

Office for  
Students



# Consultation on the inclusion of higher technical qualifications in Office for Students' student outcome measures

Analysis of responses and decisions

**Reference** OfS 2024.07

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**Publication date** 8 February 2024

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# Executive summary

- Higher Technical Qualifications (HTQs) are new Level 4 and 5 qualifications approved by the Institute for Apprenticeships and Technical Education (IfATE) that deliver the knowledge, skills and behaviours needed to meet industry skills gaps and employer needs. OfS outcomes data for students on HTQs is currently grouped with data for other Level 4 and 5 courses. In order to assess how providers are delivering positive outcomes for students on these courses, the OfS consulted on a proposal to separate out HTQs as an additional split indicator.
- This report sets out our consideration of the responses to the consultation, and states our decision to measure data from Higher Technical Qualifications separately to other Level 4 and 5 data.

In 2020 the Government set out its plans to improve higher technical education and how Higher Technical Qualifications (HTQs) can help people train or retrain for high-skilled jobs.<sup>1</sup> The first cohort of students pursuing HTQs started in September 2022.

From September 2025-26 students undertaking Level 4-5 HTQs will be able to apply for the Lifelong Learning Entitlement (LLE) which will replace Higher Education Student Funding and Advanced Learner Loans.<sup>2</sup> Our view is that we should understand performance on HTQs separately from other courses so that we can protect the interests of students and taxpayers by more clearly identifying which courses lead to positive outcomes – qualifications attained or employment gained. This means we will take them into account in the way we regulate student outcomes.

Our regulation of student outcomes uses outcome measures that show the proportion of students who continue with their studies, complete their studies and go on to professional employment, further study or other positive outcomes. We look at these outcomes through indicators which reflect the performance of student cohorts on a particular mode and level of study (for example, part-time students on a first degree honours programme). We set minimum thresholds for the percentage of students that we expect to achieve positive outcomes for each indicator. We then use these thresholds in our judgements about whether a provider is delivering positive outcomes for its students. We also use our data to look at how providers' performance varies based on course and student characteristics. We use 'split indicators' to do this. These split indicators show, for example, whether there is difference in performance for different subjects or for mature students compared with younger students.

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<sup>1</sup> For more information about the government's higher technical education reforms, see [www.gov.uk/government/publications/higher-technical-education-reforms/higher-technical-education-reforms](https://www.gov.uk/government/publications/higher-technical-education-reforms/higher-technical-education-reforms).

## What we consulted on

In July 2023, we consulted on our proposal to change our student outcome measures to show HTQs separately from other Level 4 or 5 qualifications. We proposed an HTQ split indicator because:

- HTQs currently form part of the level of study that we classify as ‘other undergraduate’ (OUG)
- Significant growth in the number of students on HTQs is forecast.

We asked the following consultation questions:

1. Do you agree that the OfS should introduce a split indicator that would result in it publishing information and regulating the outcomes for students studying on HTQs?
2. If you do not agree, do you have a preference for the approach that the OfS should take to regulating outcomes for students studying on HTQs?

The consultation was promoted to all providers via the OfS regular update to providers, stakeholder emails to mission groups and sector bodies, regular catch-up meetings with mission groups, and by social media. We also held two roundtables so that people could find out more about our proposals and ask questions.

We received 37 responses to the consultation from a mix of providers, mission groups, and sector bodies. The majority of consultation responses agreed that the OfS should introduce a separate HTQ split indicator, outlining the benefits that the data will inform student choice and allow analysis of HTQ student outcomes.

The key themes that emerged from the consultation responses were the ability to assess student outcomes, introducing HTQs as a level of study, regulatory burden, low student numbers on HTQ courses, consideration of timeline, changes to the progression measure and alternative approaches. The OfS has provided a response to each of these themes in the following report.

## Decision to show HTQ data separately

We considered the feedback given during the consultation and have decided to go ahead with our proposal to introduce a split indicator for HTQs in our outcome measures. This means we will be able to show performance for these courses separately, as a ‘split indicator’. This will allow us to:

- take into account the growing profile of HTQs
- test the extent to which a different numerical threshold may be appropriate in the future
- take regulatory action, where appropriate, in relation to the outcomes for students studying HTQs.

Once data is published, anyone with an interest could identify the proportion of students with performance above our threshold by provider. Other regulators and government bodies may use the available data to inform policy.

## **Next steps**

The OfS's data dashboard showing the size and shape of provision in English higher education will include the number of students on HTQs for new entrants from 2022-23. We will use the data that universities and colleges already provide to the OfS to do this.

Continuation indicators for 2022-23 HTQ entrants will be constructed during 2025-26 for further education colleges and 2026-27 for higher education institutions. The earliest date where we can present data from all provider types will be 2026-27.

Completion indicators will be constructed once student data from the academic year 2026-27 is made available in 2028.

Progression indicators come from responses to the Graduate Outcomes survey. We would expect to receive responses to the Graduate Outcomes survey that could be used to construct the progression indicator during the 2024-25 academic year.

Once data for each specific measure becomes available, that indicator can then be calculated and published at provider level within data dashboards.

We expect technical documents that underpin condition B3 will be updated in 2024.

# Introduction

1. The Office for Students (OfS) wants to ensure that Level 4 and 5 provision and technical qualifications are clearly reflected in our assessment of quality. We therefore consulted on whether we should identify higher technical qualifications (HTQs) separately in student outcomes data.<sup>3</sup>
2. HTQs are new or existing Level 4 and 5 qualifications, such as higher national certificates (HNCs), higher national diplomas (HNDs) and foundation degrees. They sit between A-levels or T-levels and degrees and can be taught at a further education college, an independent training provider or a university. They are developed to meet industry skills needs and employer occupational standards. Providers apply to deliver HTQ qualifications which are approved by the Institute for Apprenticeships and Technical Education (IfATE).<sup>4</sup>
3. IfATE tests any qualification that is an approved HTQ against occupational standards and has been approving new HTQs since 2020 in cycles. The courses approved in each cycle commence teaching two years after approval, i.e. courses approved in cycle 1 in 2020 commenced teaching in September 2022.
4. The first cycle opened in 2020 and covered digital occupational standards. Since then, cycles have seen HTQs approved for a range of sectors including health and science, construction, and finance and accounting.<sup>5</sup> To date there have been four approval cycles and cycle 5 opens in 2024.
5. The first cohort of students on HTQs started in September 2022.
6. The total number of approved HTQs is currently 172.<sup>6</sup> There were over 70 providers able to offer HTQs in 2022-23 and over 140 in 2023-24.<sup>7</sup>
7. The Department for Education (DfE) is focused on growing high quality Level 4 and 5 HTQ provision. It has asked the OfS to provide additional funding for these courses through the public grant funding that supports strategic priorities. We have allocated £16 million of

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<sup>3</sup> See 'Guidance to the Office for Students on strategic priorities for FY22-23': [www.officeforstudents.org.uk/media/be054f0b-696a-41fc-8f50-218eb0e3dcab/ofs-strategic-guidance-20220331\\_amend.pdf](http://www.officeforstudents.org.uk/media/be054f0b-696a-41fc-8f50-218eb0e3dcab/ofs-strategic-guidance-20220331_amend.pdf).

<sup>4</sup> See 'About' for information on the role and remit of the Institute for Apprenticeships and Technical Education (IfATE) at: [About / Institute for Apprenticeships and Technical Education](#).

<sup>5</sup> See 'Higher Technical Qualification (HTQ): an introduction', available at: [www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction](http://www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction).

<sup>6</sup> See 'Approved Higher Technical Qualifications, Institute for Apprenticeships and Technical Education', available at: <https://www.instituteforapprenticeships.org/qualifications/higher-technical-qualifications/approved-higher-technical-qualifications-cycle-one/>.

<sup>7</sup> See 'Providers delivering Higher Technical Qualifications', available at: [www.gov.uk/government/publications/list-of-higher-technical-qualifications](http://www.gov.uk/government/publications/list-of-higher-technical-qualifications).

funding in the 2023-24 financial year to providers with eligible learners on Level 4 and 5 qualifications, with priority given to supporting courses leading to HTQs.<sup>8</sup>

8. The DfE has amended the criteria by which full and part-time learners on IfATE-approved Level 4 and 5 HTQ courses can access funding. Since September 2023 any student on an approved HTQ course can access student finance.<sup>9</sup>
9. From September 2023-24, students on IfATE-approved, Higher Education Student Finance eligible HTQ courses at OfS registered providers will be able to access student loans. HTQs that do not meet the eligibility criteria may be funded through Advanced Learner Loans. Some HTQs will have dual eligibility and the provider will need to decide on a single funding route.
10. From September 2025-26, the Lifelong Learning Entitlement (LLE) will replace Higher Education Student Finance and Advanced Learner Loans for Levels 4-6.
11. Due to the current and future changes in the way HTQ students can access funding, it is important that we can understand performance on these courses so we can protect the interests of students and taxpayers.
12. OfS outcomes data for students on new HTQs is currently grouped with data for other Level 4 and 5 courses. The growth in student numbers and changes to funding access means that we think it is appropriate to identify these courses separately from other Level 4 and 5 courses in our approach to regulating student outcomes.

## What we consulted on

13. In July 2023, we published a consultation on including HTQs in the OfS's student outcome measures as an additional split indicator.
14. We proposed changing our outcome measures to show HTQs separately from other Level 4 or 5 qualifications, and asked the following consultation questions:

1. Do you agree that the OfS should introduce a split indicator that would result in it publishing information and regulating the outcomes for students studying on HTQs?
2. If you do not agree, do you have a preference for the approach that the OfS should take to regulating outcomes for students studying on HTQs?

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<sup>8</sup> See 'Higher Technical Qualification (HTQ): an introduction', available at: [www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction](http://www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction).

<sup>9</sup> See 'Higher Technical Qualification (HTQ): an introduction', available at: [www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction](http://www.gov.uk/government/publications/higher-technical-qualification-overview/higher-technical-qualification-an-introduction).

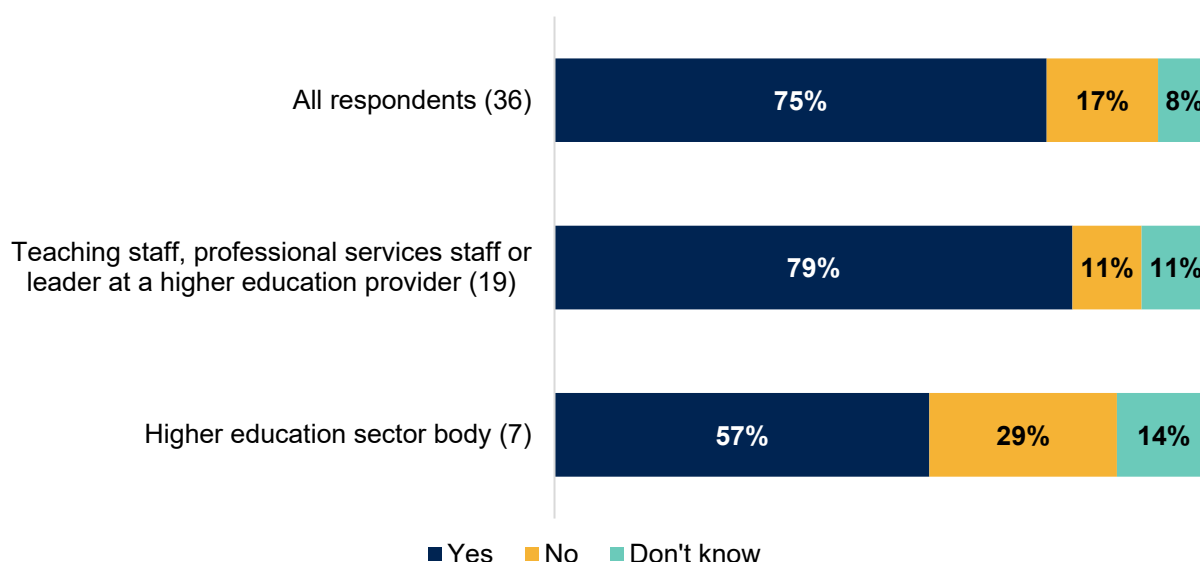
## Analysis of responses and decisions

15. Our consultation asked respondents whether they agreed with our proposal to introduce a split indicator that would result in the OfS publishing information and regulating the outcomes for students studying on HTQs. Where respondents disagreed with the proposal, we asked if they had a preference for the approach the OfS should take to regulating outcomes for students studying on HTQs.

### Summary of responses

16. We received 37 valid responses. The majority of responses (29) were submitted on behalf of a group of providers, such as mission groups; by professional, statutory and representative bodies (PSRBs), and other bodies or organisations representing the views of their members. Two responses were received from individuals. Six respondents did not consent to provide this information.
17. There were 36 responses to question 1 ('Do you agree that the OfS should introduce a split indicator that would result in it publishing information and regulating the outcomes for students studying on HTQs?'). Most of these responses were from teaching staff, professional services staff or leaders at higher education providers.
18. The majority of responses agreed that the OfS should introduce a separate HTQ split indicator. Six responses did not agree with the proposal and three were unsure. Figure 1 shows the level of agreement across all responses (by respondent organisation type).

**Figure 1: Proportion of responses to whether the OfS should introduce a split indicator that would result in it publishing information and regulating the outcomes for students studying on HTQs**



Source: 'Inclusion of higher technical qualifications in the Office for Students' student outcome measures: summary of consultation responses report', Pye Tait.

19. The OfS has decided to implement the proposal as set out in the consultation to introduce a new HTQ split indicator to assess how providers are delivering positive outcomes for students on HTQ courses. This is because we did not receive any responses that suggested



the reasons for introducing the split indicator set out in the consultation, including to promote quality, choice and opportunities for students and value for money, would not deliver on these aims. While the majority of respondents agreed with our proposal to introduce a separate HTQ split indicator, we have also set out in our analysis and response the areas where respondents suggested amendments or alternatives and where some responses disagreed with the proposal.

20. Introducing a new HTQ split indicator means that for each provider we will create an additional split indicator for performance on HTQs. The split indicator is a 'course type' split indicator as described in the data reporting structure set out in Annex A of Regulatory advice 20.<sup>10</sup> It means that for 'other undergraduate' (OUG), we will have three 'course type' split indicators:
  - i. Level 4
  - ii. Level 5+
  - iii. HTQ.
21. In this section, we set out the key themes that emerged in consultation responses and our response to each. These were:
  - a. Assessing student outcomes
  - b. Regulatory burden
  - c. Numbers of students studying HTQs
  - d. Consideration of timeline
  - e. Progression measure
  - f. Review of the minimum numerical thresholds
  - g. Alternative approaches:
    - i. HTQs as a level of study
    - ii. Consideration of timeline
    - iii. Changes to wider higher education policy.

## Key themes

### Assessing student outcomes

22. The majority of responses agreed with the proposal to implement an HTQ split indicator. Some responses (nine) highlighted the usefulness of introducing a split indicator for HTQs in assessing student outcomes. Seven responses highlighted that enhanced granularity of the

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<sup>10</sup> See Regulatory advice 20: Regulating student outcomes, available at: [www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/](http://www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/).

data would be more helpful to students, and other responses indicated its usefulness for other stakeholders including government, the OfS and IfATE on HTQ take-up.

### **OfS response**

23. We agree that greater granularity of data on the outcomes (qualifications attained and pathways to employment) of HTQs will mean students have accurate information that will help them choose the right course for them. It will therefore support our policy aim by providing more information to better understand performance on HTQs so we can protect the interests of students and taxpayers and inform student choice and other stakeholders regarding HTQ student outcomes.

### **Regulatory burden**

24. Some (13) responses highlighted that there should not be any additional regulatory or administrative burden placed upon providers and that minimising burden ought to be a priority. Despite reservations about regulatory burden, 10 of these responses still agreed with the proposal to implement an HTQ split indicator.
25. Three respondents suggested reporting outcomes for students studying HTQs at a national and/or subject level rather than as a split indicator for each provider to minimise regulatory burden at the provider level.
26. One response stated that too many split indicators already exist and while providers are already reporting HTQs as a separate mode of study introducing another split indicator would add further burden in how providers and the OfS consider data for regulatory purposes.

### **OfS response**

27. We use numerical thresholds, and the context in which a provider is operating, to determine whether it has delivered positive outcomes for students. Any provider with performance below our minimum numerical thresholds for their HTQ students may experience an increase in regulatory burden if they are selected for assessment on this basis. Our view is that such an increase would be justified as we would be acting to protect students in circumstances where courses may not meet our minimum expectations.
28. However, adopting this proposal does not increase the data that OfS registered providers would be required to return about individual students to either Jisc (as the designated data body) or the Education and Skills Funding Agency (ESFA). This is because changes have already been made to the specifications for data collection.
29. An HTQ split indicator introduces up to nine additional split indicators for each provider. Our view is that any increase in regulatory burden would be limited because providers are already engaged, familiar with their student outcomes data and also want to monitor performance on HTQs.
30. Student outcome measures are calculated using multiple years of data. Each measure uses data which becomes available at different times. Any additional regulatory burden is therefore not immediate and phased over a period of several years (see also 'When will changes come into effect?').

31. Our view is that an HTQ split indicator provides the certainty necessary for providers to commit to growth in their HTQ offer. This is because it maintains the same minimum numerical thresholds as 'other undergraduate' (OUG) courses. This means that there is continuity in the regulatory expectations in relation to these courses. A separate indicator supports providers to monitor HTQ courses as they begin to expand.
32. In conclusion, our view is that introducing an HTQ split indicator would result in minimal burden and this burden would be appropriate for the benefits that the approach delivers in meeting the policy objectives.

### **Alternative approaches considered**

33. In considering the approach we should take, we considered the following alternatives in addition to introducing an HTQ split indicator:
  - a. Make no changes
    - i. This would be the least burdensome option for providers. However, it would mean that we could not easily identify any differences in performance between HTQs and other qualifications and would not meet our policy aims to protect the interests of students and taxpayers, and inform student choice.
  - b. Establish HTQs as a level of study
    - i. This would allow us to show performance separately for these courses and also split this data by various characteristics. It would allow us to regulate the outcomes of students specifically studying HTQs and set minimum numerical thresholds that could be different to those for other Level 4 and 5 courses. We discounted this approach because we did not feel that there is currently enough data to establish HTQs as a level of study and apply suitable minimum numerical thresholds. See also paragraphs 64-70 below.
34. While we had not considered solely reporting outcomes at a national and/or subject level as an alternative, it would not have a significant impact on minimising regulatory burden as providers would still be required to return the required data. In addition, we often publish sector-level performance alongside provider-level data, such as in the 'Sector distribution of student outcomes and experience measures data dashboard'.<sup>11</sup> While this is useful information about HTQs, it would not allow individual providers to see performance within their data dashboards or for the OfS to take action where there were student outcomes concerns.
35. Publishing provider-level performance is in line with our approach to assessing student outcomes.

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<sup>11</sup> See the 'Sector distribution of student outcomes and experience measures data dashboard', available at: [www.officeforstudents.org.uk/data-and-analysis/sector-distribution-of-student-outcomes-and-experience-measures-data-dashboard/data-dashboard/](http://www.officeforstudents.org.uk/data-and-analysis/sector-distribution-of-student-outcomes-and-experience-measures-data-dashboard/data-dashboard/).

## Numbers of students studying HTQs

36. Several responses highlighted that the low number of students studying HTQs would impact on the reliability and usefulness of data. Examples cited in responses included data volatility, unrepresentative data, data suppression and statistical uncertainty due to initial low student numbers.
37. The OfS suppresses data cells where there are fewer than 23 students in a specific category, to retain information while ensuring that individuals cannot be identified.<sup>12</sup> Some respondents stated the view that there will be a large number of suppressed cells in the HTQ data due to initial low numbers of students studying HTQ courses.
38. Points were raised concerning whether providers with data suppression would be negatively assessed based on their suppressed student outcomes data.
39. Two responses added that more useful data will be achieved when there are fewer suppressed cells within the HTQ data, as a meaningful comparison could be made both between HTQs and with other undergraduate provision.
40. Two further responses suggested that until HTQ student numbers increase, the OfS should report on sector-wide outcomes and compare Level 4 and 5 HTQ data with other Level 4 and 5 OUG data.
41. Three respondents suggested distinguishing, within the split indicator, by method of course delivery or by course level.
42. Three responses suggested that grouping students studying Level 4 and 5 HTQs together within the data may result in inaccurate representation.
43. Five respondents suggested consideration of smaller and mixed cohorts. In particular where HTQ students are taught in groups with students on non-HTQ courses, and how and whether that might affect the value and accuracy of HTQ data generated for assessment and comparison between HTQs and against other undergraduate provision.

## OfS response

44. As stated, our current approach to student outcomes data is that student numbers are suppressed where there are fewer than 23 students (prior to rounding) in the chosen category. This threshold was chosen to retain as much information as possible, while ensuring that information about individuals cannot be identified from the data. The suppression threshold of 23 students will not be changing.
45. We will not assess a provider against an indicator or split indicator if:
  - a. we do not hold any data showing the provider's numerical performance against that indicator or split indicator; or

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<sup>12</sup> See 'Description of student outcome and experience measures used in OfS regulation. Definition of measures and methods used to construct and present them', available at [www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf](http://www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf).

- b. we do hold this data but the data refers to fewer than 23 students.<sup>12, 13</sup>
46. We use numerical thresholds and the context in which a provider is operating to determine whether it has delivered positive outcomes for students. Our approach to assessing split indicators to determine if a provider satisfies initial and ongoing condition B3 is described in Regulatory advice 20.<sup>14</sup>
47. The student outcomes data published is accurate and representative of the provider. However, with smaller student populations, as may be seen in the initial HTQ student cohorts, the data may have lower statistical confidence. To support consistency and transparency we use shaded bars in our presentation to communicate statistical confidence associated with each indicator value and publish guidance on interpretation.<sup>15</sup> We will generally consider around 95 per cent or higher statistical confidence to be very strong evidence that a point estimate is at or above a numerical threshold. Regulatory advice 20, Annex B sets out our general approach to considering statistical confidence in our assessments of condition B3.<sup>16</sup>
48. Further subdividing the HTQ split indicator by Levels 4 and 5, or course delivery method, may be useful for data analysis and comparison, but could result in the majority of split indicators having fewer than the minimum number of students required for the OfS to make a judgement in relation to condition B3.
49. Delivering HTQ content in mixed cohorts (with students on non-HTQ courses) will not affect data reporting as students are identified as being on HTQ courses in data returns. In addition, the OfS uses the context in which a provider is operating to determine whether it has delivered positive outcomes for students.<sup>17</sup>
50. Consideration of reporting sector-wide outcomes until student numbers on HTQs have increased is discussed in paragraph 34-35.

## Consideration of timeline

51. Several respondents (nine) suggested that the OfS reconsider the timeframe for introducing HTQs as a split indicator. It was suggested by these respondents that a delay in implementation of an HTQ split indicator would be more effective due to higher student numbers, and that increased student numbers would ensure more robust and stable data.

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<sup>13</sup> See Regulatory advice 20: Regulating student outcomes, available at: [www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/](http://www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/).

<sup>14</sup> See Regulatory advice 20: Regulating student outcomes, available at: [www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/](http://www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/).

<sup>15</sup> See 'Description of student outcome and experience measures used in OfS regulation. Definition of measures and methods used to construct and present them', available at [www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf](http://www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf).

<sup>16</sup> See Regulatory advice 20: Regulating student outcomes, available at: [www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/](http://www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/).

<sup>17</sup> See Condition B3, Requirement, Definitions and B3.4, paragraph 15 and 20, and Information gathering, assessment of evidence and enforcement, paragraph 34 available at: [www.officeforstudents.org.uk/media/7312/revised-condition-b3-student-outcomes.pdf](http://www.officeforstudents.org.uk/media/7312/revised-condition-b3-student-outcomes.pdf).

## OfS response

52. The student outcomes and experience measures each make use of a number of years of data. The coverage of each measure is therefore influenced by the available years and coverage of the data on which it relies. Our measures are reported as an aggregate of those years, as well as through a time series of the individual years. The most recent years of available data correspond to different academic years depending on the measure in question.<sup>18</sup> This means that the earliest we would expect to construct a continuation indicator would be for the first HTQ entrants who started in 2022-23 once student data from academic year 2023-24 is available. Student outcomes and experience measures make use of at least two years of data (three years for part-time students), which means the earliest we would expect to publish a continuation indicator would be during 2025-26 for further education colleges and during 2026-27 for higher education institutions. Therefore 2026-27 would be the earliest date where we could present data for all provider types. See also 'When will changes come into effect?'.
53. If we were to delay the implementation of an HTQ split indicator this would result in an increased lag in making HTQ student outcomes data publicly available, given student outcomes data is not immediately published. We do not feel that a delay is beneficial as it will lengthen the time when data is unavailable for students, providers and wider stakeholders.
54. We considered making data available on HTQ student outcomes to providers but not publishing them on our dashboards until HTQ student numbers increase. Providers would be able to assess their student outcomes for students studying on HTQs but they would not have been made public. We have implemented this approach previously for the inclusion of partnership data in indicators.<sup>19</sup> We decided that this would not be a suitable option because we do not publish data or assess a provider against an indicator or split indicator until student numbers meet the minimum threshold of 23 students (see also paragraphs 44-46). We also want to allow wider beneficiaries, than just the provider, to use the HTQ student outcomes data.

## Progression measure

55. Four responses to our consultation suggested that the progression measure should be reviewed. Two responses suggested that some courses currently categorised as 'unskilled' should be added. A further two stated that skilled manual roles should be included. They explained that this would allow for greater recognition of students with lower educational achievement prior to studying on an HTQ and greater inclusion of HTQs directly leading to employment classified as 'professional'.

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<sup>18</sup> See 'Description of student outcome and experience measures used in OfS regulation. Definition of measures and methods used to construct and present them', available at: [www.officeforstudents.org.uk/media/63061a10-939e-4cf8-8db1-82da48710023/description-of-student-outcome-and-experience-indicators-methodology.pdf](http://www.officeforstudents.org.uk/media/63061a10-939e-4cf8-8db1-82da48710023/description-of-student-outcome-and-experience-indicators-methodology.pdf).

<sup>19</sup> See section 'Inclusion of partnership data in indicators', paragraphs 317-330 in 'Consultation on a new approach to regulating student outcomes: Analysis of responses to consultation and decisions'. Available at: [www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/](http://www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/).

## OfS response

56. Changes to the progression measure are outside the scope of this consultation.

## Review of the minimum numerical thresholds

57. Two responses suggested reviewing the minimum numerical threshold applied to the HTQ split indicator.

## OfS response

58. We set minimum numerical thresholds for each mode and level of study. These are used when we make judgements under initial and ongoing condition B3 about whether a provider is delivering positive outcomes for its students. Details of how we set numerical thresholds for condition B3 are available in 'Setting numerical thresholds for condition B3'.<sup>20</sup>

59. The HTQ split indicator will be established within the OUG level of study. The current minimum numerical thresholds that apply to OUG are:

Mode and level of study	Continuation	Completion	Progression
Full-time OUG	75%	65%	45%
Part-time OUG	55%	55%	65%

60. We could only assess a provider's compliance with condition B3 in relation to the existing minimum numerical thresholds set for OUG courses.<sup>21</sup>

61. We have discounted establishing HTQs as a level of study because it is our view that there is currently not enough data to be able to apply suitable minimum numerical thresholds. See also paragraphs 64-70 below.

## Alternative approaches

62. Respondents were asked to suggest alternative approaches that the OfS should take to regulating outcomes for students studying on HTQs. Ten responses were received.

63. Of the ten responses suggesting alternative approaches one agreed with the OfS proposal, six disagreed, and three were unsure about our proposal.

## HTQs as a level of study

64. Four responses suggested introducing HTQs as a level of study (indicator) as this would allow for an increased understanding of performance for different demographic groups and be a logical long-term approach.

## OfS response

65. In the consultation we discussed establishing HTQs as a level of study as an alternative option.

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<sup>20</sup> See 'Setting numerical thresholds for condition B3', available at: [www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/](http://www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/).

<sup>21</sup> See 'Setting numerical thresholds for condition B3', available at: [www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/](http://www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/).



66. HTQs as a level of study would allow us to show performance separately for these courses and also split this data by various characteristics. It would allow us to regulate the outcomes of students specifically studying HTQs and set minimum numerical thresholds that could be different to those for other Level 4 and 5 courses.
67. Our view is that the current number of students on HTQs would mean that disaggregating student data in this way would likely result in the majority of split indicators having fewer than the minimum number of students required for the OfS to make a judgement in relation to condition B3.
68. We have discounted this approach because we do not feel that there is currently enough data to establish HTQs as a level of study and apply suitable minimum numerical thresholds. Details of how we set numerical thresholds for condition B3 are available in 'Setting numerical thresholds for condition B3'.<sup>22</sup>
69. We intend to review this position and consider implementing HTQs as a level of study as the number of students on HTQs increases.
70. The OfS alternative consideration of introducing HTQs as a level of study is also detailed in Annex C, paragraphs 9-11, of the consultation.<sup>23</sup>

### **Consideration of timeline**

71. One response stated that it is too soon to use B3 thresholds from other Level 4 and 5 qualifications due to a lack of comparative data. They noted that using split indicators will work well in the future when the dataset is more robust.

### **OfS response**

72. The OfS response to consider the timeline for implementation of an HTQ split indicator is set out in paragraphs 51-54 above.

### **Changes to wider higher education policy**

73. Two responses discussed a preference for the OfS to consider wider higher education policy.

### **OfS response**

74. Changes to the wider higher education policy are outside the scope of this consultation.

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<sup>22</sup> See 'Setting numerical thresholds for condition B3', available at: [www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/](http://www.officeforstudents.org.uk/publications/setting-numerical-thresholds-for-condition-b3/).

<sup>23</sup> See Consultation on the inclusion of higher technical qualifications in Office for Students' student outcome measures, Annex C: Matters to which we have had regard in reaching our proposals, available at: [www.officeforstudents.org.uk/publications/consultation-on-the-inclusion-of-higher-technical-qualifications-in-office-for-students-student-outcome-measures/](http://www.officeforstudents.org.uk/publications/consultation-on-the-inclusion-of-higher-technical-qualifications-in-office-for-students-student-outcome-measures/).



## Final decision

75. We have decided to implement our proposal to introduce a split indicator that will result in publishing information and regulating the outcomes of students studying on HTQ courses.

76. If there is significant growth in HTQs, we will consider through a future consultation applying different numerical thresholds and introducing HTQs as a level of study. Publishing data on HTQs as a split indicator now allows us to test the extent to which a different numerical threshold compared with other undergraduate courses may be appropriate.
77. We have decided not to delay introduction of the split indicator because the student outcomes and experience measures each already make use of a number of years of data, so the coverage of each measure is influenced by the available years and the data on which it relies.
78. In considering the approach we should take we considered, and discounted, the following alternatives:
- a. **Make no changes**  
This would be the least burdensome option for providers. We discounted this approach because it would mean that we could not easily identify any differences in performance between HTQs and other qualifications.
  - b. **Initially making data available to providers**  
This would mean that providers would have been able to assess their student outcomes for students studying on HTQs but that initially they would not be made public. We decided that this would not be a suitable option because we do not publish data or assess a provider against an indicator or split indicator until student numbers meet the minimum threshold of 23 students, and we want to allow wider stakeholders to utilise the HTQ student outcomes data.
  - c. **Establish HTQs as a level of study**  
This would allow us to show performance separately for these courses and also split this data by various characteristics. It would allow us to regulate the outcomes of students specifically studying HTQs and set minimum numerical thresholds that could be different to those for other Level 4 and 5 courses. We discounted this approach because the current number of students on HTQs would mean that disaggregating student data further would result in more split indicators having fewer than the minimum number of students required for the OfS to make a judgement in relation to condition B3. We also do not feel that there is currently enough data to establish HTQs as a level of study and apply suitable minimum numerical thresholds.

## Implementation

### When will changes come into effect?

79. Changing our outcome measures to show HTQs separately from other Level 4 or 5 qualifications means that the OfS's data dashboard showing the size and shape of provision in English higher education will include the number of students on HTQs for new entrants from 2022-23.
80. The first entrants onto HTQs started in 2022-23. The earliest we expect to construct **continuation indicators** for these entrants would be once student data from academic year 2023-24 is available. Student outcomes and experience measures make use of at least two years of data, so this would be during 2025-26 for further education colleges that return data through the individualised learner record (ILR) and during 2026-27 for higher education institutions that return data through the Higher Education Statistics Agency (HESA). Therefore 2026-27 will be the earliest date where we can present data from all provider types.
81. We would expect to construct **completion indicators** once student data from the academic year 2026-27 is made available. This is usually the year after the end of the academic year so for this example we would expect to construct completion indicators in 2028.
82. **Progression indicators** come from responses to the Graduate Outcomes survey. This survey reports on the activities of graduates 15 months after they leave higher education, including any job they have found or further study. Entrants onto HTQs in 2022-23 may qualify in the same academic year. As such, we would expect to receive responses to the Graduate Outcomes survey that could be used to construct the progression indicator during the 2024-25 academic year.
83. Once data for each specific measure becomes available, that indicator can then be calculated and published at provider level within data dashboards.
84. Providers are already returning data regarding students on approved HTQ courses. Therefore, there is no additional data requirement.

### What changes are needed?

85. We will make the following changes to the technical documents that underpin condition B3:
  - a. Description of student outcomes and experience measures used in OfS regulation.<sup>24</sup> We will amend Annex B, Table B1 to incorporate an additional split indicator 'Other undergraduate, higher technical qualifications', within the 'Course type' split indicator type category.

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<sup>24</sup> See 'Description of student outcome and experience measures used in OfS regulation Definition of measures and methods used to construct and present them', available at: [www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf](http://www.officeforstudents.org.uk/media/6fec91a8-2826-4b15-9447-7e3de2dd7526/description-of-student-outcome-and-experience-measures.pdf).

- b. Technical algorithms for student outcomes and experience measures.<sup>25</sup> We will introduce a new algorithm, IPHTQ, with the derivation laid out below and in the consultation document, paragraph 28 b.<sup>26</sup>

### Derivation of the algorithm 'IPHTQ'

#### IPSOURCE = DDB

Value	Description	Definition
1	The student is studying on a course categorised as a Higher Technical Qualification	In the latest student course session, at least one value of course initiative COURSEINITID = 035 where (COURSEINITVALIDFROM < SCSENDDATE or SCSENDDATE = BLANK) and (COURSEINITVALIDTO >= SCSSTARTDATE or COURSEINITVALIDTO = BLANK)
0	The student is not studying on a course categorised as a Higher Technical Qualification	Otherwise

#### IPSOURCE = ILR

Value	Description	Definition
1	The student is studying on a course categorised as a Higher Technical Qualification	Student is studying on a learning aim where LearningDeliveryCategory = 55
0	The student is not studying on a course categorised as a Higher Technical Qualification	Otherwise

- c. Rebuilding student outcomes and experience measures used in OfS regulation.<sup>27</sup> We will amend Annex B, Table B1 to incorporate an additional split indicator 'Other undergraduate, Higher Technical Qualifications', within the 'Course type' split indicator type category, with the appropriate instructions to rebuild this.

<sup>25</sup> The technical algorithms for student outcome and experience measures is available at: [www.officeforstudents.org.uk/media/91fa18c3-b3b1-4783-9130-85420e47a011/technical-algorithms-for-student-outcome-and-experience-measures.pdf](http://www.officeforstudents.org.uk/media/91fa18c3-b3b1-4783-9130-85420e47a011/technical-algorithms-for-student-outcome-and-experience-measures.pdf).

<sup>26</sup> See 'Consultation on the inclusion of higher technical qualifications in Office for Students' student outcome measures, available at: [www.officeforstudents.org.uk/publications/consultation-on-the-inclusion-of-higher-technical-qualifications-in-office-for-students-student-outcome-measures/](http://www.officeforstudents.org.uk/publications/consultation-on-the-inclusion-of-higher-technical-qualifications-in-office-for-students-student-outcome-measures/).

<sup>27</sup> The rebuild instructions for student outcome and experience measures is available at: [www.officeforstudents.org.uk/data-and-analysis/student-outcome-and-experience-measures/documentation/](http://www.officeforstudents.org.uk/data-and-analysis/student-outcome-and-experience-measures/documentation/).

## Matters to which we have had regard in reaching our decision

### General duties

86. In formulating the decision to accept the proposal to introduce an HTQ split indicator, the OfS has had regard to its general duties as set out in section 2(1) of the Higher Education and Research Act 2017 (HERA). We consider that the decision to accept the proposal to introduce an HTQ split indicator is particularly relevant to general duties (a), (b), (c), (d), (e) and (g), which relate to: institutional autonomy; quality, choice and opportunities for students; competition where this is in the interests of students; value for money; equality of opportunity in connection with access to and participation in higher education; and best regulatory practice.
87. In formulating these proposals, we have given particular weight to (b) and (d): promoting quality, choice and opportunities for students, and value for money.
88. The OfS's regulatory objectives reflect the things that are of significant importance to all students: high quality courses, positive outcomes, and the ongoing value of their qualifications. We consider it important that the OfS can intervene to ensure that current and future students are not exposed to courses of low quality. Our view is that we need to have appropriate disaggregation in the outcome measures we construct to allow us to identify where there are potential pockets of poor performance. We have placed particular weight on general duty (b) (promoting quality) when deciding to introduce a split indicator for HTQs because we consider that these courses represent a particular course structure and approach to learning that might have an effect on the outcomes delivered for students.
89. Value for money in the provision of higher education is important for both students and taxpayers. Students normally pay significant sums for their higher education and incur debt for tuition fees and maintenance costs. Investing in a higher education course that delivers weak outcomes is unlikely to represent value for money for students. Similarly, taxpayers contribute significantly to higher education through the provision of government-backed student loans and, for some providers, public grant funding. This investment is unlikely to represent value for money if, for example, courses are of low quality, continuation rates are low and students do not proceed to managerial and professional employment or further study.
90. HTQs currently, and may in the future, receive additional funding or benefits when compared with other forms of higher education (for example, through additional funding from the OfS and earlier access to student support for modules as part of the LLE). It is therefore appropriate to put in place measures to allow us to regulate student outcomes in the way described in this consultation to ensure that student and taxpayer investment is focused on providers and courses that deliver positive outcomes.
91. In formulating these proposals, we consider general duties (a), (c), (e) and (g) important and do not consider these should alter our decision.
92. The OfS is required to have regard to the need to protect institutional autonomy. It does not, however, have an absolute obligation to protect the autonomy of providers. Our proposal may lead to regulatory action being taken in relation to a provider's delivery of HTQs. This may result in the provider being required to act in a way it may not otherwise have chosen.

We are giving weight to autonomy in these circumstances insofar as this is consistent with the need to protect the interests of students. However, we have attached significant weight to institutional autonomy in the overall design of our approach to regulating student outcomes, which provides significant autonomy in relation to the delivery, quality and student outcomes of higher education courses where these are above our minimum numerical thresholds.

93. We are required to have regard to the need to encourage competition, where that competition is in the interests of students and employers. Competition could be encouraged by removing regulatory barriers such that any provider is able to compete to recruit students on HTQs, regardless of the outcomes delivered for those students. However, our view is that such competition would not be in the interests of students or employers. The role of the regulator in this context is to set minimum requirements for student outcomes, to ensure that students are able to choose from a variety of providers and HTQs that meet that minimum regulatory standard.
94. We are required to have regard to the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers. In developing the proposal to introduce an HTQ split indicator, we considered whether it would be appropriate to include HTQs as a level of study which would allow us to show performance in relation to different student characteristics. This approach would have allowed us to have taken regulatory action where a particular group of students with a shared characteristic was not experiencing equality of opportunity.
95. Our view is that the current number of students on HTQs would mean that disaggregating student data in this way would result in the majority of split indicators having fewer than the minimum number of students required for the OfS to make a judgement in relation to condition B3. This would have the practical effect of restricting any benefits to equality of opportunity that may arise from creating split indicators. We intend to review this position as the number of students on HTQs increases.
96. We are required to have regard to the principles of best regulatory practice, including considerations of proportionality. We consider the approach set out in this document to be appropriate in ensuring that the OfS can protect the interests of students studying HTQs and balance this with the interests of providers. We have given particular consideration to this general duty in proposing not to increase the number of minimum numerical thresholds that we set because we consider that this would not be appropriate in the context of our view of the regulatory risk presented by the current number of students on HTQs.

### **Public Sector Equality Duty**

97. We have had regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010. This requires the OfS to have due regard to eliminating unlawful discrimination, foster good relations between different groups and take steps to advance equality of opportunity.
98. When we established our approach to regulating student outcomes through condition B3, we considered whether there might be any tension between our approach to regulating student outcomes and equality of opportunity. Our view, as expressed in the outcome of the consultation on our new approach, remains that meaningfully extending equality of opportunity means providing all students, irrespective of their characteristics, with the

opportunity to benefit from their higher education. This is only possible if they are able to have positive outcomes that meet rigorous requirements set by the regulator. If a subset of students, particularly those who share protected characteristics, is not provided with sufficient support to achieve such outcomes, they have not had a genuine opportunity to benefit from higher education, and therefore have not experienced meaningful equality of opportunity.

99. We consider that this applies to students seeking to study an HTQ and therefore that our decision will have a positive effect on equality of opportunity. However, we consider that it may be possible to go further in taking steps to advance equality of opportunity for students studying for an HTQ by including HTQs as a separate level of study. This would allow us to disaggregate performance by student characteristics. Our view is that this would have a limited impact at this time due to the low number of students on HTQs. We intend to review this position and consider implementing HTQs as a level of study when the number of students on HTQs has increased. We will continue to have due regard for our obligations under the Equality Act 2010.

### **Guidance from the Secretary of State**

100. We have had regard to guidance issued to the OfS by the Secretary of State under section 2(3) of HERA, and specifically 'Guidance to the Office for Students – Secretary of State's strategic priorities (31 March 2022)'.
101. We consider the aspects of that guidance set out below to be relevant to our approach to regulating student outcomes for HTQs.
102. We have had regard to this guidance in taking an approach that allows us to identify performance on HTQs separate to other courses. This means that we will be able to contribute appropriately to quality assurance of HTQs. We have also chosen to implement an approach that limits the additional requirements placed on providers in relation to Level 4 and 5 courses.

### **Technical qualifications, degree apprenticeships and Institutes of Technology (IoTs)**

103. 'We would like the OfS to work with officials to help to grow the uptake of high quality technical education and degree apprenticeships including, where possible, through the use of access and participation targets, information and guidance, as well as supporting the raising of the profile of IoTs. We would also like the OfS to continue working with the Department, Ofsted, Ofqual, IfATE and the ESFA to ensure that Level 4 and 5 provision, and particularly the occupational focus of technical qualifications, is fully reflected in quality assessment arrangements. In addition, we would like the OfS to ensure it makes an appropriate contribution to the approval and quality assurance of HTQs.'

### **Quality**

104. 'In developing a proportionate and focused approach, the OfS takes into account that part-time and distance-learning provision, as well as high quality provision at Level 4 and 5, play an essential role in levelling up the country and providing retraining opportunities for those who have sometimes been less successful in their first experience of education. Further education colleges have a critical role in the Government's efforts to expand high quality

provision at Level 4 and 5. Provision in these areas is currently undergoing considerable change and new and innovative approaches are expected.'

## **The Regulators' Code**

105. We have had regard to the Regulators' Code in developing these proposals.
106. We have considered Section 1, which discusses the need for regulators to carry out their activities in a way that supports those they regulate to comply and grow. We consider that our introducing an HTQ split indicator in the first instance is the least burdensome available approach to delivering our policy objectives. Our view is that this proposal would provide the certainty necessary for providers to commit to growth in their HTQ offer because it maintains the same minimum numerical thresholds as is currently the case for 'other undergraduate' courses. This means that there is continuity in the regulatory expectations in relation to these courses.
107. We have considered Section 2 which discusses the need for regulators to provide simple and straightforward ways to engage with those they regulate and hear their views. We have had regard to this section because our proposal would not change our approach to assessment of condition B3, which explicitly includes engagement with a provider before decision-making about compliance.
108. Section 3 of the code is particularly relevant, and discusses the need to base regulatory activities on risk:
  - Paragraph 3.1 provides for regulators to use an evidence-based approach to determine priority risks and allocate resources where most effective. Ungrouping student outcomes data for HTQ courses from other Level 4 and 5 courses will increase our understanding of the regulatory risk posed by providers delivering HTQs.
  - Paragraph 3.5 provides for regulators to review the effectiveness of their activities and make necessary adjustments accordingly. We have set out that we intend to review our approach to including HTQs in our student outcome measures as the number of students on these courses grows.
109. We have considered Section 4 of the Regulators' Code, which discusses sharing information about compliance and risk. We particularly had regard to this element of the code by implementing an approach that allows other regulators and government bodies with an interest in HTQs to understand providers' performance without collecting further data.
110. We have considered Section 5 of the Regulators' Code, which discusses ensuring clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply. We have had regard to this section by making amendments to existing regulatory information that is familiar to providers and that offers clear guidance on the circumstances in which the OfS would consider providers to be compliant.



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