to support with quality assurance. There may need to be cover statements that providers make within their course review documents detailing, how the module format, content, and delivery might have changed. This would include how the module has delivered the learning outcomes.
21. Course approval processes already go through extensive quality assurance. Higher technical qualifications are linked to IfATE's occupational standards,

and are designed to provide positive outcomes for employers. Similarly, PSRBs have an important role across many disciplines to set standards. We would encourage the OfS to work with these processes that are currently in place. This will be particularly important when considering the currency of qualifications, and progression opportunities for learners over time.

22. Consider how the reflective questions in the HESA graduate outcomes dataset can be used. This is a good opportunity to pilot the use of this data set as a source of regulatory intelligence on an experimental basis. Practically this may mean introducing a grace period while the graduate reflections data set is developed.
23. As the OfS considers its response to this call for evidence it may also wish to explore the following points:
 - a. Given the increasingly large range of institutions on the OfS register, they could consider a maturity model around how modular delivery is regulated. This could mean that providers with a track record of regulatory compliance are able to deliver on a modular basis through the assurance that delivery of their parent course is compliant. Newer providers, or providers not involved in the delivery of the full qualification may need to provide additional evidence until such a time that a track record is achieved.
 - b. Consider how existing provider led surveys, typically issued at the end of a module, may support assurance. We don't think it would necessarily be appropriate for the OfS to require this to be reported. But the OfS already has expectations within the B2 condition for there to be mechanisms to receive student feedback. Should the OfS have a concern about a provider, as flagged through either a completion measure or metrics at the parent course level, then it would be appropriate to investigate, and draw on this collected information. While there would be positives to a sector wide survey, such as some form of an NSS, we think the potential burden this would generate would be disproportionate.