

Higher technical qualifications (HTQs)

1. To what extent do you agree or disagree with the proposed aims of HTQs set out below
 - a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree

2. Are there any points you would like to raise regarding our proposal for Awarding Bodies to voluntarily submit qualifications for approval by the Institute against occupational standards?

HTQs must remain voluntary

IHE strongly supports the voluntary submission of qualifications. Higher Technical qualifications must be developed as a strong brand that providers want to obtain, not one that they are forced into. This is particularly the case as the programmes and standards develop. Some providers are unable or unwilling to submit standards but will submit qualifications should a standard be developed that fits their programmes. While the system relies on providers to invest in the development of standards, it must remain voluntary.

Broaden the scope of 'awarding body'

Many independent higher education providers offer their own strong and well-recognised qualifications in the higher technical space. Higher education awarding powers for levels 4 and 5 are currently restricted, leaving no opportunities for these providers to prove their qualifications meet these levels. Given these restrictions, independent providers which meet the quality conditions should be permitted to submit their qualifications for approval by the Institute. These providers which already have the skill and expertise in the occupation should be able to submit proposals against the occupational standards alongside awarding bodies and higher education providers with their own degree awarding powers.

Some IHE providers have remained outside of accreditation or validation, which would have given them access to Level 4/5 academic funding, because of issues with IP or a lack of ability to innovate within the qualification. Should the scope of awarding body remain limited to those in the existing system or those who are able to achieve level 6, these issues will prevent many providers from accessing HTQs regardless of the proposals in this consultation which aim to address them. Independent providers are faced with an invidious choice of giving up their innovation or giving away their IP.

There should also be provision for those providers which do not have their own awarding powers but are currently validated or accredited by an awarding body. They too should be able to submit qualifications for approval regardless of whether the awarding body has done so. In these cases the

design and IP of the course belong to the teaching provider and it should not be for the validating partner to submit a qualification that is not theirs.

3. What is your view on our proposal that, upon approval of a higher technical qualification, there should generally be no transfer of copyright?
 - a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree

What are your views about the circumstances in which it could be appropriate for the transfer of copyright to apply?

A number of IHE members have concerns about the transfer of copyright and intellectual property, particularly providers which face strong competition in a niche subject area. In this case both content and delivery model have a strong IP element. There are cautionary tales where providers did give up their IP to gain accreditation or validation in the UK and that IP was then sold to others who, without the cost of developing the IP undercut the price of the qualification. Given the margins of cost for some specialist provision, this cut-price qualification was enough to force them to close before they could even prove to students their higher quality. There need to be safeguards across the process that go beyond the transfer of copyright to protect those providers which innovate.

Within the UK there are issues for copyright and IP within existing regulation and validation models. Ofqual requires significant detail on course design that must be made public. Validating and awarding bodies can force contracts which enable the transfer of IP. IHE members have had negative experiences with both regulatory and awarding bodies in the transfer or transparency of material they feel should remain protected to ensure they can remain competitive.

Some IHE members have experience of similar models of regulation to the proposals in HTQs overseas. In these systems they have been asked to make transparent levels of details about their course that have caused considerable competitive disadvantage and they have seen competitors challenged and fail from a sudden influx to the market of courses which attempt to copy them rather than put forward their own vision. Before quality can even be tested by students or government, these copycat courses caused significant reputational damage and competitive disadvantage. We ask government and The Institute to design a process which respects the competitive nature of fee-paying education provision and allows for a level of commercial sensitivity, keeping some elements confidential to protect a provider's prestigious delivery.

Some providers already offering higher technical education are part of a wider, global group with a strong brand identity. These providers could be a valuable asset to the higher technical qualifications brand, promoting its quality globally. IHE would welcome the opportunity to bring these brands including Le Cordon Bleu, Sassoon Academy, and SAE Institute together to discuss how to protect copyright and IP in the process so international providers are comfortable engaging with the process.

IHE members have also asked for further consultation to ensure that their copyright would be covered internationally, as well as in the UK. However, our members agree that there should not generally be a transfer of copyright other than in exceptional circumstances.

4. Would you support incorporating the flexibilities/requirements in the statements (listed below) in the Institute approval process. Strongly agree, Agree, Neither agree or disagree, Disagree, Strongly disagree
- a. Flexibility to include additional content **Strongly agree**
 - b. Broader qualifications **Agree**
 - c. Smaller qualifications **Strongly agree**
 - d. Flexible learning **Agree**
 - e. Other requirements
 - i. Maths **Neither**
 - ii. English **neither**
 - iii. Digital skills **Neither**
 - iv. Essential transferable and employability skills **Agree**
 - v. Alignment with professional standards bodies **Disagree**
 - vi. A period of work based learning **Agree**

Are there any specific points you would like to raise in relation to the above? Please state below.

Our members value many of the above proposals but caution that none of the proposed elements in (e) should be a requirement. They feel all should be explored as adding value to the qualification but feel that there are elements that would make them inappropriate for some qualifications or types of learners. For example, many providers find Maths and English skills vary widely across their Level 4/5 learners. They would not want to force students with high levels of Maths and English to undertake required learning in this area where they could be focused on more technical learning. Similarly some subject areas have multiple professional standards bodies, bodies with too broad or narrow a focus or none at all. Requirements in this area would exclude some providers from submitting their qualifications.

Supporting existing employer-led qualifications

Many IHE members already work closely with employers and some are employers, to deliver qualifications. For example Sassoon Academy already have their own internal programmes for staff at Sassoon Salons around the world. They would be willing to explore offering these programmes more broadly with the right incentives and flexibility. In each example our members expressed the need for flexibility around periods of work-based learning, flexibility to include additional content and broader qualifications. Government should consider these employer-led or focused qualifications in exploring how to increase the number of HTQs available to learners.

The role of the professional body:

We welcome the opportunity for HTQs to align with professional standards bodies however we would caution this becoming a mandatory condition. Some of our members work closely with professional bodies that broadly align to their qualifications but may not meet all of their specifications due to their specialisms. For example, one of our members teaches a standalone qualification in Garden Design. They have explored standards with RHS before but they look at Horticulture, which is far too broad to fit into the qualification. An attempt to map to the professional standards of the RHS would be in their words “lopsided”, as they would place more emphasis on the garden design element of the standard than the professional body would.

There are also some subject areas with competing professional bodies and aligning to the standards of one would pose a challenge to meet others. We recommend that any requirements to meet professional standards bodies be flexible, perhaps using an 'apply or explain' model to allow providers to show their adherence to the standard without accreditation from a single professional standards body.

Additional Content and Broader Qualifications:

Some of the most successful independent higher technical qualifications integrate a multi-disciplinary approach which reflects not only the main occupational route but further career opportunities for students. These qualifications are highly sought after for their breadth and innovative integration of the different qualifications. For example, Sassoon Academy offers teaching as part of their higher qualifications in hairdressing, Cordon Bleu has offered business as part of higher qualifications in culinary subjects, and many providers of games design courses want to offer more creative art and music elements into their programmes.

Smaller qualifications

Smaller qualifications have proved a significant success for those providers already offering higher technical education to both students and employees. In particular the ability for learners to integrate periods of learning with work has been so successful that many providers offer this learning outside of the regulatory environment, with students choosing to pay upfront rather than access longer, more traditional qualifications which attract student loan funding. For example Cordon Bleu already offer 9, 12 and 15 month qualifications which can be taken in small, fast-track delivery, or over six week intensive terms which allow them to take less time away from work. This also facilitates international travel between the Cordon Bleu international group with students spending terms in New York, Paris or elsewhere to gain their qualifications. We also have examples of employers in the film industry asking for smaller short qualifications to train staff between or ahead of upcoming productions. Flexibility in this area is a necessity to ensure these qualifications work for underrepresented students but also industry needs.

5. Are there any points you would like to raise regarding our approach to retaining existing Ofqual and OfS regulatory arrangements? If yes, please give your points below.

Quality and regulatory bodies need to adopt a broader approach to initial quality assessments to ensure they can meet the need of higher technical providers. IHE members have noted that those providers offering qualifications on the RQF at levels 4 and 5 have difficulty entering regulation given the strong predisposition in Ofqual towards quality and corporate models of publicly funded providers. Those offering courses which may fit better in the FHEQ have also struggled with OfS regulation heavily focused on academic qualifications with little scope to explore the differences brought by more vocational approaches. Providers without a similar academic route to the higher technical qualification are unlikely to have all the skills and structures needed to pass the academic quality bar. Higher Technical Education must be open to all providers which meet the standard, not just those with public funding or extensive experience offering academic qualifications. Quality processes not designed for technical courses can present an insurmountable barrier before providers even have the opportunity to submit a standard to the Institute.

Where providers are already complying with high technical standards from professional bodies or industry standard programmes, OfS should not attempt to duplicate this effort. Instead OfS should look to work closely with professional bodies to streamline quality and regulatory efforts.

Delivering of higher technical education (HTE)

6. Are the suggested criteria (listed below) suitable markers of high-quality technical provision?
Give reasons for why or why not.

- a. Yes
- b. No

Our members support the criteria as suitable markers of high-quality technical provision, as well as the need to apply the suggested criteria to open up funding to an area that has been neglected in the interest of the three year academic degree model. It is important that the higher technical qualification courses are industry-led and many of our members have been pioneering in this area for decades. It is important that these criteria are however, not applied in a rigid manner, but one that reflects the needs of the industry, dependent on what that is.

7. To what extent do you agree or disagree with the principle of the OfS applying technical ongoing registration conditions that a provider would be required to meet to indicate the high quality of their HTE provision? If you disagree what could an alternative approach be? If you disagree please give reasons.
- a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree

Whilst we agree that OfS should be regulating providers in the higher education space and acknowledge that some ongoing registration conditions may be appropriate, as a principle OfS should seek to adapt existing conditions rather than add. Several conditions and parts of the data submissions do not meet the needs of higher technical provision. For example conditions on quality are based on a highly academic focused quality code and data which is benchmarked by academic qualifications. In particular initial quality and standards reviews are not appropriate for higher technical providers and need to be adapted to fit highly vocational provision. Several IHE members have traditionally gone through further education bodies for educational oversight as they have been deemed too vocational for the Quality Assurance Agency. We recommend OfS consult widely to adapt conditions and quality reviews rather than simply look to add additional conditions prior to regulating.

Higher Technical qualifications should also be eligible for both Approved and Approved fee cap, giving providers the option of eligibility for teaching funding and allowing highly specialist providers to charge what is needed to cover course costs.

Regulation is already overburdensome and difficult for specialist or vocational provision to meet. OfS must adapt an approach which recognises the burden placed on small and highly specialist providers to enable a more complete range of higher technical providers to register. This will be particularly important for those providers which choose to only offer higher technical qualifications rather than a combination of higher education academic courses and higher technical qualifications.

It is also important that when assessing the quality of higher technical qualifications for any ongoing conditions, that the correct expertise should be included to understand the industry that the higher

technical qualification is aligned with. OfS must seek to expand its understanding of higher technical delivery, and increase its base of individuals with this expertise. They should seek to understand the unique staffing, governance and delivery models to ensure their systems can meet the needs of these providers. This also includes the Designated Quality Body which must make a similar move to understand independent providers and ensure reviewers have suitable experience in vocational and technical delivery.

Higher technical conditions should not attract an additional fee as OfS should look to incorporate higher technical education in as part of their mission to expand student choice. IHE recommends government implement similar provision for the first year of fees, for micro providers and recognises that higher technical only providers will not access large aspects of OfS and therefore should not have to pay the same as those accessing the full range of OfS provision. OfS should also seek to implement a transition stage, supporting those higher technical only providers to enter OfS with no initial registration fees and clear and specific guidance.

8. To what extent do you agree or disagree that linking grant or capital funding to meeting the technical ongoing registration conditions would encourage providers to deliver high-quality provision?
 - a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree

9. How might this work to ensure provision best meets local skills needs? Please provide comments.

Some independent providers of higher technical education welcome the opportunity to gain grant or capital funding to expand their provision. If grant funding could be allocated for projects to open new centres in areas with local skills needs there would be significant interest from many IHE members however they feel that a national provision which can be delivered locally in innovative ways would ensure that provision can begin local while the market for the qualification develops. It is vital that current minimum thresholds for funding be reviewed to support growth in small technical provision. Should thresholds remain it will be more expensive for providers to open new provision in local areas with specialist skills requirements.

However, our members feel strongly that grant or capital funding should be a choice and HTQs should not be limited to those eligible for this funding.

10. What specifically would additional funding support? Please provider comments

Much of the expertise currently in the sector for higher technical education is within independent providers which are often smaller and with fewer resources than their university counterparts. Funding will be needed to develop and put qualifications to market as additional staff and resources will need to be brought in to support activity beyond teaching.

Additional funding will support a number of key areas including:

- Specialist staff to develop qualifications. While many higher technical staff employ industry experienced and relevant staff, the ability to design qualifications is not often one of their natural skill sets. This process will require activity outside of regular teaching and need funding.
- Market research to support the expansion of provision in local areas with skills needs. Many qualifications must not only consider where there is current student need but also where local skills need would develop within the near future.
- Local partnerships including with employers. Many independent providers are not part of their local economic architecture as they have not been eligible for local funding and not had additional resources to spare to participate. Some providers work closely with one employer and would need to fund engagement that reached beyond their current provision.

11. Would additional costs be a barrier to delivering high quality HTQs, why? Please provide comments

Yes

Many qualifications likely to meet the Higher Technical standards are currently taught in independent providers. Not all these courses will have attracted public funding previously and many will have been developed with industry and professional bodies at the expense of the provider. Additional costs to move this high quality provision, already recognised by industry and students, increase the business risk of any process to achieve the necessary standards. Many of these providers are SME's and would struggle to fund the move towards HTQs despite the possible advantage for their students. A number of the existing qualifications which could be developed as higher technical qualifications often have small markets yet are still an important and relevant subject to offer for student choice and diversification of the sector. Additional costs would be shared between lower numbers of students and potentially make the cost of the course unviable.

Members have also expressed concern that rising costs associated with regulation are taking funding away from the quality and delivery of the course to pay for both the cost of regulation and the resource cost of continuing to comply with regulation. Government should undertake a careful market analysis to ensure that SME education providers are not priced out of HTQs through the burden of regulation. Many operate within an industry of other SME providers, for example within the Tech or creative industries. Employers could not afford the inevitable rise in course fees which would come with a rise in costs for the course.

12. Which would be a greater priority for providers: capital or recurrent grant funding? Or both equally? Why? Please provide comments.

There is no easy answer to this question. For some providers capital funding is critical as they would be looking to develop or extend their current provision under higher technical qualifications. However, for many providers stability in funding is key, allowing them to spread the cost of developing HTQs over many years while prioritising developing longevity in the course. Whichever route is decided it is important that those providers which will be regulated by the Office for Students are considered for capital funding or recurrent grant funding without minimum thresholds and in addition to any academic funding they may receive. Some providers may be in the Approved category on the OfS Register for specific reasons but may choose to move to Approved fee cap should HTQs attract capital or grant funding. This group should be consulted in any decisions on capital or recurrent grant funding, and OfS/government should ensure they consult more widely than those currently eligible for this funding.

Access to student loan funding was by far the most important for our members, beyond either public funding source above.

13. To what extent do you agree or disagree that additional non-financial support will be needed to enable providers to develop their workforce and engage fully with employers?
- Strongly agree
 - Agree
 - Neither agree or disagree
 - Disagree
 - Strongly disagree

What might examples of non-financial support be?

There are a number of areas of non-financial support which are essential to help providers in developing a workforce and employer framework for higher technical qualifications. .

Support for recruitment of highly trained but industry relevant staff is important. The introduction of a comparable Advance HE fellowship programme and professional standards framework for staff in technical education is viewed by many providers as a vital tool to recognise industry skills and expertise, and support the development of teaching skills. The pathway to teaching for industry experts can be difficult and varied and frameworks which recognise technical and approach to teaching this. This scheme would also support providers in identifying high quality staff during recruitment.

Government could also look to work closely with professional bodies to integrate teaching and support for HTQs into the higher levels of their professional qualifications. Such a move could encourage those at the peak of their technical career to step into the classroom and could also support employers to release individual time to teach.

Support staff for technical education is also an area which will need to be developed. Our members note skills shortages in technicians to support engineering and digital provision and professional staff to support students with disabilities, and educational needs. These workforces need more support from government and national training bodies and the addition of higher technical qualifications will put strain on an already stretched workforce.

Our members have also highlighted incentives such as national placement management schemes to support the engagement of employers with technical and vocational qualifications. Such schemes would allow providers to be able access a wider set of placements and opportunities for their students and deepen their relationships with employers.

14. We welcome ideas from respondents on a) how providers could best allocate their existing resources to build and support capacity and delivery of approved HTQs, b) where additional help may be needed, c) and what providers think should be prioritised in terms of any future funding allocation. Please provide comments.

IHE providers agree that the majority of future funding to support these two areas should go to employer engagement. This will not only facilitate the creation and development of HTQs but could also encourage more highly skilled industry experts to step into teaching HTQs. This will expand the workforce while also engaging employers in new and innovative ways.

Funding may not be the be enough to support providers without the international recognition needed. International students are key to the UK higher education sector and opening up higher technical education to international students will not only boost recruitment but showcase high quality technical expertise on a global level.

15. To what extent do you agree or disagree that we should explore how providers that meet the ongoing registration conditions specific to Higher Technical Education could have access to a more competitive student finance package for courses leading to approved HTQs, than those who do not meet the technical conditions? Why?
- Strongly agree
 - Agree
 - Neither agree or disagree
 - Disagree
 - Strongly disagree

IHE members feel strongly that focus for government should be to promote the HTQ framework and develop qualifications. Until there is widespread recognition and acceptance of HTQs it would significantly disadvantage students to reduce the funding available for courses which currently have the respect of students and employers.

Many IHE members are unable or unwilling to create new standards for HTQs. Under this proposal they would need to wait until a standard was developed, whilst also losing funding for their students in the process. This is inherently anti-competitive for small, specialist and innovative providers which are unable or unwilling to submit a new standard.

16. To what extent do you agree or disagree that there is a need and opportunity for more young people and adults (including those who need to upskill and retrain) to be undertaking HTE in the future? Please provider examples for your experience.
- Strongly agree
 - Agree
 - Neither agree or disagree
 - Disagree
 - Strongly disagree

Many of our members who operate in the higher technical education space do not recruit school leavers, but focus on students who often already have experience in the area and are looking to gain further expertise and upskill or students who are moving into a new career. There is also a clear need to upskill the population utilising the expertise in providers offering higher technical education. This should be a key focus of and development higher technical qualifications.

Our members also encourage government to not ignore the existing professional qualifications already mapped to occupational standards by professional bodies. These courses have the respect of employers and are in demand by students. HTQs should seek to incorporate not compete with them however where this is not positive it is likely to diminish the need for more learners to undertake THE in the future.

17. In pages 34-36 we set out measures to improve the profile and prestige of HTE. We propose to ensure that HTQs have a clear product identity and are promoted through a campaign. We also want HTQs to be given the recognition they deserve in school and college

destination measures and amongst employers. We will look to harness the prestige of high-quality providers and professional bodies to promote HTE. To what extent do you agree or disagree with these measures to improve the profile of HTE?

- a. Strongly agree
- b. Agree**
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree

Please provide any additional ideas.

IHE supports raising the profile of higher technical education. Highlighting the expertise to is only going to support the development and success of higher technical education. IHE members operating in this space already have a wealth of knowledge and experience in delivery this type of qualifications. Explaining the prestige of these course will give our members and providers delivering this more leverage in the market.

Our members also note the cautionary tale of Australia where an attempt to standardise technical qualification stripped the unique high value brands from the market and removed the prestige of high quality providers by flooding the market with homogenous qualifications. This did significant reputational damage to higher technical education as the delivery of these qualifications were not consistent quality.

18. In pages 36-39, we set out measures to improve information, advice and guidance (IAG) for different groups. For young people and their teachers, we will work with the Careers & Enterprise Company, Career Development Institute and UCAS to achieve this, whilst for adults we will work with the National Careers Service and professional bodies to improve IAG. We will also improve employer understanding of HTE by working with LEPs, Growth Hubs and the National Apprenticeships Service. To what extent do you agree or disagree with these measures to improve IAG for young people and their teachers, adults and employers?

- a. Strongly agree
- b. Agree**
- c. Neither agree or disagree
- d. Disagree
- e. Strongly disagree
 - i. In what other ways could we help fill the HTE information gap for: Young people & their teachers.
 - ii. In what other ways could we help fill the HTE information gap for: Adults
 - iii. In what other ways could we help fill the HTE information gap for: Employers

IHE agrees that there should be a move away from favouring the traditional 3 year undergraduate degree at a large universities to a wider understanding of what is available to potential students at Level 4 and above. IHE members are already working in these industries and offer high quality education which could be mapped to specific qualifications.

Information about these courses needs to be part of the information, advice and guidance given to schools leavers in the same way that apprenticeships and degrees are spoken about. A greater knowledge about these qualifications will widen the pool of potential students and give schools leavers greater diversity of what is available to them after leaving school.

Working with professional bodies will be key to filling the knowledge gap of employers. By creating strong links these bodies, expertise and placements can be sorted from industry, but employers will also get a better understanding of the providers offering the courses.

19. We want HTE to be accessible to a wide range of people and also want to make sure that the right support is available to help people to complete the course of study. In pages 39-42, we set out how we plan to encourage flexible provision for people with other responsibilities and make sure the most disadvantaged can access HTE, alongside other measures. Do you have any further evidence on what works in this space and what more government can do to improve access and help support students to undertake and complete an HTQ? Please provide comments.

Wider impact

Need to ensure there is on programme assessment – apprenticeship models which focused on a single end point posed barriers. (Sassoon)

20. With reference to the impact assessments published alongside this consultation - Do you have any comments about the potential impact the proposals outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010? Please give reasons for your answer.

21. Do you have any other comments? Please provide comments.