

Our response to the OfS consultations on student outcomes, Teaching and Excellence Framework, and the construction of indicators

We are proud of the high-quality courses offered across the UK by our universities. We know that in the vast majority of cases, students going to university can expect to have a good experience, gaining access to world-leading higher education and being able to pursue their interests and goals.

However, we also know that in some cases there are students that are not receiving this level of quality and this is not good enough. We agree students have a right to expect the high quality that exists across most of the sector and therefore we support a regulatory environment that seeks to protect students and drive improvements where necessary. Our 2022 [Framework for programme review](#) has been designed to support universities in England to identify courses where value or quality might be a problem and act on it.

Our responses to the Office for Students (OfS) consultations

In this article, we cover our main asks across three OfS consultations:

- regulation of student outcomes
- the Teaching Excellence Framework (TEF)
- construction of indicators

Regulation needs to be proportionate

In all our responses, including earlier responses on [phase 1](#) and [phase 2](#), we have emphasised the importance of regulation being proportionate. It needs to be there to protect students. However it shouldn't impact on universities' ability to deliver for their students because they are focusing too much of their attention on administrative jobs and not enough time on teaching, assessment, and student support.

What makes good regulation of quality?

Across our responses, we argue that good regulation of quality in universities must:

- be risk-based, targeting areas where the risk to students is greatest, where there are the most severe breaches, or the most students affected
- give universities enough time to engage with new processes and work with both their staff and students to respond and act
- as far as possible, accurately measure and assess the things the OfS is looking to measure and assess
- consider the differences between universities, courses, and students, the context in which universities are working, and the wide range of benefits and good outcomes that universities support
- align with other regulatory and policy agendas, including access and participation, levelling up, lifelong learning, and international partnership
- have a long-term perspective that makes sure the regulation can adapt to changes in how higher education is delivered in the future and the types of students universities are and will be working with
- not undermine the reputation of the higher education sector by over-emphasising the prevalence and severity of low quality courses

Within each consultation, we have identified five main asks.

B3 and student outcomes

All registered and new providers must comply with the OfS' conditions of registration. The B3 condition sets a minimum requirement that all providers are required to deliver positive outcomes for their students. The OfS propose to do this by setting targets related to students continuing a course, completing a course and what they do after the course finishes. If a provider is below these thresholds the OfS may judge that it is still delivering positive outcomes due to the provider's context.

1. Outcomes are not the only measure of quality

We know that outcomes matter to graduates. We agree that students continuing and completing a course, and what they progress onto are useful measures. However, what a 'good outcome' is depends on individual interests and ambitions. The focus on outcomes is appropriate when considered alongside the wider B conditions that cover the academic experience, student support and awards.

2. We need greater transparency on how the OfS will prioritise its assessment of universities

The approach should focus on the most severe breaches where the risk to students is the highest. This will involve considering cases of multiple breaches and where a breach affects large student populations.

3. The OfS needs to consistently apply context

We welcome the use of context when setting the numerical thresholds and again when assessing compliance. However, it needs to be applied consistently. We think this could be achieved by not typically intervening where a provider is within their benchmark. We also think the OfS should allow geographical labour markets, student voice and the value added measures as reasonable forms of context.

4. Currently there is not enough information about how published data will be contextualised

The OfS should consider the balance between publishing high volumes of data and the accessibility of the data. There may be benefit in the OfS delaying publishing detailed breakdowns of the outcomes until the first assessments have begun in January 2023. This would give universities time to identify errors in the data and time for the OfS to explore how the data at this level may be contextualised.

5. The OfS should continually review the relevance of the indicators and whether they are delivering the desired aims

We recognise the OfS may introduce new targets for modular provision, higher technical qualifications and transnational education. The OfS should not rigidly apply all three student outcomes outlined in this consultation to courses that are different, particularly where the measures are no longer appropriate or reliable data is lacking.

Teaching Excellence Framework

The Teaching Excellence and Student Outcomes Framework (TEF) has been a way for universities to show how they support good student experience and outcomes. They receive recognition for this through an award rating. It is an exercise for universities that have already met regulatory requirements and are delivering high quality (they have met the “B conditions” of registration), to encourage them to go above and beyond this. The OfS proposals focus on the development of a new version of the framework.

1. We support a periodic provider-level exercise that focuses on enhancement above the minimum baselines for quality

However, we’re calling on the OfS to make sure there is a clearer distinction between the B conditions of registration (the minimum expectations for quality and standards that universities must meet) and the TEF (the assessment of performance beyond the minimum expectations) to avoid duplication and confusion and to focus the TEF on its purpose of excellence.

2. We disagree with calling the new fourth rating category ‘requires improvement’

This incorrectly implies that a university is failing and has a regulatory requirement to make improvements when it has actually met the OfS’s baselines for high quality. We would recommend the name ‘meets quality requirements’. Since the fourth rating carries reputational risks and limits on fee amounts, we also recommend any provider receiving this rating is allowed to submit a re-assessment request two years into the TEF cycle.

3. We think there is an opportunity to redefine what the TEF is

We think there is an opportunity to use new award names to make a clear break with the previous system. This would help to show that historic ratings were based on a different methodology and approach and are therefore not comparable with the current (ie new) system.

4. We don’t think it’s appropriate or low burden to include sub-contracted provision in the TEF

We recognise that universities must act responsibly in their teaching partnerships but don’t agree that this should extend to an exercise that is focused on performance above regulatory baselines.

5. We strongly disagree with the proposed timeline and would support a spring window for submissions

This will allow universities time to review their data and for both staff and students to engage in the process and offer considered submissions. It would avoid the possibility of work being done on a submission only to be told there are questions over a university’s eligibility from assessment against B conditions 1 to 5. We also think the window for submissions needs to be, at a minimum, a full three months.

Constructing student outcome and experience indicators

The OfS has set out how they plan to construct, present, and interpret data on student outcomes and experiences to inform regulation of teaching quality. These include rates of student dropout and completion of courses, whether students progress onto highly skilled jobs and how satisfied students are with their courses.

1. We're asking for a pause in the use of student outcomes to regulate courses linked the Lifelong Learning Entitlement

Government plans for a lifelong learning entitlement will present challenges in applying proposed outcome measures to credit-based learning and 'step-on, step-off' programme structures. As such, we ask that a moratorium be placed on implementing regulation of outcomes for this provision until robust data is available and meaningful indicators can be produced.

2. The OfS should engage with the sector to ensure development of indicators remains relevant and appropriate

We welcome development of more coherent and consistent definitions for outcome measures but have concerns with the long-term sustainability of the proposed approach given upcoming fundamental changes to collection of higher education data and post-18 education policy.

The OfS should work with universities to set out a clear and transparent process for reviewing definitions of 'positive' outcomes over time, in an evidence-based manner.

3. The OfS should consider the additional burden that the proposed approach will place on universities and the OfS itself

Although the burden of producing and sharing measures will not fall on universities, they will need to allocate substantial staff resource and skills to managing, monitoring, and understanding the implications of this complex data.

4. We encourage the OfS to consider greater use of evaluating decisions through expert independent evaluations

We welcome the focus on highlighting statistical uncertainty when interpreting outcomes and in suppressing data from small populations., but we would like to see the OfS evaluate decisions using independent, expert evaluations, both on choices for thresholds for data suppression and response rates, and decisions around defining positive outcomes in an evidence-based manner.

5. The OfS should place greater weight on wider measures of value and context when using employment outcomes as a measure

This includes reflecting graduate views of their success. Measuring the value and quality of higher education is complex and challenging. We recognise that employment outcomes are important to students, and of interest to the taxpayer, but there are also limitations to these measures. This includes the outdated nature of definitions of 'graduate jobs' and influence of other factors driving outcomes such as local differences, among others.