

# UUK response to the Office for Students consultation on the future approach to quality

Universities UK (UUK) is the collective voice of 142 universities in England, Scotland, Wales, and Northern Ireland. Its mission is to create the conditions for UK universities to be the best in the world, maximising their positive impact locally, nationally, and globally. Universities UK acts on behalf of universities, represented by their heads of institution.

## Executive Summary

We support the principle of a more integrated approach to quality where this will bring greater coherence and reduction in regulatory burden. We share the commitment of both the government's post-16 education and skills white paper and the Office for Students (OfS), set out here and in the new OfS strategy, to ensuring that all students, regardless of background, institution or course studied, receive the highest quality education.

As our response sets out, however, we are concerned that elements of the proposed approach are inappropriate for achieving this goal and risk unintended consequences that may set back progress in improving teaching and learning.

- **We do not support the proposal to redefine Bronze** as 'meeting minimum requirements'. This risks misrepresenting quality, confusing students and stakeholders, and damaging the sector's international reputation. Bronze-rated providers often significantly exceed regulatory baselines, and it is inaccurate to suggest that a bronze rating is not indicative of high quality.
- While we agree that providers falling short on quality (rated Requires improvement) should be subject to regulatory intervention, **we strongly oppose the proposed penalties for Bronze-rated providers**. These

measures—such as restrictions on student number growth, eligibility for funding and Degree Awarding Powers—are **inappropriate to apply to institutions meeting regulatory baselines** and risk undermining improvement efforts, reducing student choice and disproportionately affecting providers working with diverse and disadvantaged student populations.

- **We do not support the proposed shift to a rules-based approach for determining overall Teaching Excellence Framework (TEF) ratings and the reduced role for contextual information.** Removing panel judgements and limiting consideration of improvement plans and provider-defined outcomes risks oversimplifying assessments and failing to reflect the diversity and complexity of provision across the sector. Although we appreciate the OfS’s intention to address regulatory burden, **we are concerned the proposals prioritise this at the expense of an effective and nuanced approach to quality assessment.** Rather than removing important elements of the TEF process, we think there is more value in the OfS and government using proposed reforms set out in the post-16 white paper on regulation more broadly to rethink the OfS’s core duties and establish a more focused and streamlined model of regulation in which quality is central.

## Our response

### **Question 1a – What are your views on the proposed approach to making the system more integrated?**

Quality in teaching and learning is hugely important to the higher education sector. We share the commitment of both the government's post-16 education and skills white paper and the Office for Students, set out in this consultation and in the new OfS strategy, to ensuring that all students, regardless of background, institution or course studied, receive the highest quality education. We have appreciated the OfS's engagement to date with the sector in developing its new approach and would encourage the OfS to continue this activity as it refines it further.

We are supportive of the OfS' intention to make the system for assessing quality more integrated where this will bring greater coherence and reduce the level of regulatory burden on providers. The lack of coherence was raised by UUK in our responses to earlier consultations, and we are pleased that the OfS is looking to address this. However, while we can see greater join up between B3 and the TEF in these proposals, and reference to the other B conditions, there is insufficient clarification as to how and to what extent other parts of the quality assessment system (for example, issues relating to grade inflation and academic integrity, information on student complaints etc) are integrated into the proposed approach. For example, we need to understand what the impact of an investigation and/or breach on quality for a TEF award might be. Fully integrating B3 while only partially integrating the other B conditions could run counter to the OfS's intention to improve the clarity and coherence of the quality regulatory system through these reforms.

We note that the consultation includes a commitment to explore compliance with the European standards and guidelines for quality assurance further, including applying to join the European Quality Assurance Register for Higher Education. We have consistently argued for this, most recently in our 2024 publication [Opportunity, growth and partnership: a blueprint for change](#). Compliance would embed enhancement-led approaches and support the international standing of the UK higher education system, including universities' international partnerships and collaborations and attractiveness to international students. We would welcome further information about how the OfS intends to approach this and urge the regulator to keep this as an objective.

## **Question 1b – Do you have views on opportunities to reduce duplication of effort between the future TEF and Access and Participation Plans?**

We will engage with the OfS as further consideration is given to the relationship between access and participation plans (APPs) and the future TEF. There may be benefits, including reduction of burden and greater consistency of data, of more closely aligning APPs and TEF submissions. We also agree that equality of opportunity should be a consistent thread throughout a provider's teaching and learning strategies. However, the OfS should carefully consider the potential impact of refocusing APPs on access only, including for different types of provider. For example, APPs are an important tool used internally to support institutions to think carefully about student support across the lifecycle and beyond teaching and learning.

A strength of APPs is that they are forward-facing plans, challenging the sector to be ambitious, whereas the TEF relies on historical data, something the OfS is seeking to reinforce by no longer considering improvement plans as context (see question 6). It is vital that whatever changes are made to the APP system do not lose or stifle the innovation they bring. Moreover, any move to bring together these regulatory mechanisms must not inadvertently create perverse incentives regarding the relationship between condition B3 and efforts to widen participation, such as a potential disincentive to recruit widening access students where there is a risk of this negatively impacting on student outcomes metrics.

It is also important that the OfS considers how these proposals align with proposals for reform elsewhere, including those for APPs set out in the post-16 education and skills white paper. Our members have indicated that the frequency of reform to the OfS's expectations in access and participation regulation undermines efforts for long-term ambitious interventions and evaluation.

## **Question 2a – What are your views on the proposal to assess all registered providers?**

We support the consultation proposal to provide more tailored support and guidance for providers participating in TEF for the first time, including support tailored to different types of provider. In reference to a later proposal, the OfS will also need to consider the costs of the TEF exercise. While we oppose charging providers additional fees for TEF assessments, imposing a flat fee will be particularly difficult for smaller providers to absorb.

## **Question 2b – Do you have any suggestions on how we could help enable smaller providers, including those that haven't taken part in the TEF before, to participate effectively?**

We support the consultation proposal to provide more tailored support and guidance for providers participating in TEF for the first time, including support tailored to different types of provider. In reference to a later proposal, the OfS will also need to consider the costs of the TEF exercise. While we oppose charging providers additional fees for TEF assessments, imposing a flat fee will be particularly difficult for smaller providers to absorb.

## **Question 3a – Do you have any comments on what provision should be in scope for the first cycle?**

You could include comments on areas such as:

- the inclusion of apprenticeships
- the proposal to look separately at partnership provision.

Our view is that including apprenticeships within the scope of assessments is likely to increase burden and duplication with work already undertaken by Ofsted. The delivery of an apprenticeship also differs significantly from a traditional undergraduate course, with different teaching methods, employer engagement, and outcomes. For now, we would advise excluding apprenticeship provision from TEF. However, apprenticeships are likely to become an increasing part of higher education, so we would welcome further discussions on how information from Ofsted reports might be incorporated into future iterations.

We support the OfS's proposals for presenting data separately on provision delivered through partnership arrangements in order to support transparency. This will also increase sector understanding of concerns relating specifically to franchised provision, to enable action to be taken where necessary.

## **Question 3b – Do you have any comments on the proposed approach to expanding assessments to include taught postgraduate provision in future cycles?**

We support in principle the OfS's intention to extend the scope of future TEF assessments to include taught postgraduate (PGT) provision. As above, all students,

however they are studying and at whatever level, deserve a high quality higher education. However, future cycles should only be extended to PGT provision provided of the OfS can develop appropriate and robust indicators and that these are progressed in close consultation with the sector, and particularly postgraduate-only institutions. The context of postgraduate-only institutions, many of which are specialist institutions, must be carefully considered and built into the design of a TEF that covers PGT provision. Postgraduate institutions should also be supported to understand the TEF process and complete their TEF submissions, given they have not had the experience of previous cycles to learn from and that postgraduate students have a very different demographic profile to undergraduate students.

We strongly support the OfS's decision not to extend assessments to transnational education (TNE) and postgraduate research provision (PGR) at this time, given the additional complexity this would represent for both the OfS and for providers.

The OfS needs to give much more attention to how it will extend the scope of TEF to modular provision eligible for funding under the Lifelong Learning Entitlement. We would welcome the OfS publishing further information on this when possible, for example a roadmap or timeline for what this will look like in practice, to enable the sector to constructively engage in developing the approach. Policies set out in the post-16 white paper, including the greater focus on exit qualifications at levels 4 and 5, will need working through since this will impact on how the data used in TEF is applied. This includes what constitutes a positive 'completion' outcome and which provider an individual student is mapped to.

#### **Question 4a – What are your views on the proposal to assess and rate student experience and student outcomes?**

We support the proposal to continue to assess two broad 'aspects' in student experience and student outcomes to provide consistency with the current approach and support a cycle of continuous improvement over time in both areas. We also support the OfS's intention to integrate the two aspects with the requirements of the B conditions.

## **Question 4b – Do you have any comments on our proposed approach to generating ‘overall’ provider ratings based on the two aspect ratings?**

We do not support the OfS’s proposal to change what is represented by a Bronze rating from ‘above minimum requirements’ to ‘meeting minimum requirements’. TEF has always been an above baseline exercise and in previous publications the OfS has been clear that Bronze represents high quality. The baselines against which the B conditions are assessed are, in the OfS’s own words, high quality<sup>1</sup>.

The proposed new definition would imply that a provider is only just meeting minimum expectations when in many cases this means student outcomes over ten percentage points above regulatory baseline. In the post-16 white paper, the government is clear that TEF ratings should be a fair reflection of quality and clear to students. Since bronze-rated providers also often significantly exceed regulatory baselines, it is highly inaccurate and unfair to suggest that a bronze rating is not indicative of high quality. We also think that the new definition could create confusion for students and the public, as the Gold/Silver/Bronze category titles strongly imply good performance. If the OfS is to rely on one word judgements, it is crucial that these do not mislead students and the public.

We agree with the OfS that there is benefit in retaining an overall provider rating in addition to the aspect ratings. However, we do not support the proposal to remove the TEF panel from this process and instead to use a rules-based approach for determining an overall rating for each provider. A panel-derived rating provides a more holistic assessment than the rules-based approach, particularly as the ratings rely heavily on lagged data and, in the case of student outcomes, are partially driven by external factors. The TEF panel judgement was a strength of the previous TEF process, with TEF panels making considered judgements on a combination of qualitative and quantitative data. Moreover, where providers decide to include educational gain (moving from mandatory to optional), this will need to be captured in the student experience submission despite being closely connected to a contextual understanding of outcomes. A panel-derived rating will enable this to be considered.

Given the additional incentives and interventions that the OfS is proposing to connect to TEF ratings, it is also vital that the overall rating is as accurate as possible. In our view this means that it requires a nuanced assessment from the TEF panel.

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<sup>1</sup> [How we regulate quality and standards - Office for Students](#)

While we can see that moving to a rules-based approach would reduce the workload for TEF assessors, it does not reduce the burden on registered providers. Members also use the reports from the panels to inform their enhancement activities, and we would be reluctant to lose these vital insights. Publication of these reports and assessments also help to increase transparency and overcoming the risks associated with one word judgements.

We do not believe the OfS has undertaken sufficient analysis of the impact of the proposed approach. It has taken a short-term view on incentives rather than considering the wider implications for quality enhancement. A significant increase in the number of providers receiving Bronze ratings during the next TEF cycle could have a detrimental impact on the international reputation of the English HE sector and by extension the whole UK HE sector, particularly if the OfS pushes forward with the proposed redefinition of Bronze. For example, the proposed new approach to generating an overall rating would lead to an increase from eight UUK member universities with Bronze awards to 27 (based on TEF 2023 data). These are predominantly lower tariff universities, which support the sector's work to widen access and participation. The OfS in its new strategy has committed to being vocal in promoting the sector and its strengths, and being ambitious in its expectations for access, and this runs counter to that. Before proceeding, the OfS must model the potential impact on the sector, and on different types of provider, before proceeding further with the proposals.

**Question 5a – What are your views on the proposed scope of the student experience aspect, and how it aligns with the relevant B conditions of registration?**

We agree that the previous approach should not be substantially changed, and are pleased to see the student submission retained as it is a helpful self-reflective exercise. We are supportive of aligning the scope and the ratings criteria with the B conditions but encourage the OfS to continue to closely engage with and draw on the sector's expertise as the criteria in Annex H is further developed.

## **Question 5b – What are your views on our initial thoughts on the criteria for the student experience rating (at Annex H)?**

You could include comments on:

- whether the ‘course content and delivery’ criteria suggested in Annex H should be framed differently for a provider-level assessment
- whether there is clear enough differentiation between each level, and how this could be improved.

On student experience ratings criteria 6 (on staff teams) we question how a judgement will be made about whether staff team sizes are sufficient, good or optimal and how this will be defined. This seems to be an oversimplified criterion as the number of staff is not necessarily an indicator of quality and will vary by course, and seems to be instructive rather than principles based.

## **Question 5c – What are your views on the evidence that would inform judgements about this aspect?**

You could include comments on issues such as:

- what evidence could demonstrate the requirements of condition B1 are met at a provider level
- whether the submission page limit should be reduced
- the proposed inclusion of indicators based on the ‘Learning opportunities’ theme of the NSS.

We support the proposed approach, including the inclusion of indicators based on the ‘learning opportunities’ theme of the NSS. We support the submission page limit remaining at 25 pages and do not think that the page limit should be reduced further.

## **Question 6 – Do you have any comments on our proposed approach to revising condition B3 and integrating the assessment of minimum required student outcomes into the future TEF?**

You could include comments on areas such as:

- removing the progression indicator from condition B3

- **how contextual factors would be considered at different stages in the process.**

We support the OfS's proposal to simplify condition B3 and integrate an assessment of the minimum required student outcomes into future TEF assessments, and agree with the OfS that this would reduce burden and duplication of effort.

We support the OfS's proposal to remove the progression indicator from condition B3 for the reasons set out in the consultation. This measure has technical limitations, and a provider is less directly able to influence this measure.

We are concerned about the OfS's intention to revise condition B3 so that only factors that explain historical performance would be considered as justifying below threshold outcomes. Our view is that improvement actions a provider has taken should form part of any assessment, not just in cases where OfS is considering whether intervention is needed but in all cases. If the OfS is seeking to encourage proactive ownership of quality by governing bodies and management teams, improvement plans are an important mechanism, as they can shed light on how leadership teams engage with quality, review their performance, and hold themselves accountable. They also provide helpful context where there are issues with lagged data, providing an important opportunity for providers to demonstrate that they are conversant with their data and have credible actions in place to make improvements where needed. This role of context is especially important given that TEF assessments result in a one word judgment that carries significant reputational impact, a weakness that has been identified and now addressed in a revised Ofsted framework. OfS should review the lessons learned by Ofsted and consider the significant risks of one word judgements with limited additional contextual content.

### **Question 7a – What are your views on the proposed approach and initial ratings criteria for the student outcomes aspect?**

We support the OfS's intention to streamline the assessment of student outcomes to make them less burdensome and complex. We also support the development of a more rounded set of post-study or employment measures.

We note that universities have spent considerable time and effort on developing measures of educational gain. Although we understand the OfS's rationale for not pursuing this approach for all providers given the expansion of TEF, we welcome that this can still be optionally included as part of evidence, although our view is that this should not be limited to the student experience aspect and should still be considered as part of student outcomes. As above, this is one reason why we would maintain

that a panel-derived rating is appropriate. We also note the government's intention (set out in the post-16 white paper) to work with the OfS to develop options for how progress in higher education is measured and compared with a Progress 8-style measure. In developing this measure, it is vital that as a first step the OfS works with the sector on considering its feasibility, including how it may align with a reformed TEF exercise.

As part of future consultations with the sector, we would be keen to engage in how the student outcomes aspect can utilise Graduate Outcomes data and/or other sources of information to assess outcomes beyond taught undergraduate degrees. This should include thinking about taught postgraduate, apprenticeship provision, and the implementation of the LLE.

### **Question 7b – Do you have any comments on the proposed set of employment and further study indicators, and are there other measures that we should consider using?**

We support using only continuation or completion outcomes' minimum thresholds to determine the rating between Requires improvement and above, as post-study indicators could be more impacted by factors beyond a provider's control. We generally agree with using existing KPIs as amendments to a broader set of post-study indicators, considering the administrative burden of collecting data. However, OfS would need to communicate if changes to data collection (eg in-year collection) may impact some of these measures. Moreover, OfS would need to ensure that providers have full visibility over these new datasets, so that they can understand and improve performance. We note that the OfS intends to include detailed proposals for the additional post-study measures in the second consultation.

We support the OfS's initiative to take into consideration graduate characteristics, subject and level of study, as well as regional factors when benchmarking employment outcomes. We believe that this should be used across all post study and employment measures. We understand that OfS intends to adjust for local differences in employment opportunities, which we agree with, and should also be reflected in benchmarking of salary measure to account for salary disparities arising from London weighting.

Nonetheless, we stress the importance of the OfS carefully implementing its benchmarking methodology to ensure it accommodates characteristics that may presently be overlooked, including graduates who have taken family leave or career breaks for reasons outside the provider's control, as well as conventional graduate

attributes. For example, the OfS could carefully implement the benchmarked salary measure by also considering IFS' research. Overall, we support the OfS' incorporation of this measure. While it is not a pure marker of quality, used in combination with other indicators, it can provide useful context. However, the OfS should consider adopting the IFS' recommendation of using the maximum salary over three to five years after graduation to smooth out randomness in early career earnings and provide a better reflection of long-term outcomes. Consideration should also be given as to whether post study measures should be differentially weighted to account for differences in lagged data.

We also note that the Graduate Outcomes survey provides valuable information on where students go upon graduation. We agree with OfS's view of not including 'Reflection on activity to date' or subjective wellbeing sections of the Graduate Outcomes survey, given that there are too many additional factors beyond a provider's control that could impact answers to these questions. However, methodological limitations include capturing outcomes from only one week, 15 months after graduation, and not capturing all employment outcomes graduates might pursue (eg creative industries). Given these limitations, we support use of graduate reflection measures only alongside relevant contextual information to avoid unintended consequences, and also believe weighting of this measure in final judgments should be considered and reduced in favour of other indicators and contextual information. The OfS should also consider whether existing benchmarking factors may need to be amended for graduate reflection measures, to reflect potential differences in subjective responses across industrial sectors, and graduate characteristics. As above, even greater consideration will need to be given to how these metrics will translate to PGT provision and modular provision under the LLE.

### **Question 7c – What are your views on the proposal to consider a limited set of contextual factors when reaching judgements about this aspect?**

We welcome the OfS's intention to allow providers to submit relevant contextual information, such as information about jobs that certain courses are intended to lead to that are not classified by the ONS as professional or managerial and information about flexible study pathways. However, we disagree with the OfS's plan to disregard other evidence in relation to student outcomes, such as details of their approach to delivery, their own alternative measures of student outcomes, or their own definitions and measures of educational gains.

Including these types of evidence will help safeguard against the risk of one-size-fits-all interpretations and ensure that data-driven judgements are contextualised appropriately, ultimately supporting a fairer and more meaningful evaluation of institutional performance. Given the context in which the sector is currently operating, including the increased move towards specialisation and collaboration and the transformation and efficiency agenda, contextual information has a particularly important role in demonstrating this change due to lags in data.

**Question 8a – What are your views on who should carry out the assessments? You could include suggestions for how we can enable more assessors (both academic and student) from small, specialist or college-based providers to take part.**

We support the OfS’s plans for recruiting assessors.

**Question 8b – What are your views on only permitting representations on provisional rating decisions of Bronze or Requires improvement?**

We are comfortable with the OfS only permitting representations on provisional rating decisions of Bronze or Requires improvement in order to minimise additional burden for providers and for the OfS. However, should the OfS proceed with more significant incentives and interventions connected to Silver awards, for example funding restrictions (which we would oppose), there needs to be a route for representations even here.

**Question 9a – What are your views on our proposal for an alternative means of gathering students’ views to inform the student experience aspect where we do not have sufficient NSS-based indicators?**

You could include comments on:

- the proposed approach to determining whether the NSS data is sufficient (this is expanded on in Annex G)
- the actions we are considering to improve the availability of NSS data for more providers
- how student views could be gathered through an alternative means.

We support the OfS's efforts to improve the availability and reliability of NSS data. We understand that the use of the specific indicators will be considered as part of the next consultation. The OfS must continue to engage with the sector on this as the detail develops. Given proposals to limit growth in student numbers, and other potential consequences for providers rated as Requires improvement or Bronze, the OfS should ensure processes such as approaches for suppression of data are clearly communicated to providers and futureproofed. This includes accommodating changes such as the introduction of the Lifelong Learning Entitlement. Our view is that the OfS should consider reducing the current threshold for sufficient coverage, such as the criterion that the NSS indicator is only considered to have sufficient coverage if more than half of providers students in the relevant mode are on courses more than one year in length. Expanding the definition of sufficient NSS data would ensure broader representation across the sector.

While we support provider use of NSS qualitative comments, our view is that this should be carefully considered, including identifying any biases in this information compared to quantitative survey responses. Transparency in how the OfS intends to approach analysis of qualitative comments is important. Where response numbers are very low, our view is that the OfS should consider using qualitative comments to add context, rather than separately assessing them.

We welcome the future inclusion of students enrolled on shorter courses, provided that this is proportionate to the survey response rates and ensures the reliability of the data collected. Any proposed changes to the NSS should take into account the importance of maintaining UK-wide comparability, given the survey's role in enabling cross-nation benchmarking and sector-wide analysis. Funders and regulators in the rest of the UK, alongside the sector, should be consulted on any changes.

We support the OfS's plans to use an alternative means of gathering student views where needed. However, arrangements must be comparable and sufficient to ensure there remains a rigorous assessment of quality and to ensure ratings are fair and comparable without undermining quality and standards.

**Question 9b – What are your views on our proposal not to rate the student outcomes aspect where we do not have sufficient indicator data? You could include comments on the proposed approach to determining whether the data is sufficient (this is expanded on in Annex G).**

Our view is that where the student outcomes aspect has not been rated due to lack of sufficient indicator data, this should be presented neutrally, in a way that makes it clear that this does not represent a judgement.

**Question 10a – What are your views on our proposed approach to including direct student input in the assessment of the student experience aspect for all providers? You could include comments on alternative ways of gathering student input where student submissions are impractical.**

Our view is that the inclusion of student voice was a strength of the previous TEF process and we welcome the OfS's intention to build on this and strengthen student involvement further.

**Question 10b – How could we help enable more student assessors from small, specialist and college-based providers to take part?**

We welcome the OfS's intention to support more student assessors from small, specialist and college-based providers to take part. We suggest that the OfS should engage constructively with the relevant parts of the sector on this issue as they have significant expertise in this area, including engaging directly with students at these types of providers.

**Question 11a – What are your views on our proposed approach to scheduling providers for their first assessments?**

You could include comments on:

- the factors we should consider in scheduling assessments

- any types of significant events that should lead us not to schedule an assessment in that year
- the sequencing of TEF assessments and APP approvals.

We support the OfS's plans to move to an assessment cycle, given the lack of feasibility of a single periodic exercise under the proposed new system. We have some reservations about the additional detrimental impact that could be experienced by providers who receive Bronze ratings early on in the assessment period, if the OfS goes forward with its plans to rebrand a Bronze award and to apply penalties. The OfS must carefully consider how it will apply its interventions to ensure fairness and consistency and that providers' long-term planning abilities are not impeded.

Regarding the sequencing of TEF assessments and APP approvals, we would encourage the OfS to engage further with the sector on this as the approach to TEF and any reform to APPs develops. Whether carrying out both in the same year would be beneficial or best avoided is dependent on the detail of these reforms, and the anticipated burden. Regardless of the schedule, our view is that to support efficiency and the reduction of burden the overlap in the information provided in both submissions should be as minimal as possible. The new OfS strategy contains a commitment to the principle of 'collect once, use many times', a principle we would like to see applied here.

### **Question 11b – What are your views on our proposed approach to scheduling providers for subsequent assessments?**

We have some concern about the impact of the proposed approach to scheduling providers for subsequent assessments could have on providers with Bronze ratings in terms of increasing burden and cost. However, we also acknowledge that providers with Bronze ratings may welcome the opportunity to receive a TEF reassessment earlier, and we recognise the benefit it may have in encouraging universities to strive towards improvement. We also welcome that the proposed approach would reduce burden for those providers with higher ratings.

We support the case-by-case approach to scheduling subsequent assessments for Requires improvement categories as we agree with the OfS that it is important there is an appropriate level of scrutiny on providers falling short of regulatory expectations. We also support the flexibility indicated by paragraph 180 which acknowledges that there may be other circumstances in which it would be appropriate to change the timing of a provider's next assessment.

## **Question 12 – Do you have any comments or evidence about the factors associated with risks to quality that might be included in the draft risk monitoring tool at Annex I?**

We have no concerns with the introduction of a draft risk monitoring tool in principle, but we would welcome further clarity from the OfS on how this will be used in regulatory activity.

## **Question 13 – Do you have any comments about the proposed set of incentives and interventions associated with TEF ratings?**

You could include comments on:

- the principle that growth in student recruitment should take place at high quality providers
- the potential to link eligibility for new DAPs awards, or extensions to existing DAPs, to higher TEF ratings
- the approach to determining a breach or increased risk of breach, following TEF rating decisions
- whether there are any other incentives and interventions we should consider.

We agree that where a provider is delivering below the minimum level of quality (rated Requires improvement) they should be subject to regulatory interventions. This is important in maintaining integrity in the system, ensuring all students receive high quality higher education and safeguarding public funding and student value for money. However, we believe strongly that many of the incentives and interventions that the OfS is proposing to link to Bronze are completely inappropriate to impose on providers who are meeting regulatory baselines. These baselines have been set at a level the OfS considers 'high quality'. Our concerns relate particularly to proposals to limit growth in student numbers, potential ineligibility to apply for or extend DAPs, and potential ineligibility for some kinds of funding. These proposed interventions are very likely to be disproportionately punishing to providers with Bronze ratings and they will not support the OfS's aims of driving improvements and securing high quality for all students.

In fact, the impact of the proposed interventions is likely to limit the improvement the OfS is seeking, and risks disadvantaging students. Reducing available funding, especially following many years of declining funding for the sector, for example, reduces investment into student support and innovation. Imposing limits on growth

reduces student choice, particularly for students from non-traditional backgrounds, and may increase the risk of higher education cold-spots. Our view is that the reputational impact of differential ratings and a more regular assessment cycle for lower rated providers are effective in driving improvement.

We are also concerned about the potential cumulative financial impact of the suggested incentives and interventions on universities with Bronze ratings, where the focus for the interventions seems to be. This will contribute to a cycle of decline, at a time when sector finances are already strained, and impact negatively on providers' ability to invest in learning and teaching. UUK's recent analysis highlights the cumulative financial impacts of a range of government policy decisions, including increases to employer national insurance contributions, the Teachers' Pension Scheme (TPS), and international student levy, amounting to a £2.5bn reduction in funding across the academic years 2024/25-2026/27, compared to 2023/24. UCEA's analysis of post-92 HEIs in England and Wales who reported a deficit in the year to 31 July 2024, which showed that a third of the institutions in deficit would have been in surplus if the TPS contribution rates had remained at 2019 levels.

It is important to note that, based on current TEF ratings, the impacts of these proposals would be disproportionately felt among providers delivering high quality but, in working with some of the most diverse and disadvantaged populations, have additional external factors impacting their outcomes data. We urge the OfS to carefully consider the proposals with an equalities impact assessment as they are likely to have adverse consequences on other priority areas for the OfS and government, including equality of opportunity.

We do not support the proposal to restrict powers to validate and subcontract other providers' provision for providers with Bronze awards, given that these providers are meeting regulatory baselines. Our view is that the new requirements from DfE and proposed new condition from OfS will provide sufficient oversight of subcontracted provision, and it would be disproportionate to also apply interventions via the TEF assessment process.

While we do not think the proposed incentives and interventions for Bronze providers are appropriate, we think the OfS should go further in setting out how it will regulate and intervene in cases of Requires improvement where providers are falling short of regulatory baselines. While it will be necessary to consider the impact on current students at these providers to ensure they are not disadvantaged further, the OfS should be much clearer in setting out its expectations for how it will address this poor performance.

### **Question 14a – What are your views on the range of quality assessment outputs and outcomes we propose to publish?**

We support the OfS's intention to continue to publish the outputs and outcomes of quality assessments, to help share learning across the sector. We understand this will also support compliance with European standards and guidelines.

### **Question 14b – Do you have any comments on how we could improve the usefulness of published information for providers and students?**

You could include comments on areas such as:

- whether the OfS should have a role in sharing good practice, and how we should do so
- the presentation of TEF outcomes for providers that are not rated for student outcomes.

We welcome the OfS playing a role in identifying good practice and themes, to support improvement and enhancement across the sector.

### **Question 15 – Do you have any comments on the proposed implementation timeline?**

Given the proposed incentives and interventions, the OfS should carefully consider how assessments will be timed so that providers who are assessed earlier in the cycle are not put at an undue disadvantage compared to providers assessed at the end of the cycle. Our view is that any interventions and incentives should only be applied at the end of a suitable period (for example a year of assessments or at the end of the first cycle). This will enable OfS to conduct a calibration exercise to ensure consistency and fairness.

**Question 16 – Do you have any comments on the two options we have set out for how we could approach publication of TEF ratings during the transitional period, or suggestions of other approaches we could take?**

Whichever option the OfS decides to adopt, it will be vital that outcomes during the transitional period are clearly communicated, given that there will be a period in which some providers have ratings under the current TEF and others under the new TEF.

**Question 17 – Do you have any comments on our approach to ongoing development, or our plans to prepare for the future inclusion of taught postgraduate provision?**

We are concerned about the proposal for providers to be charged for their TEF assessments. We consider regulation of quality to be a core purpose and function of the OfS which should be covered by a provider's registration fees. In our view, rather than charging providers for their TEF assessments, there would be greater value in the OfS and government using proposed reforms set out in the post-16 white paper on regulation more broadly to rethink the OfS's core duties, identifying other areas where the OfS could pull back or reduce its activity, and establishing a more focused model of regulation in which quality is central.

If the OfS does decide to charge a separate fee for TEF assessments, our view is that this should be relative to the size of the provider, to avoid disproportionate impact on smaller providers.

**Question 18 – Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.**

N/A

**Question 19 – In your view, are there ways in which the objectives of this consultation could be delivered more efficiently or effectively than proposed here?**

Although we welcome the OfS's intention to address sector concerns about regulatory burden in their proposed approach, we are concerned this will be at the

expense of an effective and nuanced approach to quality assessment. Although some of our preferred options for the proposals involve an increased level of burden, our view is that these are important elements of the TEF process which should be retained. With quality a key focus of the OfS's new strategy and the post-16 white paper, we think it is important that this is prioritised and that the OfS should consider where burden could be reduced in other areas of its work.