

# Our response to the Office for Students consultation on the Teaching Excellence Framework

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## Questions relating to all proposals

**Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.**

Where there are aspects of the proposals that we think need to be clearer, we have raised these in our answers to the relevant questions.

**In your view, are there ways in which the policy intention (see the box 'The purpose of the TEF' on page 12 of the consultation document) could be delivered more efficiently or effectively than proposed here?**

We are supportive of the TEF as an enhancement framework provided changes are made in line with our response to this consultation to mitigate potential risks.

We do, however, think there needs to be more thought given to the interaction between the TEF and B conditions 1 to 5. The stated policy intention of the TEF is to deliver excellence above the minimum baselines. In places the TEF proposals appear to confuse this purpose with baseline regulation, for example the inclusion of

subcontracted provision and creation of a 'requires improvement' category. The OfS needs to avoid trying to do the same thing with two separate mechanisms, to avoid unnecessary burden and potentially conflicting approaches. We recommend the OfS reflects more closely on its policy intention of TEF existing 'above baseline' as it develops its final model for the TEF framework.

In their [response to the phase 2 quality and standards consultation](#) the OfS say, "We have engaged with equality considerations throughout our policy development and decision-making process and, in both phases of consultation, we have explicitly called for responses on the potential impact of these proposals on individuals on the basis of their protected characteristics." We do not think the response from OfS so far has been sufficient to demonstrate how it has addressed sector concerns on equality. We are therefore calling on the OfS to carry out and publish an equality impact assessment on the proposals. While we understand this is not legally required, the TEF needs to be designed in a way that does not include definitions of or guidance on 'excellence' that might be affected by unconscious biases that do not support the diversity of the sector and student population. The sector then needs an opportunity to comment on this and suggest mitigating actions where concerns and potential unintended consequences are raised.

## Questions relating to specific proposals

**Question 1 - To what extent do you agree with our proposal for provider-level, periodic ratings? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

Tend to agree

We welcome the proposal to have provider-level ratings. We have consistently argued for this. The process for participating in additional subject-level exercises is unnecessarily burdensome for providers that already regularly assess their performance across subject areas through internal quality assurance. For the comparison to be possible, a subject-level exercise is also reliant on national data that is not always reliable or publishable once broken down to this level of detail.

Moreover, we think that for student information there is already high quality information available directly from providers for prospective students to use when choosing where and what to study. This is often much more useful than a simple

rating which cannot capture details like what modules are available and how courses will be taught and assessed.

However, we also agree that subject-level considerations should be considered in the provider-submission and that the provider and panel have access to data at this level to understand differences in performance across a provider. This is similar to approaches providers already use to identify where there is scope for further improvement and where good practice can be found. For example, the recently launched UUK [framework for programme reviews](#).

We support the TEF being a periodic exercise. Four year cycles will allow providers to make changes to their offer in response to their rating and evaluate this to make further changes before being re-assessed. It ensures that there is a wider range of evidence to draw on than there would be for a single year and can control – to some extent – the potential impact of external events (for example, the Covid-19 pandemic). It also reduces the burden created by more frequent cycles.

However, if the OfS progresses with its suggestion to introduce a ‘requires improvement’ category (proposal 4) we suggest there is an opportunity for a mid-point re-assessment specifically for providers in this category due to the concerns we set out in our answer to question 4. Proposal 1 would make it impossible for a provider to have a ‘requires improvement’ rating re-assessed and revised for four years. This can be reputationally damaging as a ‘non-award’ and may impact on a provider’s ability to make improvements where it has a prolonged negative effect on student recruitment and the provider’s tuition fee limit.

There is also the potential for the data dashboard and TEF ratings not to align, for example if improvements happen at pace. Allowing a re-assessment period two years into the cycle offers a solution to this issue. It could encourage providers to make immediate changes and respond directly to the panel’s written report, thereby improving the student experience for current students. This could be done with the understanding that a revised rating would not be guaranteed and/or that if it were revised this would only hold for two years after which the provider would be required to enter the new TEF cycle.

**Question 2 To what extent do you agree with our proposal for aspects and features of assessment? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We think it is good that assessment will cover both student experience and student outcomes, and that within these there will be increased emphasis on the mission and context of a provider. We welcome the decision not to be overly prescriptive in what 'excellence' looks like with recognition that providers are autonomous and diverse, and that excellence can present in many ways. It will be important, however, to ensure that the panel is fully equipped through guidance and training to assess the different examples that are likely to be presented.

The read-across to the B conditions of registration is also helpful. This will minimise burden on providers, particularly where there is data alignment, and provide more transparency in how the TEF operates within the OfS's regulatory framework. We think that the provider submission will also be a useful resource for the OfS to refer to when considering the context of any breach identified on the B conditions and recommend this being a part of their regulatory judgement where it provides evidence of wider compliance.

We support the introduction of educational gain as a way of showing that while the outcomes indicators proposed for B3 are important, they are limited as markers of quality. They are not something a provider can exert full control over, particularly in the case of employment outcomes. They also do not acknowledge the level at which students enter a provider. Educational gain, as defined by a provider, gives a more nuanced understanding of what 'positive outcomes' can look like and represents something more directly linked to quality of provision. We do think, however, there needs to be much more clarity on what an acceptable target 'gain' would be to the panel and reassurance that providers' missions will be fairly assessed against this. While we do not support a prescriptive approach, more guidance on educational gain is needed.

**Question 3 To what extent do you agree with our proposal for the rating scheme? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

Tend to disagree

We appreciate that the categories gold, silver, and bronze are easy to understand and with the addition of a fourth rating category (with a name such as ‘meets quality requirements’ – see our answer to question 4), could help with historical concerns that bronze was previously viewed as a failing. However, since this is a new exercise, we also think there is an opportunity to redefine what the TEF is and make a clear break with the previous system. This would help in showing that historic ratings were based on a different methodology, indicators, and approach and are therefore not comparable with the current (i.e. new) system. This would also ensure that any change in rating is not necessarily because of a change in quality but possibly a change in TEF methodology.

This could include a version of the recommendations from the Pearce Review, namely ‘commended’, ‘highly commended’ and ‘outstanding’. This would be our preference. Alternatively, award names that more closely align to the assessment process, for example ‘exceeds baseline requirements’, ‘very high quality’, and ‘outstanding quality’. The crucial thing is that there are new names that clearly distinguish the awards between the old and new methodology.

We would also welcome feedback from students to understand their perception and comprehension of different rating names (paragraph 52). However, we are disappointed that despite having twelve months between the publication of the Pearce Review and this consultation to consider the names attached to the ratings, the OfS did not seek this student feedback earlier to help inform the responses to the current consultation.

**Question 4 To what extent do you agree with our proposal where there is an absence of excellence? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

Strongly disagree

We support the introduction of a fourth category and understand its purpose but we have significant concerns about the label 'requires improvement'. This language does not match the fact that to have participated in TEF these providers will have met the B conditions of registration which by the OfS's own definition is 'high quality'. There is always room for improvement, and we agree that providers should be looking to demonstrate excellence beyond the minimum baselines. However, that is not a regulatory requirement under the OfS model and the OfS's preferred language here is unhelpful.

'Requires improvement' has strong associations with Ofsted and schools assessed to be performing poorly. In the eyes of the public, and therefore students, this could be reputationally damaging for institutions assumed to be 'failing' despite meeting high quality thresholds. In turn, this could lead to students choosing not to study at a provider that may offer specialist courses or support that would benefit the student, based on a misunderstanding of the category. It therefore limits informed student choice.

It could also see a more general fall in student numbers. While we know that this can create an incentive, a fall in student numbers may impact on the ability of a provider to invest in and make the changes they want to improve, which sees the issue repeat.

This will be exacerbated where the consultation proposes that the fourth rating category will be viewed as a provider not receiving a TEF award, and the tuition fee limit therefore set at a lower rate. As in our answer to question 1, we think this means a re-assessment option needs to be made available to providers receiving this rating. The implication is also that the regulator is content to allow provision it considers to be needing significant improvement to continue at a lower cost.

There is a further danger that to international audiences, many of which are still coming to understand the new regulatory framework in England, that this presents the English higher education sector as poorly performing – if many providers receive this rating on one or both aspects. This is despite all registered providers having had to demonstrate that they meet high quality thresholds. There are worrying implications for international partnerships in TNE, the recruitment of international staff and students, and the International Education Strategy. As we explained in our [response to the OfS's consultation on its strategy 2022-25](#), the regulator needs to get the balance right between demonstrating how a strong regulator is holding providers accountable while not allowing this narrative to undermine the high quality provision that is far more prevalent.

The label also has the potential for confusion within the OfS's own language. The regulator can apply an improvement notice to providers where they have breached a condition of registration. The 'requires improvement' category of the TEF would not have an improvement notice attached to it. While we agree that the TEF is designed to incentivise rather than order improvement, the expectations on the provider and understanding of this externally starts to become less clear. It appears more as a regulatory requirement than an enhancement exercise.

The relationship between this category and the B conditions is also still unclear. On B3, where proposals are for absolute numerical baselines, issuing many 'requires improvement' ratings may see these baselines called into question. This risks regularly reviewing the baselines, creating moving targets and undermining the idea that an absolute level of 'high quality' has been established through the current consultation on student outcomes.

Our preference, if a fourth rating targeted a providers who have an 'absence of excellence' is introduced, would be to use the language of the Pearce Review, namely 'meets quality requirements'.

**Question 5 To what extent do you agree with our proposal for provider eligibility? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

The requirement to meet the minimum baselines of the quality and standards conditions makes sense if the TEF is designed to assess excellence above the baseline. We therefore support the eligibility criteria.

However, we think the OfS needs to give more thought to how this works in practice. It is not clear from the consultation whether a breach on B3, for example, which corresponds to student outcomes would and should mean a provider was unable to receive – or would lose – an aspect rating on 'student experience'. Similarly, if the only breach were on B5 – something not directly aligned to the TEF – whether this would be sufficient grounds for a TEF rating to be withheld. The approach needs to be proportionate and consider where the breach has occurred and how significant the breach is. For example, how many courses and/or students have been affected.

We agree there should be re-consideration of cases where the breach does not relate to the students covered by the TEF rating. We do not underestimate the significance of any breach, but the OfS is clear in this consultation that the TEF ratings must be transparent in what they relate to. If there is a breach on postgraduate provision, it would be misleading to students and external audiences to withhold a rating when doing so could be mistakenly viewed as a negative judgement on their undergraduate courses. If, as outlined in proposal 13, a provider cannot use their TEF rating in promotional materials for ineligible courses, it would be contradictory for the OfS to remove a TEF rating based on a breach on ineligible courses.

We think there also needs to be alignment with how breaches and the TEF interact. This should include more thought being given to the sequencing of the TEF with the annual assessment of B3. We think that a judgement on B3 should be made before providers are required to start preparing their TEF submissions. We suggest the TEF window should begin in late winter or spring.

In paragraphs 83(c) and 92(b) the OfS states that funders and regulators in the devolved administrations would need to alert the OfS to any breaches of their quality and standards requirements. We agree with this. However, we think that any decision on how this affects their ability to retain a TEF rating needs to be in consultation with the funder and regulator to understand the detail and significance of the breach, given the different quality arrangements in place – rather than a breach being the sole determining factor.

**Question 6 To what extent do you agree with our proposal for courses in scope? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to disagree**

Providers must accept responsibility for ensuring students registered on its courses are receiving a high quality experience even if not taught by them and should not seek to profit from partnerships where there is significant evidence of poor quality. However, we think that extending this from the baseline requirements of the B conditions to the TEF risks being unnecessarily burdensome for providers.

If registered with the OfS, the partner provider has demonstrated to the lead provider and the regulator that it is maintaining high quality standards by meeting the

baseline requirements. The lead provider has also been assessed on the performance of its partners here.

Even on sub-contracted or franchised provision where much is determined by the lead provider, it would be inappropriate for the lead provider to become overly prescriptive and involved in how the teaching provider ensures excellence above this. For example, engaging in recruitment, training of staff, and managing facilities. One of the benefits of partnerships is the diversity they bring and the ability for sub-contracted providers to deliver for their students who they know best. These students may also often be vastly different in their characteristics and goals to those students studying at a lead provider, making things like educational gain harder to compare. This does not mean they should expect lower standards but there may be differences which the partner provider is best placed to shape and then detail in its submission.

It is for this reason we welcome the OfS's recognition that it is inappropriate to include validated-only courses where the lead provider does not design the course and has less oversight.

There is also a burden attached to including these students within a submission, particularly if there are multiple partnerships with different providers and/or covering different courses. To ensure they are reflected in the submission and the submission explain any variation identified by the split indicators, the exercise looks set to become overly complex. This is an unnecessary burden where these students and their courses are already included within a partner providers' TEF rating if registered with the OfS. We also do not think it is realistic to expect a student submission to account for this either.

In numerical terms, at large providers these students will typically comprise only a small proportion of the total registered student population. However, with a proposed split indicator on partnerships (proposal 9), if sub-contracted provision is included the OfS needs to be much clearer in what weight the panel will be advised to give to performance within partnership arrangements. It may also be confusing to external audiences who would assume the TEF rating (as its proposed name suggests) relates to the experiences and outcomes from the teaching of the lead provider. Even if student information is not the primary policy driver, the OfS must still consider how it will be viewed and understood.

We support the decision to exclude TNE and modular courses from mandatory inclusion because of concerns about data quality and availability across the indicators. However, the suggestion that providers can include these courses within

their submissions is equally welcome. We would be keen to work with the OfS to explore how these forms of provision might be brought into the TEF in the future, and how their contribution to a rating can be fairly judged by the panel. UUKi currently has a group convened working directly on this issue which can feed into this process. However, it must also be noted that there is no quick answer. Plans for data collection need to be developed, the data then collected and made available before it can be included.

Finally, there is a further risk of regulatory overlap in the proposals. For example in the regulation of degree apprenticeships where there is crossover with Ofsted. It will create a dual burden on providers who are also subject to Ofsted inspection and required to maintain detailed data records and narrative submissions in a separate format. We would recommend that given the scale of degree apprenticeships remains small, for TEF specifically these could voluntarily feature in a provider submission but not be mandatory unless the OfS can work more closely with Ofsted to align their processes.

**Question 7 To what extent do you agree with our proposal for provider submissions? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Strongly agree**

We are supportive of the greater emphasis being placed on the inclusion of a provider-level submission and a wider range of qualitative and quantitative evidence, for all the reasons the consultation outlines. It is more tailored, provides context and greater detail, promotes reflection, and covers issues that cannot be found in nationally-collected indicators, such as educational gain. Providers will be able to call upon lots of activity that already happens internally, from internal quality assurance processes to board of studies meetings, from staff-student committees to programme reviews.

We think the publication of guidance, suggested headings, a template, and a page limit are all helpful in ensuring a degree of consistency and comparability as well as minimising burden. However, where there is a degree of autonomy in how evidence is used and presented, the preparation of the panel and its ability to make judgements in a consistent way will need particular attention. Flexibility in the presentation of evidence is not a bad thing but it must be fairly judged.

It is reasonable to expect that the evidence presented is reliable and accurate, clear in how it has been gathered and analysed, and can be verified with references. On a technical point, we would suggest that the list of references and methodology should not be included within the twenty page limit which risks content that demonstrates excellence being excluded to ensure there is a comprehensive list of references that may only be checked if the provider is part of the random sample.

**Question 8 To what extent do you agree with our proposal for student submissions? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We strongly support the opportunity for students to engage in the TEF and we appreciate the OfS's efforts to ensure the exercise is as low burden as possible, so that students feel able to participate.

However, there are some inconsistencies in the proposals when compared against the provider submission. For example, in paragraph 136(c) it suggests the timeframe will be the same as for the provider submission and yet also states the intention to cover 'current students'. To avoid increasing burden on students, we would simply recommend that where possible the student submission is encouraged to reflect on any existing evidence from the four year period, for example surveys and annual reports. This will provide consistency in approach across the three forms of evidence (see response to question 9), ensure the experience of all student cohorts from the four-year period are in some way represented, and that the panel is not reliant on only the most recent academic year to make its assessment.

While we agree with making the exercise low burden for students, we are concerned that there is no requirement at all to provide sources or verification of evidence. While this should not form a central part of the student submission, we think there needs to be some detail on how the student submission has been developed and students' views collected.

We agree that students need an opportunity to submit evidence independent of their provider. The OfS should be clearer, however, in how it intends the panel to handle cases where there is a significant discrepancy between the provider and student submissions. There is also a potential tension between a student union submission and the wider student view that will need to be carefully managed, with variation in

student union engagement across types of student. We also recommend that providers are given an opportunity to review and address inaccuracies in the student submission prior to the panel's review. This would help minimise the likelihood of representations being required after the event.

The OfS should consider how well the timing of the submission window will work for students. Annex D suggests that a sabbatical officer might be an ideal candidate for the nominated student TEF candidate and yet the period to which the TEF assessment relates and the submission window will involve an overlap in student officers. There needs to be time for new sabbatical officers to understand the process and purpose of TEF and to meaningfully engage in the process. From this perspective, we would recommend a late winter or spring start date.

**Question 9 To what extent do you agree with our proposal for indicators? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We recognise the importance of referring to some comparable national indicators in the TEF while also welcoming the suggestion that these should account for no more than half the judgement. As above, we think the provider submission is crucial in providing the necessary context and provider-specific evidence and that this best demonstrates performance across the two aspects.

We think the proposed National Student Survey (NSS) scales for use in constructing the student experience indicators cover the elements we would expect to be included. However, while the NSS remains under review – including piloting alternative question wording and response options – there needs to be further thought given to the longevity of the current proposals. A delay to the proposed start date would not necessarily mean changes from the review are reflected in the data since it will still cover the past four years. However, there will be more understanding of how these indicators can be constructed and used in a way that will most closely align with the future NSS and a future TEF cycle.

We agree that student outcomes indicators should align to those used in B3 and other regulatory activities. This reduces burden and makes regulatory decision-making more coherent and transparent.

We have some concerns about the inevitable variation in timing of these indicators and the years to which they refer. It is important where possible to have timely data collection, and we have supported this in [our response to the OfS consultation on Data Futures and data collection](#). However, when thinking about a four year period, the data available for continuation and completion will refer to different cohorts to the NSS data and to the lagged progression data. There is the potential for this issue to extend to the data included in the provider submission. There will need to be clear information for external audiences on how the indicators map onto the dates of the TEF cycle. There will also need to be further guidance on how providers can and should reflect on this in their provider submission.

We support the commitment to transparency in the publication of data, and the data dashboard examples appear helpful in indicating performance against benchmarks and statistical uncertainty. The challenge the OfS will face is that these dashboards cannot account for context and without engaging with the provider and student submissions for TEF and subsequent written panel reports users may not have enough information to understand what they show us. If the data is updated annually but providers only have the two to three month submission window every four years, it can also be a long time until providers are able to address data that is in the public domain.

We provide more views on the use of benchmarking, split indicators, and statistical uncertainty in our response to the consultation on constructing indicators. Some general points are reflected below:

- The use of 2.5 percentage points to differentiate between high, very high, and outstanding quality is sensible based on the modelling presented.
- The inclusion of 'level of study' as a split indicator for TEF – while being used to create separate baselines in B3 – makes sense where TEF is concerned with overall undergraduate performance.
- The presentation of further information on the size and shape of the provider and their courses as additional context will help to demonstrate the relative weight that the panel might wish to attach to data available via split indicators.
- The focus on a binary approach to 'positive outcomes' can often be limited. While understanding that this can be simpler than using more complex measures, we think that this must remain under review.

**Question 10 To what extent do you agree with our proposal for expert review? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We welcome the use of expert review to award TEF ratings. This will help make sure the exercise does not become metrics-driven and a tick-box exercise. The sector is diverse and when demonstrating excellence, it is important to consider context. Not all providers will work with the same types of students or offer the same courses, and the indicators viewed in isolation may not be the best way to assess how well the provider is supporting students to meet their personal aspirations. The use of expert review enables performance against the indicators to be assessed with reference to context.

It will also provide space for innovative practices to be recognised and rewarded. This is where providers can demonstrate not only that they can reach the numbers considered 'positive outcomes' but do so in creative and exciting ways that support their students and further our understanding of good practice.

We further welcome the decision to remove the initial hypothesis approach that previously limited the impact of the provider submission on the panel's decision.

The OfS states their intention for open recruitment to appoint the panel and to ensure diversity in types of higher education provider and background. From the perspective of equality, diversity, and inclusion, we agree this is crucial. However, there is no detail in the consultation about steps the OfS will take to encourage individuals from often under-represented groups, particularly among students for the student panellists, to apply and then support them in taking on such a role. The OfS should consider running a series of information events and offering additional training and support for student panellists.

It is also not clear how and when the OfS will make a judgement on whether it has been possible to achieve the necessary diversity and what happens to the panel and/or timescales if there is a lack of sufficient diversity following the first round of recruitment. We would encourage the OfS to be prepared to extend the recruitment period to ensure the panel can provide a balanced and representative view.

There are also outstanding questions on how the smaller panels will be comprised and operate. For example, how many individuals will form a panel, whether there will

be a nominated chair within a panel, whether the smaller panels will be fixed or change throughout the cycle. We would recommend that smaller panels are not fixed so that there is more chance of calibration and moderation.

There must also be consideration given to how academic staff can be supported to incorporate the role alongside their day job as well as the time they will need to commit and at what point in the academic year. The OfS should have an idea of how many panellists they are likely to need – we know how many registered providers there are in England – and yet there is no discussion of how many panellists will be recruited and how many providers each small panel or each individual panellist will be required to review. It is important that the full panel is not so big that there is inconsistency in approach but not so small that the exercise becomes reliant on the goodwill of a small group of academics and students.

We would like more information too on how a larger panel decision will relate to the smaller panel in moving recommended ratings to provisional ratings, and whether this larger panel discussion involves the entire panel or simply a larger subsection. We understand the challenges of bringing an entire panel together but would recommend that there is an opportunity for the full panel to meet and some form of calibration built into the moderation process. We think it is important that there is no norm-referencing or end-stage adjustment based on the proportion of each award. Each provider should be judged on its own merit.

The type and amount of training available for the panel will need to be sufficient to ensure panel members are fully equipped to use the indicators data and interpret a wide range of evidence. There needs to be good understanding of benchmarking and statistical uncertainty and the relative strengths and weaknesses of the chosen indicators (both the method by which they are collected and created and what they can and cannot tell us about experience and outcomes). The panel members also need to have the ability to assess the quality of the evidence in the provider and student submissions, to be able to compare what might be vastly different submissions. We are concerned that the pace at which TEF is being proposed may limit the time available to make sure the panel is fully prepared.

We welcome the opportunity for providers to make representations and consider 28 days to be a reasonable period for this. However, the proposals are vague on how the panel will be involved in this process and the extent to which this might constitute an appeal. For example, whether the original small panel will re-review the case, whether a larger or different panel will review the case, and on what grounds might a change in the provisional rating be permitted.

We also think that there should be an initial window in which providers are given their data and can review this and notify the OfS of any errors, prior to the submission window opening. This will minimise the likelihood of providers having to make representations later to correct errors.

**Question 11 To what extent do you agree with our proposal for the assessment of evidence? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We recognise the importance of comparable national indicators in the TEF while also welcoming the suggestion that these should account for no more than half the judgement on the extent to which there is very high quality and outstanding quality. As above, we think the provider submission is crucial in providing the necessary context and provider-specific evidence that best demonstrates performance and excellence.

We tend to agree that there should be equal weighting between the two aspects. These are issues that matter to students and where providers want to do as much as they can to support students. The addition of context, educational gain, and benchmarking will be particularly important in the case of student outcomes, however, as outcomes are an area where providers are not wholly in control. It will be important that outcomes indicators do not have too much weight placed on them. It will also be important that the panel adopts a balanced approach and that pockets of teaching considered to be at a lower level of excellence – or even at the higher level – are not disproportionately weighted in the aspect ratings.

We think that the areas the panel will be encouraged to look at within the written submissions are broadly appropriate. However, without being able to review the panel guidance and see more information on the training and/or calibration activities the panel will access, it is difficult to comment on whether we consider there to be appropriate training in place to ensure consistency and fairness in approach. It would therefore have been helpful to have more information on how the panel will be encouraged to assess severity and prevalence. We recommend this guidance being made publicly available prior to the submission window opening to help providers know the criteria against which they will be assessed.

While understanding that in cases where indicator evidence is not reportable or has a degree of statistical uncertainty there will inevitably need to be more weight given to

the provider and student submissions, this will result in the indicators playing more of a role in some providers' assessments than others. This is understandable but does risk a less comparable system of ratings.

We think that the proposal to limit ratings to no more than the highest aspect rating and no higher than one above the lowest rating is broadly reasonable and would make sense to an external audience. However, we argue that student experience is almost entirely in the gift of the provider whereas there are limitations to how far student outcomes can be affected, and this may require some flexibility.

**Question 12 To what extent do you agree with our proposal for published information? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

Overall, we support transparency through the publication of data and ratings. This extends to the publication of the panel's written statement, provider submission, student submission, and indicators on the OfS website.

However, we are concerned that without additional information to explain how the ratings have been arrived at, what they mean, and what they can and cannot tell you, there is a risk they will be misunderstood. This is important for any publication of TEF information but particularly on student-facing channels such as UCAS and Discover Uni. If only the award names are published it says very little about what the award means. The information relates to retrospective data and not the experience that the student can, following a full admissions cycle, necessarily expect to receive. It is also a summary of provider-level performance over four years. It risks students making snap judgements and creating their own rankings. It would be unfortunate if a student dismissed a university based on, for example, a bronze rating when that provider may be world-leading in the discipline the student is looking to study and/or can meet their specific needs.

For example, if the OfS goes ahead with its proposal to have a 'requires improvement' category it needs to be clear to users of the ratings that this means minimum baselines of high quality have still been met.

Where a provider is ineligible to participate in TEF, the OfS also needs to be clear on why this is the case in any presentation of the register on its own website. For

example, ensuring a provider that cannot participate due to only teaching postgraduate students is distinguished from a provider that cannot participate due to a breach on quality and standards.

One thing that is not clear from the consultation is whether all providers will be notified of their provisional award on the same date and therefore whether the publication of ratings and/or 'pending' status will happen simultaneously following 28 days or whether publication will be more ad hoc over a period. This is important in determining the best way to manage those cases where representations are made and decisions on where to publish the information.

We think there needs to be a streamlined process for addressing cases of factual errors that sits apart from representations that are contesting a rating to ensure the former can be processed quickly and efficiently and ensure these providers are not disadvantaged by 'pending' status. This will be particularly important if the OfS intends to use TEF ratings on UCAS and Discover Uni where students are more likely to access this kind of information. As above, this could be helped by an initial window in which providers can review their data dashboard and notify the OfS of any corrections that are needed.

**Question 13 To what extent do you agree with our proposal for the communication of ratings by providers? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

**Tend to agree**

We agree that providers should be able to display and promote its own TEF rating(s) but equally that this should not be a mandatory requirement. This data will be available elsewhere via the OfS, which is important for transparency. While we know the ratings can be useful for students, we also know from the subject-level pilots for TEF that course-specific information can often be more helpful for students when deciding where and what to study. Providers are best placed to know the information that will be most useful for the kinds of prospective students they typically work with and can decide on the appropriateness of promoting a TEF rating alongside this.

We agree that guidance to ensure consistency in usage and communication of ratings will be important for transparency and understanding for external audiences and to ensure fairness across the sector. We think it is reasonable that the guidance will advise against publishing the ratings and data in an irresponsible way, for example in

reference to postgraduate provision to which the TEF does not apply. Information for students and other external users must be clear and should not be deliberately misleading.

It is also, therefore, reasonable to propose that single aspect ratings should not be published without reference to the overall rating, but we welcome the opportunity for aspect ratings to be promoted alongside an overall rating.

**Question 14 To what extent do you agree with our proposal for the name of the scheme? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

Tend to agree

We think that the TEF and Teaching Excellence Framework are now established names, and it therefore makes sense to keep these. The main thing will be the communication and materials that sit alongside the name and ratings so there is transparency about what the ratings mean, how they have been arrived at, and how this differs from earlier cycles.

In paragraph 235 the OfS comments that they intend to work with prospective students to understand their perception and comprehension of different names for the scheme. As with the rating names, given the OfS has had twelve months between the publication of the Pearce Review and this consultation to consider the names for the scheme, it is disappointing that this student feedback is not available at this stage to help inform our response.

**Question 15 To what extent do you agree with our proposal for the timing of the next exercise? Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.**

Strongly disagree

The proposed timetable, with the panel being appointed in August 2022 and submission window opening in September 2022, presents several concerns for other proposals:

- **Proposal 7** – while providers are likely to have more time to prepare than students, with the consultation itself giving an indication of what is likely to be required and initial data sharing, the window will coincide with the start of the academic year at a time when providers are still grappling with the uncertainty of the Covid-19 pandemic and supporting many students’ transition following significant disruption to their learning at school. Providers’ priority must be their students. The timetable risks an unhelpful burden at this point in the academic year. We also think there needs to be more time to allow providers to review their data dashboards, identify OfS of any errors (and make representations), and familiarise themselves with it. We have had it reported to us that the current data dashboards contain many errors.
- **Proposal 8** – the submission window may not allow time for a new team of sabbatical officers at many UK universities to have come into post, reviewed relevant guidance, and submit a comprehensive student submission.
- **Proposal 9** – the suggestion to run the process in the 2022-23 academic year will mean that the indicators and evidence in TEF will cover the disruption of the Covid-19 pandemic. We agree that performance during the pandemic should be evaluated. We also understand that even a delay of a year would still have a TEF cycle featuring evidence and data from the pandemic. However, there would be greater understanding of the impact of this for a provider submission once the pandemic has passed.
- **Proposal 10** – the pace risks appointments to the panel not being as diverse and representative as needed. The OfS does not set out how the open recruitment will be conducted, how diversity will be encouraged, and what plans they have in place should the first round not be successful in securing enough suitable panel members – and any delay this might cause. The panel then needs sufficient time for training and calibration activities to be equipped to analyse and assess the wide range of evidence, to consider the application of benchmarking and statistical uncertainty, and to make appropriate and consistent judgements. The OfS needs to consider the other pressures the panellists will be under at the time this training and the review of submissions takes place.

We recommend the submission window opening in the late winter or early spring beginning in 2023. This will support better sequencing alongside B3, ensuring that providers are already aware of their eligibility before they begin the process. It also allows student sabbatical officers time to contribute and for the provider to have more time to dedicate to the exercise, and not at the expense of supporting a lot of new students at the start of the academic year.

Where the TEF is operating on a four-year cycle, it is also unclear why the window for submissions is only between two and three months. There is a large volume of data to be reviewed, across multiple indicators, and a need for a provider to understand and consider its performance across all of these. This stage needs to happen ahead of drafting a submission which will need to address the issues the data flags. At the other end, internal sign-off processes including review by the governing body need to be factored in. We think there should be more time available for the provider and student submission, irrespective of the start date, and that this should be at least a full three months with the option of an addition 2-4 weeks to review the data.

We also want to raise a concern that the short consultation window in which we have to respond to these proposals appears to be driven by inflexibility on the TEF timetable. This is minimising opportunities for meaningful sector engagement and creating significant burden on providers, with multiple complex consultations being open at the same time. This is completely at odds with the OfS commitment to reducing burden.

We also do not consider the rapid pace necessary. New conditions of registration will provide reassurance that high quality courses are being delivered and as this consultation notes, knowing that a TEF cycle is shortly to start can be motivation enough to drive improvements. Providers are already always looking to where they can improve, with or without TEF. While we know this would delay re-assessment of current ratings and some providers that are new to the register from receiving a rating, we think it is better that we get the model right now than rush and must revise significantly in four years' time.

There is a further risk that the OfS will be rushed in its analysis of responses. It took over six months to analyse responses and publish future arrangements for phase 2. The OfS now has three consultations to analyse and yet expects this to be achieved in half the time. We do not think that this is realistic.