

Consultation on the Teaching Excellence Framework (TEF)

This consultation runs from **20 January 2022**
to **17 March 2022**.

Reference OfS 2022.02

Enquiries to TEF@officeforstudents.org.uk

Publication date 20 January 2022

The Office for Students is the independent regulator for higher education in England. We aim to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

Our four regulatory objectives

All students, from all backgrounds, and with the ability and desire to undertake higher education:

- are supported to access, succeed in, and progress from, higher education
- receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure
- are able to progress into employment or further study, and their qualifications hold their value over time
- receive value for money.

Contents

About this consultation	3
Introduction.....	6
Section 1: Framework.....	14
Proposal 1: Provider-level, periodic ratings	15
Proposal 2: Aspects and features of assessment.....	17
Proposal 3: Rating scheme	20
Proposal 4: Absence of excellence	23
Section 2: Scope.....	26
Proposal 5: Provider eligibility	26
Proposal 6: Courses in scope	32
Section 3: Evidence	36
Proposal 7: Provider submission	37
Proposal 8: Student submission.....	39
Proposal 9: Indicators	42
Section 4: Assessment.....	55
Proposal 10: Expert review	55
Proposal 11: Assessment of evidence	57
Section 5: Outcomes	61
Proposal 12: Published information.....	61
Proposal 13: Communication of ratings by providers	64
Section 6: Implementation	66
Proposal 14: Name of the scheme	66
Proposal 15: Timing of the next exercise	67
Annex A: Consultation questions.....	70
Annex B: Features of excellence and ratings criteria	73
Annex C: Proposed guidance on provider participation and submissions	83
Annex D: Proposed guidance on student submissions.....	87
Annex E: TEF Panel establishment and decision-making process.....	91
Annex F: Proposed guidance to the TEF panel on assessing evidence.....	96
Annex G: Consideration of alternative proposals	105
Annex H: Matters to which we have had regard in reaching our proposals	107
Annex I: Section 2 of the Higher Education and Research Act 2017	115

About this consultation

The Office for Students is developing a new approach to the Teaching Excellence Framework (TEF) – a national exercise incentivising improvement and excellence in teaching, learning and student outcomes at universities and colleges. We would like to hear your views on the proposals presented in this consultation.

Timing

Start: 20 January 2022

End: 17 March 2022

Who should respond?

We welcome responses from anyone with an interest in the quality of higher education courses, the TEF, or UK higher education more generally. This includes, but is not limited to:

- staff, academics and leaders at higher education providers that will be engaging with the new TEF
 - past, present and future students
 - providers and others in Scotland, Wales and Northern Ireland
 - schools and further education colleges, employers, third sector organisations, and policy bodies.
-

How to respond

Please respond by 17 March 2022.

Use the online response form available at
<https://survey.officeforstudents.org.uk/s/consultation-on-tef/>

How we will treat your response

We will summarise and/or publish the responses to this consultation on the OfS website (and in alternative formats on request). This may include a list of the providers and organisations that respond, but not personal data such as individuals' names, addresses or other contact details.

If you want the information that you provide to be treated as confidential, please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

The OfS will process any personal data received in accordance with all applicable data protection laws (see our privacy policy).

A privacy notice for this consultation is available to view on our website.¹

We may need to disclose or publish information that you provide in the performance of our functions, or disclose it to other organisations for the purposes of their functions. Information (including personal data) may also need to be disclosed in accordance with UK legislation (such as the Freedom of Information Act 2000, Data Protection Act 2018 and Environmental Information Regulations 2004).

Next steps

Subject to feedback from this consultation, we intend to make decisions on the design of the future TEF scheme in summer 2022. We intend to publish an outcomes document summarising our analysis of the consultation responses along with our decisions and supporting rationale.

Enquiries

Email TEF@officeforstudents.org.uk

Alternatively, call our public enquiry line on 0117 931 7317.

We are holding two consultation webinars in February 2022, including an extended session for those not familiar with the TEF. These events will provide an opportunity for you to ask any questions you may have. To find out more and register, see:

- www.officeforstudents.org.uk/news-blog-and-events/events/consultation-on-the-tef/
- www.officeforstudents.org.uk/news-blog-and-events/events/consultation-on-the-tef-extended-session/

We are also planning to run some interactive student workshops in the coming weeks. We will publish details on our event pages, www.officeforstudents.org.uk/news-blog-and-events/events/

If you require this document in an alternative format, or need assistance with the online form, please contact digitalpublishing@officeforstudents.org.uk. Please note: this email address should not be used for submitting your consultation response.

¹ Available from: www.officeforstudents.org.uk/ofs-privacy/.

Related consultations

This consultation is taking place alongside consultations on a revised approach to regulating student outcomes, and a set of proposed indicators which underpin the proposals for regulating student outcomes and the use of data in the TEF.

All consultations can be read at
www.officeforstudents.org.uk/outcomes-and-excellence/

You may also wish to read our recent consultation on the revised quality and standards higher education providers registered with the Office for Students must meet.

This is available at
www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions/

Terms used in this consultation

Throughout this consultation we refer to ‘the TEF’, but it should be noted that we are consulting on the name of the scheme, as set out in proposal 14.

Similarly, we refer to the proposed TEF rating names of Gold, Silver and Bronze and the proposed category of ‘Requires improvement’, but are consulting on these as set out in proposals 3 and 4.

For more information about our work to date on the TEF, please visit the OfS website:
www.officeforstudents.org.uk/advice-and-guidance/teaching/.

Introduction

This consultation sets out proposals for the future Teaching Excellence Framework (TEF). This is a national scheme to incentivise improvement and excellence in teaching, learning and student outcomes at universities and colleges. The scheme rates providers for excellence above a set of minimum baseline requirements for quality and standards which they must satisfy if they are registered with the OfS.

Summary of consultation proposals

Framework

These proposals are set out in detail in section 1 and Annex B.

- **Proposal 1 – Provider-level, periodic ratings**

An overall rating should be awarded to a provider reflecting the quality of its undergraduate courses, and these ratings should last for four years.

- **Proposal 2 – Aspects and features of assessment**

Two aspects should be assessed and rated: the student experience and student outcomes. The criteria for determining ratings should be based on the extent to which very high quality and outstanding quality features are demonstrated for each of these aspects.

- **Proposal 3 – Rating scheme**

There should be three rating categories – Gold, Silver and Bronze – signifying degrees of excellence above our baseline quality requirements.

- **Proposal 4 – Absence of excellence**

Where there is an absence of excellence, no rating should be awarded and the published outcome should signal that improvement is required. This outcome for a provider should be considered as part of our general monitoring of quality and standards.

Scope

These proposals are set out in detail in section 2.

- **Proposal 5 – Provider eligibility**

To be eligible to participate in the TEF, and to retain a rating once awarded, a provider must satisfy baseline quality and standards requirements.

- **Proposal 6 – Courses in scope**

All of a provider's undergraduate courses, and the students on those courses, should be within the scope of a TEF assessment.

Evidence

These proposals are set out in detail in section 3 and Annexes C and D, and the indicators consultation.

- **Proposal 7 – Provider submissions**

Participating providers should submit evidence of excellence in relation to the experience and outcomes of their students.

- **Proposal 8 – Student submissions**

Students should be encouraged to submit their views on the quality of their experience and outcomes.

- **Proposal 9 – Indicators**

The OfS should produce numerical indicators based on the National Student Survey (NSS) responses; and student outcomes indicators defined consistently with the indicators proposed for the regulation of student outcomes through condition B3. For TEF purposes, the OfS would indicate a provider's performance in relation to its benchmark.

Assessment

These proposals are set out in detail in section 4 and Annexes E and F.

- **Proposal 10 – Expert review**

Ratings should be decided by a TEF panel applying expert judgement.

- **Proposal 11 – Assessment of evidence**

The panel should interpret and weigh up the evidence by following a set of principles and guidelines, including that:

- o the indicators should contribute no more than half the evidence of excellence in each aspect
- o the two aspects should be equally weighted when deciding the overall rating.

Outcomes

These proposals are set out in detail in section 5.

- **Proposal 12 – Published information**

TEF outcomes and the evidence used in assessment should be published in an accessible and timely way.

- **Proposal 13 – Communication of ratings by providers**

A provider should be able to display and promote its own TEF rating in accordance with a set of guidelines.

Implementation

- **Proposal 14 – Name of the scheme**

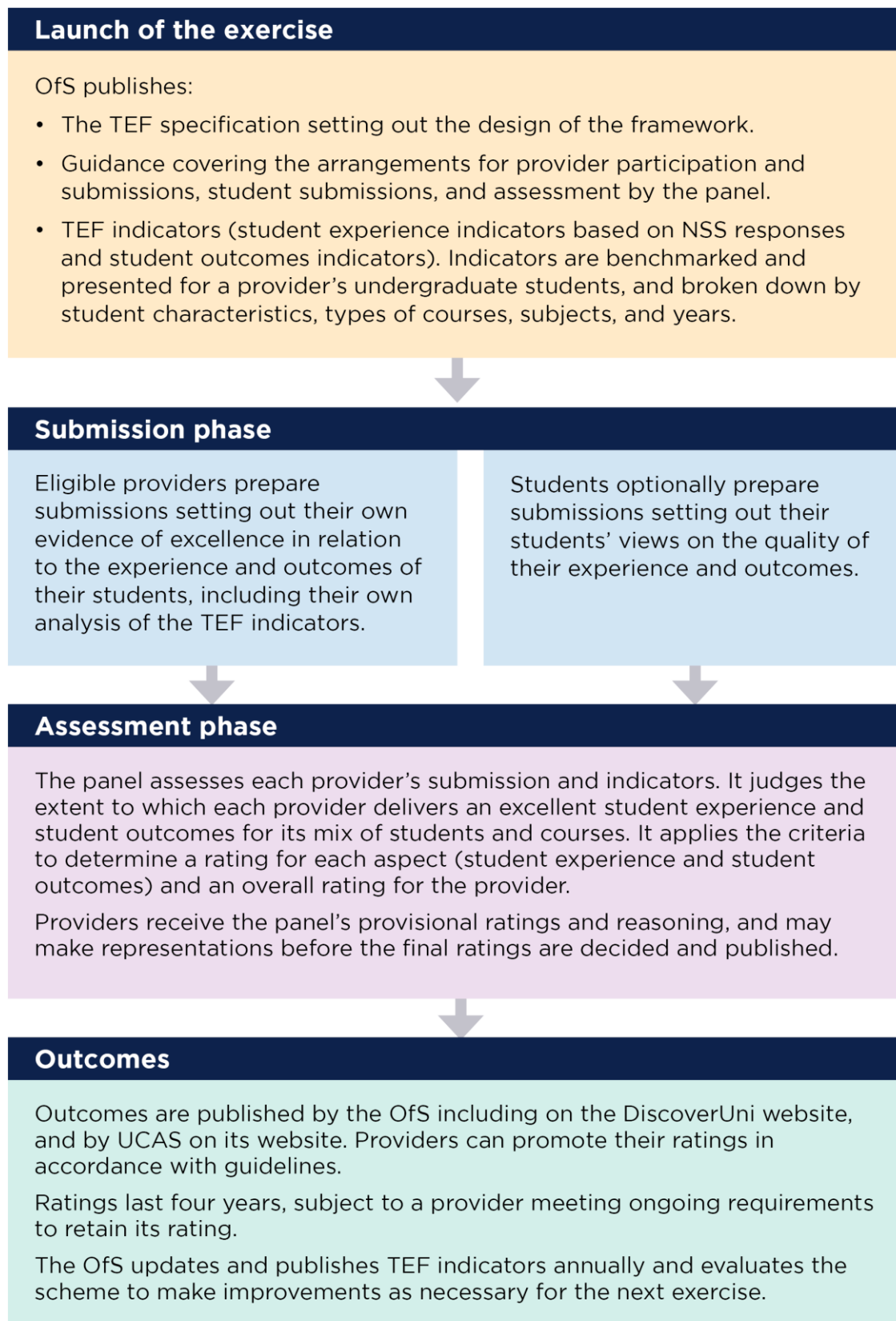
The scheme should be named the Teaching Excellence Framework.

- **Proposal 15 – Timing of the next exercise**

The next exercise should be carried out during 2022-23 and outcomes published in spring 2023. Future exercises should be conducted every four years.

Summary of how the proposed TEF would work

The proposed TEF process is a desk-based, expert review exercise with decisions made by a panel of experts to be established by the OfS. The panel would consider providers' submissions alongside other evidence, as set out in the diagram below.



Our regulatory approach

1. The Office for Students (OfS) seeks to ensure that English higher education is delivering positive outcomes for students – past, present and future. Our objectives as a regulator reflect the things that matter most to students: high quality courses, successful outcomes, and the ongoing value of their qualifications. We use the tools in the regulatory framework to mitigate the risk that these regulatory outcomes are not delivered in practice for students from all backgrounds.
2. The conditions of registration contained in the regulatory framework are designed to ensure a minimum level of protection for all students and the taxpayer. Beyond this minimum, we encourage choice for students and innovation by autonomous higher education providers free to pursue excellence as they see fit. We seek to incentivise providers to pursue excellence in their chosen way. We do this in a number of ways, including through the TEF. The proposals in this consultation are consistent with this established regulatory approach.
3. Protecting and promoting quality and equality of opportunity are at the heart of our work. When a student embarks on a higher education course, it has the potential to be a life-transforming event – an enriching academic experience that paves the way for a rewarding and a fulfilling life. Students pay a significant price for these opportunities, through their time and effort, as well as in financial terms. This is why the OfS is focused on ensuring through our regulation of quality that all students, whatever their background and characteristics, can have confidence that they will receive a high quality higher education and positive outcomes.
4. We work to secure equality of opportunity for all students in many different ways. Through this consultation we are setting out a way of regulating that would set minimum expectations for all students and would enable us to act where any group of students is being left behind. Our new approach to TEF would mean that providers will be incentivised to deliver excellent teaching and learning for all their groups of students and, if they don't, this will affect their ability to achieve the highest ratings. At the same time, we continue to take steps through our regulation of access and participation to reduce the gaps in equality of opportunity between students from underrepresented groups and other students, before, during and beyond their time in higher education.²
5. Our approach is designed to ensure that our regulation of quality and standards, and of equality of opportunity, are mutually reinforcing for the benefit of students. We set out the general principles of our proposed approach in a consultation launched in November 2020 (the

² We use the term 'students from underrepresented groups' throughout this consultation. It includes all groups of potential or current students for whom the OfS can identify gaps in equality of opportunity in different parts of the student lifecycle. In determining the groups falling within this definition, the OfS has given due regard to students who share particular characteristics that are protected under the Equality Act 2010, as well as students who are otherwise underrepresented or disadvantaged. When referring to underrepresented groups, the OfS considers this to include, among others: students from deprived areas, areas of lower higher education participation, or both; some black, Asian and minority ethnic students; mature students; and disabled students (whether or not they are in receipt of Disabled Students Allowance). There are some student groups with protected characteristics under the Equality Act 2010 for whom the OfS has been unable to determine whether they are underrepresented at different points of the student lifecycle, because data is either collected at a national level, but with gaps in disclosure and absence of comprehensive data (for example in relation to religion or belief, sexual orientation and gender reassignment), or not collected at a national level (for example in relation to marriage and civil partnership, and pregnancy and maternity).

‘phase one consultation’).³ We then set out our more detailed proposals in relation to the qualitative quality and standards conditions, in our recent consultation ‘Consultation on quality and standards conditions’ (the ‘phase two consultation’).⁴ Further information about our current approach to regulating student outcomes can be found in the phase one consultation.

Background to the TEF and this consultation

6. The TEF was originally developed by the then Department for Business, Innovation and Skills (BIS) and later the Department for Education (DfE).
7. The Higher Education Funding Council for England (HEFCE) was initially responsible for the implementation of the TEF. In 2018, the OfS adopted the TEF under section 25 of the Higher Education and Research Act 2017 (HERA), which gives the OfS the power to operate a scheme to give ratings to higher education providers in England, Scotland, Wales and Northern Ireland⁵ regarding the quality of, and standards applied to, higher education. TEF ratings were awarded to participating providers between 2017 and 2019, and these ratings have been extended until they are replaced by ratings from the future TEF scheme.
8. We have used a substantial body of evidence to inform the proposals for the future TEF scheme. This includes considering the recommendations of the independent review of the TEF⁶ and having regard to the government’s guidance in response to that review.⁷ It also includes the findings from our pilot exercises to run the TEF at subject-level, as well as our experience of and lessons learned from operating the TEF to date. Responses to our recent consultations on quality and standards have also been considered where these are relevant.⁸
9. In formulating our proposals, we have had regard to our general duties under section 2 of HERA, the February 2021 statutory guidance issued by the Secretary of State,⁹ the Public Sector Equality Duty, the Regulators’ Code and the Code of Practice for Statistics. Further details are set out in Annex H.

³ See ‘Consultation on regulating quality and standards in higher education’, available at www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/.

⁴ OfS 2021.24, available at www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions/.

⁵ For providers in Northern Ireland, Scotland and Wales participation in such a scheme is subject to the consent of the relevant devolved administration. See proposal 5 for further detail.

⁶ See www.gov.uk/government/publications/independent-review-of-tef-report.

⁷ See www.gov.uk/government/publications/government-response-to-the-independent-review-of-tef.

⁸ See www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/changes-to-our-approach/.

⁹ This guidance asks the OfS to interpret the Government response to the Independent Review of the TEF as statutory guidance from the Secretary of State under section 2(3) of HERA.

10. We have also considered advice from the TEF advisory group,¹⁰ and the TEF metrics peer review group.¹¹ We would like to thank the members of both groups for their insight and challenge, noting that their advice does not constitute endorsement or otherwise of our proposals.
11. We recognise that important gains were made under the previous scheme. The independent review of the TEF found:
- ‘examples from all parts of the sector of how TEF has increased institutional attention on the quality of its teaching and learning’
 - that ‘the TEF has helped to rebalance the importance of the educational dimension of the university’s mission’
 - that the data underpinning the TEF was promoting reflection
 - that a ‘clear message from senior leaders responsible for teaching and learning is that the process of engaging with TEF has significant potential in the enhancement of provision’.¹²
12. We intend to build on and improve the previous TEF exercise, strengthening the incentives for excellence across all providers and driving the greatest possible positive impact for students.
13. This consultation is taking place alongside consultations on a revised approach to regulating student outcomes, and a set of proposed indicators which underpin the proposals for regulating student outcomes and the use of data in the TEF.¹³ These consultations form a third phase of proposals for quality and standards. Our intention is that the TEF should cohere with our regulation of quality and standards in a single overall quality system.¹⁴ Many respondents to the first two phases of consultation have emphasised the importance of coherence across the system. This is reflected in our third phase of proposals.

¹⁰ For more about the TEF advisory group, see www.officeforstudents.org.uk/advice-and-guidance/teaching/future-of-the-tef/tef-advisory-group/.

¹¹ For more about the TEF metrics peer review group, see www.officeforstudents.org.uk/advice-and-guidance/teaching/future-of-the-tef/tef-metrics-peer-review-group/.

¹² See www.gov.uk/government/publications/independent-review-of-tef-report.

¹³ All consultations can be read at www.officeforstudents.org.uk/outcomes-and-excellence/.

¹⁴ See Annex D in www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/.

What we want the TEF to achieve

The purpose of the TEF

Our policy intention in rating providers is that the TEF should incentivise excellence in teaching, learning and student outcomes. The TEF should incentivise a provider to improve and to deliver excellence above our minimum baseline quality requirements, for its mix of students and courses.¹⁵

We intend that TEF ratings would create this incentive by putting a spotlight on the quality of providers' courses, influencing providers' reputations and informing student choice.

14. To date the TEF has had a number of different aims – informing student choice, raising the esteem for teaching, recognising and rewarding excellent teaching, and better meeting employer needs.¹⁶ The independent review discussed the need for greater clarity about the main aim of the exercise, and recommended:
 - a. That 'the student interest is best met by using TEF to identify excellence and enhance the educational experience and outcomes that students receive'. It also took the view that publishing TEF outcomes and the underlying data would help to incentivise improvement, by affecting providers' reputations.
 - b. It was essential for there to be 'clarity about how the TEF relates to the wider regulatory landscape for higher education across the UK'.¹⁷
15. The diverse and autonomous nature of the higher education sector is important and helps to maintain and strengthen its world-leading international reputation. Therefore, subject to satisfying our baseline requirements, we wish to encourage and enable providers to innovate and pursue their own strategies for excellence. Our view is that this means that the TEF – with its focus on incentivising excellence above our minimum baseline requirements – should assess how far each provider delivers excellent teaching, learning and outcomes for its mix of students and courses. We consider this approach would incentivise excellence in a way that benefits the widest possible range of students.
16. It is also our intention that the TEF should support equality of opportunity for students during and beyond their time in higher education. In doing so it should reinforce – but not duplicate – our regulation of access and participation, which aims to reduce the gaps in equality of opportunity between students from underrepresented groups and other students through the student lifecycle. We intend that the TEF will incentivise providers to deliver excellence above the baseline requirements for all their groups of students, including underrepresented groups.

¹⁵ Where this consultation refers to a provider's mix of students and courses, or more generally to a providers' students, it is referring to undergraduate students and courses that are within the scope of the TEF exercise. See proposal 6 for further details.

¹⁶ See www.gov.uk/government/publications/teaching-excellence-and-student-outcomes-framework-specification.

¹⁷ See www.gov.uk/government/publications/independent-review-of-tef-report.

17. We want to make TEF ratings accessible for prospective students alongside other information, because any influence on student choice creates a powerful incentive for providers. TEF ratings can contribute to the wider student information landscape by giving a clear signal of a provider's excellence. This would provide helpful context to the range of more detailed information that students will want to consider when deciding what and where to study.

Section 1: Framework

This section covers the following proposals:

Proposal 1: Provider-level, periodic ratings

Proposal 2: Aspects and features of assessment

Proposal 3: Rating scheme

Proposal 4: Absence of excellence

18. This section sets out proposals for the following elements of the TEF:
- a. The level at which the TEF assessments should operate, and how frequently they should take place.
 - b. Aspects and features of assessment (which describe and provide a structure for the attributes of higher education that we are proposing the TEF would assess).
 - c. TEF ratings and criteria (the outcomes of the assessment and the criteria for determining them).
19. Within this and subsequent sections, we also set out the proposed relationship between the TEF and the regulation of quality and standards through our proposed conditions of registration. This includes:
- a. Aligning the aspects to be assessed in the TEF with our baseline quality requirements. This is discussed under proposal 2 and in Annex B.
 - b. Aligning the scope of TEF assessments with the scope of our regulation of the B conditions. This is discussed under proposal 6.
 - c. Ensuring the outcomes of the TEF and our regulatory decisions result in a coherent overall view of a provider's quality. Under proposal 4 we set out how a provider's TEF outcome might inform our regulatory activity. Under proposal 5 we set out how a provider's compliance with the B conditions would affect its TEF rating.
 - d. Aligning the data used in TEF and our regulation of student outcomes through condition B3. This is discussed under proposal 9 of this document, and in the indicators consultation.¹⁸

¹⁸ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

Proposal 1: Provider-level, periodic ratings

An overall rating should be awarded to a provider reflecting the quality of its undergraduate courses, and these ratings should last for four years.

A ‘provider-level’ exercise and ratings

20. We propose that TEF assessment should result in an overall rating for each provider. The overall rating would be underpinned by two aspect ratings, one for student experience and one for student outcomes (these are described under proposal 2), but there would be no rating of individual subjects within a provider. This is sometimes described as a ‘provider-level’ TEF exercise (rather than a ‘subject-level’ exercise).
21. Our intention is that the TEF will incentivise improvement and excellence for all a provider’s undergraduate students.¹⁹ We therefore propose that ratings should be informed by consideration of the student experience and student outcomes for all groups of a provider’s undergraduate students and across the range of its undergraduate courses and subjects. This would be built into a provider-level TEF assessment through publishing and considering indicators broken down by different student characteristics, course types and subjects. A provider would use these indicators to inform its improvement activity and its submission. During assessments panel members would consider these indicators and the provider’s evidence in reaching overall decisions about the provider. The intention is that the panel would weight more positively evidence that demonstrates excellence for all groups of a provider’s students, and across the range of its courses and subjects.
22. By making this range of data transparent, a provider would be able to identify potential improvements for its groups of students and range of courses and subjects, and the TEF ratings awarded to a provider would more accurately reflect the level of excellence that is evident across all its student groups and courses. This reflects the findings of the subject-level TEF pilots and the independent review. Both suggested that it would be beneficial to give some consideration to quality at subject level within a provider-level assessment.
23. We have considered alternative models through which the TEF would make assessments and produce ratings at different levels, and our general duties that relate to quality, choice and opportunity²⁰; the efficient, effective and economic use of OfS resources²¹; and to consider principles of best regulatory practice.²²

¹⁹ Our proposed definition of ‘undergraduate’ is set out in the indicators consultation.

²⁰ Throughout this document, where we refer to this general duty we are referring to our general duty to have regard to the need to promote quality, and greater choice and opportunities for students, in the provision of higher education, under s.2(1)(b) of HERA.

²¹ Throughout this document, where we refer to this general duty we are referring to our general duty to have regard to the need to use the OfS’s resources in an efficient, effective and economic way, under s.2(1)(f) of HERA.

²² Throughout this document, where we refer to this general duty we are referring to our general duty under s.2(1)(g) of HERA to have regard to, so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be— (i) transparent, accountable, proportionate and consistent, and (ii) targeted only at cases in which action is needed.

24. We consider that a TEF exercise that assessed only provider-level information, and did not incorporate some subject-level information, would not provide sufficient transparency to meet our policy intention of incentivising excellence. However, we do not consider that an exercise that rates individual subjects is required to meet our policy intention at this time. Incorporating subject-level data into provider-level assessments will provide a sufficiently strong incentive. This proposal represents the most proportionate approach, delivering the intended purpose of the TEF with the least overall burden on providers.

A four-year cycle

25. We propose that TEF exercises should be conducted every four years. Also, that all ratings should be awarded to last for four years until the next TEF exercise concludes, subject to a provider meeting ongoing requirements to retain its rating (see proposal 5).
26. We consider this frequency would be effective in meeting our policy intention of incentivising excellence, in a proportionate way. It allows sufficient time between exercises for providers to identify and implement improvements and evaluate their impact, while limiting the burden of making TEF submissions and conducting assessments. More frequent assessments would place disproportionate burden on providers and be an inefficient use of OfS resources. Less frequent assessment would not be consistent with the weight we are placing on our general duty relating to quality, choice and opportunity.
27. We have considered whether there should be interim assessments in between the four-yearly exercises. However, we consider that interim assessments are not necessary to achieve our policy intention of incentivising excellence. If, for example, a provider becomes eligible to participate in the TEF in between four-yearly exercises or for some other reason might wish to participate in between four-yearly exercises, we consider that the prospect of participating in the next available four-yearly exercise would create the intended incentives. Because the TEF would be a retrospective exercise, providers would be incentivised to drive up quality in the years before assessment, and there would not be the need for an earlier TEF assessment to achieve this aim.
28. We also intend that periodic exercises would ensure ratings remain comparable as far as possible, by assessing all participating providers at the same time using the same framework. Any changes to the framework would be based on evaluation and consultation before the next exercise.
29. We propose to publish TEF and B3 indicators annually as official statistics, with the aim of sustaining improvement, transparency and accountability on an ongoing basis. Publishing the TEF data annually would supplement the incentives created by the four-yearly TEF assessment exercises. Further information about the range of information we propose to publish is set out under proposal 12.

Proposal 2: Aspects and features of assessment

Two aspects should be assessed and rated: the student experience and student outcomes. The criteria for determining ratings should be based on the extent to which very high quality and outstanding quality features are demonstrated for each of these aspects.

30. We propose that the TEF assessment should be structured to assess excellence in **two aspects**: ‘student experience’ and ‘student outcomes’. In broad terms:
- a. The **student experience aspect** would focus on the extent to which teaching, learning, assessment and the educational environment deliver an excellent educational experience for each provider’s students.
 - b. The **student outcomes aspect** would focus on the extent to which the provider’s students succeed in and beyond their studies, and the educational gains²³ delivered for students.
31. Each of the two aspects would be underpinned by ‘**features of excellence**’ which describe in more detail what each aspect covers and how it would be assessed. We propose that each aspect would receive a rating, in addition to the overall provider rating.

A two-aspect model

32. As illustrated in Figure 1 below, we propose that the assessment of each aspect would be based on a combination of evidence sources: evidence submitted by a provider, evidence submitted by its students, and indicators produced by the OfS. Figure 1 also shows how the proposed aspects would relate to the OfS’s proposed baseline quality and standards conditions, B1 to B5.

²³ HEFCE initiated a programme of research exploring the measurement of ‘learning gain’ which focussed on the knowledge, skills, work-readiness and personal development gained by students during their time in higher education. For further information please see www.officeforstudents.org.uk/advice-and-guidance/teaching/learning-gain/. Because we are proposing a broader provider-determined approach to defining such gains in the TEF, we use the term ‘educational gain’ as suggested by the Independent Review.

Figure 1: Proposed TEF aspects and how they would relate to baseline conditions

TEF aspect	Student experience		Student outcomes		(Not assessed in TEF)
What the aspect covers	Academic experience and assessment	Resources, support and student engagement	Positive outcomes	Educational gains	
Evidence sources	Provider submission Student submission OfS indicators based on NSS		Provider submission Student submission OfS outcomes indicators		

Proposed ongoing quality and standards conditions	B1: Academic experience B4: Assessment and awards	B2: Resources, support and student engagement	B3: Student outcomes	B5: Secure standards
---	--	---	----------------------	----------------------

33. As illustrated in Figure 1, we are seeking broad alignment between the TEF aspects and the OfS's proposed ongoing conditions of registration for quality and standards (the 'B conditions'). The TEF aspects build on those elements of the B conditions where we consider it would be appropriate to assess excellence. For example, we do not propose the TEF should assess standards. This is because the OfS regulates standards to ensure they are maintained now, and over time and we do not intend that the TEF should seek to incentivise performance above these standards.
34. We propose that 'educational gains' should be assessed within the TEF 'student outcomes' aspect, although there is not an equivalent baseline requirement relating to this. In the document 'Analysis of responses in relation to regulating student outcomes and setting numerical baselines'²⁴ some respondents suggested that such measures may be useful in measuring a provider's performance. In our view we do not have a measure of educational gain that is robust enough to use in our baseline regulation. However, for the reasons set out below, we take the view that it can and should form part of the TEF assessment.
35. We recognise that higher education benefits students in ways that extend beyond the outcomes we currently measure as part of our baseline regulation. We consider that if a provider wants to be recognised for excellence through the TEF, it should be able to explain what it intends its students should gain from their education beyond these measures, and provide evidence of how well it is succeeding in this. We recognise that the nature of the

²⁴ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/.

intended gains and how they are measured may differ between providers. With this in mind, and in the current absence of a national measure, we propose that educational gains would be assessed based on qualitative and quantitative evidence that a provider determines itself and includes in its submission. This could also be supplemented by evidence in the student submission.

36. In developing our proposed aspects, we have considered the recommendations of the independent review and the government's response to the review. Our proposals build on our proposed baseline quality requirements, while broadly incorporating the aspects recommended by the independent review. We have also had regard to the government's view that 'student academic experience' would be a more appropriate aspect than 'student satisfaction'.
37. The independent review recommended a four-aspect model – two aspects based on nationally comparable data and two based on evidence providers determine themselves – partly to achieve a more equal balance between the indicators and provider submissions in the assessment process. We consider that our proposed approach to weighing up the different sources of evidence (see proposal 11 and Annex F) provides an appropriate balance between them.
38. The two broader aspects would allow more scope for a provider to make its case for excellence in the context of its mission, courses, and student profile. It is less reliant on the availability of data than the model proposed by the independent review. A two-aspect model would also result in less complexity for panel members and reduce burden for providers, by reducing the potential for duplication of evidence across different aspects.

Features of excellence for each aspect

39. We propose that each of the two aspects should be underpinned by a set of 'features of excellence', which describe in more detail the specific elements of the student educational experience and student outcomes that could be identified as excellent within each aspect. The features would indicate to providers and the TEF panel what is meant by 'excellence' above the baseline quality requirements. At the same time, the features would be broad enough to assess different types of providers and their mix of students and courses.
40. Our proposed features of excellence can be found in Annex B, which defines each feature at two levels: 'very high quality' and 'outstanding quality'. This approach is intended to ensure that the TEF assessment can differentiate degrees of excellence above the proposed OfS's minimum requirements, producing ratings that promote and incentivise providers to deliver the highest quality for their students.
41. For any feature, the panel would consider how far the provider delivers excellence for all of its groups of students, including students from underrepresented groups, and across the range of its courses and subjects.
42. We propose to define these two levels broadly as follows:
 - a. **Outstanding quality** signifies a feature of the student experience or outcomes that is among the very highest quality found in the sector for the mix of students and courses taught by a provider.

- b. **Very high quality** signifies a feature of the student experience or outcomes that is materially above the relevant minimum baseline quality requirements for the mix of students and courses taught by a provider.

Proposal 3: Rating scheme

There should be three rating categories – Gold, Silver and Bronze – signifying degrees of excellence above our baseline quality requirements.

- 43. We propose that panel members would assess the extent to which there is evidence that the provider has ‘very high quality’ or ‘outstanding quality’ features across the range of its courses and subjects for all its groups of students. We propose that there should be three rating categories signifying increasing degrees of excellence above the baseline requirements. These categories should be ‘Bronze’, ‘Silver’ and ‘Gold’.
- 44. Our proposed rating categories are set out in broad terms in Figure 2 below. Annex B proposes more detailed criteria for each of the ratings. This includes details of how each rating would correspond with the panel’s assessment of:
 - a. ‘Very high quality’ and ‘outstanding quality’ features.
 - b. How far a provider delivers excellence for all its groups of students.
- 45. Proposal 11 and Annex F set out how the panel would carry out assessments. This includes the principle that panel members would start with the assumption that, in general, courses should be considered as high quality, given that providers would need to satisfy high quality baseline requirements to be eligible to participate in the TEF and to retain a TEF rating (see proposal 5). Panel members would seek positive evidence that the student experience and student outcomes are excellent (that is, ‘very high quality’ or ‘outstanding quality’) in order to award a TEF rating.
- 46. In addition to these possible outcomes, we propose that the TEF panel would not award a rating to a provider if it judges there to be an absence of excellence, as set out under proposal 4. We propose the published outcome in this case would signal the provider ‘Requires improvement’ to be awarded a TEF rating.
- 47. In developing our proposed rating system, we have considered how the number and names of the TEF rating categories could provide, together with any information we decide to publish about the OfS’s decisions about compliance with conditions of registration, a clear and consistent signal of quality increasing through the ratings. We have also considered how the rating scheme could create effective reputational incentives to ensure TEF meets its purpose of incentivising excellence for all providers.

Figure 2: Proposed categories

TEF panel decisions	Gold	The student experience and outcomes are typically outstanding.
	Silver	The student experience and outcomes are typically very high quality, and there may be some outstanding features.
	Bronze	The student experience and outcomes are typically high quality, and there are some very high quality features.
	Requires improvement	The provider was assessed in TEF and no rating was awarded. Improvement is required for a TEF rating.
Regulatory decisions about compliance	Breach of minimum requirements	The provider has not met minimum requirements and the OfS may have imposed requirements for improvement in specific areas and/or suspended the provider's TEF rating.

48. We consider that the main advantage of using the rating names Bronze, Silver and Gold is that they represent a well-understood hierarchy. For example, it would be clear to all potential audiences that Gold is the highest rating. All TEF outcomes would be published (see proposal 12), and having rating categories that are straightforward and easy to interpret is one of the ways in which the publication of these ratings would create the incentive for excellence.
49. The independent review raised points about negative perceptions of the term 'Bronze'. We take the view that our proposals would make it clear that a Bronze rating requires excellence above the baseline. Our proposal to not award a rating where there is an absence of excellence also ensures that all three rating categories – including Bronze – can be clearly understood as signalling degrees of excellence above minimum baseline requirements.
50. We have considered proposing a different number of categories across the rating scale. More ratings could allow for greater differentiation in the performance of different providers but would add significant complexity to the assessment process. Fewer ratings would reduce differentiation and may weaken incentives to achieve higher ratings, if providers feel the progress they may need to make is too great.
51. While we propose three rating categories, the addition of the option to not award a rating means there is a greater range of outcomes compared with the previous TEF scheme. We consider that this proposal is a balanced approach that establishes more meaningful distinctions between ratings. It creates an appropriate balance of incentives for providers to improve and move between ratings, while also accounting for the recommendations of the independent review, the government's response to the review, and the OfS's intention to improve alignment between the TEF and our baseline quality regulation. In considering this we have had regard to our general duty relating to quality, choice and opportunity.
52. In developing our proposed ratings, we considered alternative names for the Gold, Silver and Bronze categories. One such alternative was the names recommended by the independent review of the TEF: Commended, Highly Commended and Outstanding. These names would be more challenging for audiences, particularly non-specialist audiences, to interpret. It may

not be immediately obvious, especially to those less familiar with the higher education sector, that those labels represent increasing levels of excellence. This may in turn create less of an incentive for improvement. Another alternative would be the rating names: High quality, Very high quality and Outstanding. However, this involves only two categories of excellence above our high quality baseline requirements, and reduces the incentives for improvement. We plan to commission research with prospective students to understand their interpretation of different rating names, and will consider the findings alongside responses to the consultation proposals.

53. In making this proposal, we have considered our general duty relating to competition that is in the interests of students and employers.²⁵ We take the view that using the rating names Bronze, Silver, and Gold may incentivise providers to achieve higher ratings in order to more successfully attract potential students. We are, however, open to views on the independent review's recommended names as well as any alternative suggestions, provided those alternatives clearly convey to non-specialist audiences increasing degrees of excellence above the baseline.

Aspect and provider ratings

54. We propose that a rating should be awarded for each of the two aspects as well as for a provider overall, and that all these ratings would be published. In reaching both their aspect and overall rating judgements, the panel would have the option to not award a rating. This approach would provide more detailed, useful information on the range of excellence that can be found within an individual provider, compared with having only a rating for the provider overall.
55. More detailed information about a provider's performance is one of the ways in which the TEF would achieve its purpose of incentivising excellence. It gives prospective students and the wider public a means of comparing how each provider performs in two areas of interest to them – the student experience and student outcomes. Our proposals for publication of information can be found in section 5.
56. Our proposal to award ratings at both aspect and overall level creates an incentive for providers to improve the student experience and outcomes from one TEF exercise to the next. This is because it will be clear where lower quality in one aspect has prevented a higher rating overall, and where excellence is not consistent or widespread. Aspect ratings would also allow a provider to be recognised and rewarded for the excellence it may be delivering in a particular aspect even if its overall quality is not yet at the same level.
57. At the same time, having an overall rating alongside the aspect ratings is important, because this 'headline' rating is likely to provide a stronger reputational incentive than aspect ratings alone.
58. In proposing aspect and overall ratings, we are also seeking to ensure that the TEF operates effectively for the diversity of providers in the sector. The additional detail provided through

²⁵ Throughout this document, where we refer to this general duty we are referring to our general duty under s.2(1)(c) of HERA to have regard to the need to encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers.

aspect ratings would, for example, ensure that TEF outcomes are clearer about what is being assessed, compared with a single overall rating.

59. Our proposal to award aspect ratings – which would be determined by panel members before they reach their overall rating decision – would also bring structure to the assessment process and help support consistency in the overall ratings. More information about the formation of aspect and overall ratings, which includes information on the way different aspects ratings may be combined to form an overall rating, can be found under proposal 11 and in Annex F.

Proposal 4: Absence of excellence

Where there is an absence of excellence, no rating should be awarded and the published outcome should signal that improvement is required. This outcome for a provider should be considered as part of our general monitoring of quality and standards

60. As indicated by the ratings criteria in Annex B, we propose the provider would not be awarded a TEF rating where there is an absence of excellence. This could be where the TEF panel finds:
- no or minimal very high quality or outstanding features at the provider, or
 - features clearly below the level of very high quality, or that may be of concern, and it judges these are sufficiently serious or widespread to prevent the award of a rating of Bronze or above.
61. This would mean a provider might not be awarded a rating for one or both aspects, or an overall rating. This proposal would ensure that TEF ratings of Gold, Silver and Bronze all signal that a provider with one of those ratings delivers excellence for its students.
62. We propose that where a rating is not awarded (for an aspect or overall) the published outcome would signal that the provider ‘Requires improvement’ to be awarded a TEF rating. By using clear language accessible for prospective students and other audiences, we aim to provide a strong incentive for a provider with this outcome to improve and deliver excellence for its students. In proposing this we have had regard to the government’s guidance that the TEF should include a mechanism to ‘capture those providers failing to show sufficient evidence of excellence’.²⁶
63. We are open to views about this proposal and alternative suggestions for the language used to communicate such an outcome, provided any alternative clearly conveys that a provider would need to improve to be awarded a TEF rating. We will also consider the findings of the research with prospective students mentioned at paragraph 52 alongside responses to the consultation proposals.

²⁶ See the government response to the independent review of the Teaching Excellence and Student Outcomes Framework available from www.gov.uk/government/publications/government-response-to-the-independent-review-of-tef.

64. Proposals for how we would communicate the full range of TEF outcomes are set out under proposal 12.
65. In our phase one quality and standards consultation we proposed to use the outcomes of the TEF as 'an indicator to identify cases where further investigation of compliance with the baseline B conditions may be necessary', subject to separate consultation on the TEF.
66. We propose that where no rating is awarded to a registered provider following the TEF panel's assessment, we would consider this as part of our general monitoring of quality and standards for that provider. This is because such a judgement and the reasons for it could be relevant to our consideration of a provider's compliance with the B conditions. It could also be the case that the provider satisfies the baseline quality conditions, but does not demonstrate sufficient features of excellence above this necessary for a Bronze rating.
67. Where no rating is awarded to a participating provider in a devolved administration, it would be for the relevant authority to determine whether investigation of the provider's compliance with its minimum quality requirements is necessary, and to decide on any course of action that may follow.

TEF and statutory fee limits

68. Fee limits are prescribed by the Secretary of State in regulations made under HERA. The specific fee limits applicable are subject to whether a provider has an approved access and participation plan in force for the relevant academic year. It is the responsibility of each provider to ensure that it is aware of the law affecting the fees it may charge to students and the provisions of the student support regulations. Providers may also wish to review any relevant guidance published by Student Finance England on eligibility rules for student finance.²⁷
69. The OfS does not set these fee limits, or determine the relationship of TEF ratings to those limits. Respondents should, however, note that HERA includes provisions that link the ability to charge a higher fee amount to a provider's quality rating. Fees for providers without a high-level quality rating may not exceed the sub-level amount.²⁸ Schedule 2 of HERA empowers the Secretary of State to determine what rating or ratings are high-level quality ratings for this purpose.
70. This means that, under the current regulations made by the Secretary of State and subject to whether a provider has an approved access and participation plan in force at the beginning of the academic year, the effect of our proposals is that an English provider would not be able to charge the higher fee amount from the relevant time in the following circumstances:

²⁷ See www.practitioners.slc.co.uk.

²⁸ See Schedule 2 of HERA www.legislation.gov.uk/ukpga/2017/29/schedule/2/enacted for further details about fee amounts and the sub-level amount. See www.officeforstudents.org.uk/advice-andguidance/promoting-equal-opportunities/access-and-participation-plans/fee-limits/ for a summary of the fee limits for 2021-22.

- it does not participate in the TEF
- it is not awarded an overall TEF rating following assessment and 'requires improvement'
- its TEF rating is suspended (see proposal 5).

Consultation questions

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 reasons for your view.

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 reasons for your view.

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 reasons for your view.

Question 4

To what extent do you agree with our proposal for 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 reasons for your view.

Section 2: Scope

This section covers the following proposals:

Proposal 5: Provider eligibility

Proposal 6: Courses in scope

71. This section sets out proposals in relation to:

- a. Which providers must or can take part in the TEF, and the eligibility requirements they would need to satisfy in order to participate, and to retain a TEF rating once it is awarded.
- b. The range of higher education courses and students that should be in scope of a TEF assessment.

Proposal 5: Provider eligibility

To be eligible to participate in the TEF, and to retain a rating once awarded, a provider must satisfy baseline quality and standards requirements.

Mandatory and voluntary participation

72. Participation in previous TEF exercises has been voluntary. Condition of registration B6 sets out that a provider must participate in the TEF, and the OfS's regulatory framework sets out that this condition will apply to a registered provider with more than 500 higher education students. We are not proposing to change this condition, and the requirements of the condition are not part of the current consultation. This means that participation in the future TEF will be mandatory for a registered provider in England with more than 500 higher education students, provided it is eligible to take part (see proposal 5).
73. In October 2018 we published our response to a consultation on how we would calculate student numbers for a range of purposes, including to determine whether a provider is required to participate in the TEF on the basis set out in condition B6. Our response stated that we would consider points raised by respondents about how that calculation should be used to count students for TEF purposes.²⁹ We are now proposing that for TEF purposes, we will apply the established student numbers method but report the count of students relating to undergraduate levels of study. The existing student number data for OfS regulatory purposes (which are published annually as official statistics) will be extended to show the number of full-time equivalent higher education students on undergraduate courses relevant to the TEF, with this new, experimental component of the data initially included within the 2020-21 student numbers to be published on 16 February 2022. The definition of undergraduate levels of study

²⁹ See Calculating student numbers: Consultation response available from www.officeforstudents.org.uk/publications/calculating-student-numbers-consultation-response/. A number of respondents raised 'issues relating to having a different population for determining participation in TEF from the population used for the TEF metrics.' Our response stated that 'we will consider whether more detail is required in the technical annex or guidance relating to TEF... to address the comments raised.'

used for this experimental statistic remains subject to change as we consider responses to our current consultations.

74. The regulatory framework includes guidance relating to condition B6. We plan to update this guidance in the regulatory framework to reflect the policy decisions we take following this consultation on the future TEF.³⁰ Depending on the decisions taken this might involve, for example, including guidance arising from the proposal at paragraph 96, and removing references to 'suitable metrics' and 'provisional awards', which we propose would no longer apply.
75. For a provider in England with fewer than 500 higher education students and not therefore required by condition B6 to participate in the TEF, participation will continue to be voluntary (subject to satisfying the eligibility requirements set out in proposal 5).
76. Section 25(1)(b) of HERA enables the OfS to give TEF ratings to providers in Scotland, Wales and Northern Ireland where they apply for a rating and with the appropriate consent of the relevant devolved administration.³¹ We will continue to invite providers in these nations to participate in the TEF voluntarily, on this basis.
77. We propose that to be eligible to participate in the TEF, and to retain a rating once awarded, a provider must:
 - a. Provide courses that are in scope of the assessment.
 - b. Satisfy the quality and standards requirements of the relevant higher education funding or regulatory body, as set out at paragraphs 83 to 92.
78. We propose that these eligibility requirements would apply to providers that are required to participate in the TEF on the basis set out in condition B6 as well as to providers that choose to take part voluntarily.
79. Where a provider (from any nation) chooses to participate voluntarily and the panel has made a provisional decision about the provider's rating, we would not expect to allow the provider to withdraw from the process without a final decision being reached, including in relation to any material to be published. Although any request to withdraw would be considered on its own merits, it is our expectation that providers who have voluntarily participated in the TEF will not usually be permitted to withdraw.

³⁰ For the purpose of updating guidance in the regulatory framework about condition B6, this consultation is therefore a consultation under section 75(8) of the Higher Education Research Act 2017.

³¹ Section 25(2)(a-c) sets out what is meant by appropriate consent, with providers in Wales and Scotland requiring consent from Welsh and Scottish ministers, and providers in Northern Ireland needing the consent of the Department for the Economy in Northern Ireland. Section 25(3)(a) confirms that consent 'may be given either generally in respect of all providers or in respect of providers of a particular description or named providers'.

Courses in scope requirement

80. We propose that to be eligible to participate in the TEF and to retain a rating once awarded, a provider must deliver courses that are in scope for the TEF assessment. Proposals for courses that would be in scope are set out at proposal 6.
81. We propose to check whether a provider is delivering courses in scope by referring to the most recent year of TEF data about the size and shape of provision (as described in proposal 6, and specified in more detail in proposal 12 of the indicators consultation). This data covers all students on courses within the scope of the TEF and would, at the point of opening the TEF submission window in autumn 2022, show whether there are any students on courses within scope of TEF studying at the provider during the 2020-21 academic year. Where a provider does not have any such students in this data, we would engage with it about whether it teaches students on courses in scope for the TEF assessment that may not be included within the data, and therefore whether it would be eligible to participate in the TEF.
82. After awarding TEF ratings we would check this requirement on an annual basis when we release the annual TEF indicators (see proposal 9). If we identify a provider with a TEF rating that has no students within the scope of its most recent year of TEF data, we would seek to understand from the provider whether it continues to teach students on courses in scope for the TEF assessment and so whether it remains eligible to retain its TEF rating.

Quality and standards requirements

83. The OfS and each of the other UK higher education funding and regulatory bodies determine whether the providers in their nations satisfy the quality requirements in place in that nation. To ensure coherence, we propose that:
 - a. To be eligible to participate in the TEF, when the submission window opens a provider must satisfy the quality and standards requirements of its home nation as set out below.
 - b. If the TEF panel finds an absence of excellence at a provider, it would not award a TEF rating and the outcome would be 'Requires improvement'. As set in proposal 4, where a participating provider in England is not awarded a rating, the OfS would consider this in our general monitoring of quality and standards for that provider.
 - c. After TEF ratings have been awarded, if the OfS (or other UK higher education funding and regulatory body, as applicable) finds that a provider does not satisfy its quality and standards requirements, the OfS would consider if it is appropriate for the provider to retain its TEF rating, and is likely to suspend that rating (as set out in proposal 4).
84. Proposal 2 sets out that the TEF should focus on the quality of the student experience and student outcomes, but that the TEF should not assess standards. However, we consider that to be eligible to participate in the TEF, and to retain a TEF rating that signifies excellent quality, a provider should satisfy all the quality and standards requirements of the relevant home nation. This is because secure standards underpin high quality and we consider it would not be compatible for a provider to be recognised for excellent quality if the standards of its awards are not secure.

Providers in England

85. All providers registered with the OfS are required to satisfy conditions of registration relating to quality and standards (the B conditions³²). A provider registered with the OfS would satisfy the quality and standards requirements to take part in the TEF, and to retain a TEF rating, unless it has breached or breaches one or more of the B conditions.
86. Where the OfS makes a final decision that there is, or has been, a breach³³ of one or more of the B conditions, we are likely to suspend the aspects of the provider's registration that relate to the TEF. We will consider whether it is appropriate for the provider to be eligible to participate in the next TEF exercise and/or for the provider to retain an existing TEF rating (if it holds one). In any decision to suspend the provider's eligibility to participate in the next TEF exercise and/or suspend its existing TEF rating, we would explain the steps the provider is required to take for the suspension(s) to be lifted.
87. We would have regard to the intervention factors set out in paragraph 167 of the regulatory framework and consider, in particular, the proportionality of taking this approach. Factors that we are likely to consider include, but are not limited to:
- the extent to which a breach related to courses that are in scope for the TEF assessment
 - whether the conduct that led to the finding of a breach is ongoing, or the likelihood that such conduct may recur.
88. The reason for this approach is that we are unlikely to consider it appropriate for a provider that breaches or has breached our minimum requirements for quality and standards to gain or retain a TEF rating that signals 'teaching excellence'. Gaining or retaining such a rating in these circumstances would be likely to mislead students and others about the OfS's view of the quality and standards of a provider's courses. We also consider that in these circumstances it would be proportionate to focus our regulatory activity on securing a provider's compliance with our baseline requirements for quality and standards, before seeking to incentivise it to deliver excellence above those requirements through the TEF.

Providers in the devolved nations

89. Providers in Scotland, Wales and Northern Ireland are not required to participate in the TEF but can choose to do so on a voluntary basis, where the relevant devolved administration gives consent.
90. We recognise that the quality arrangements differ in each nation of the UK and we propose that, in order to be eligible to participate in the TEF, and to continue to hold a rating, a provider in a devolved nation should satisfy the quality and standards requirements of its home nation. These requirements are determined by the relevant higher education funding and regulatory body in each nation, and are currently as follows:

³² By 'the B conditions', we mean here conditions B1, B2, B4 and B5 that were the subject of consultation in www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions/, and condition B3 that is being consulted on at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/.

³³ By 'breach' we mean here that the OfS has made a formal finding that one or more conditions has been breached and has set that out to the provider in a final decision.

- a. For providers in Scotland, the Scottish Funding Council (SFC) requires a provider to meet the requirements of the Quality Enhancement Framework (QEF)³⁴ for which the combined elements provide public assurance about the security of academic standards and the quality of learning opportunities at Scottish higher education providers. This includes a provider receiving an 'effective' judgement in managing academic standards and the student learning experience in its most recent Enhancement Led Institutional Review (ELIR).
- b. For providers in Wales, the Higher Education Funding Council for Wales (HEFCW) requires a provider to be regulated or specifically designated and to have had a successful Quality Enhancement Review or Gateway Quality Review (Wales). A successful Quality Enhancement Review requires outcomes of 'fully met', both for the agreed baseline regulatory requirements and European Standards and Guidelines³⁵, within the last six years for a regulated provider and the last four years for a specifically designated provider. A successful Gateway Quality Review requires 'confidence' outcomes for the reliability of academic standards and the quality of the student academic experience.³⁶
- c. For providers in Northern Ireland, the Department for the Economy in Northern Ireland (DfE(NI)) requires an outcome of at least 'Meets requirements' for standards and quality in the Annual Provider Review³⁷, which is the core mechanism in the Quality Assessment Model that is used to assess a provider.

91. It should be noted that the quality regimes for the devolved nations are currently under review³⁸ and this is likely to have an impact on the future quality requirements of each funding and regulatory body, including what constitutes a positive or negative outcome. We will consult the relevant funding and regulatory body in each of the devolved administrations about any such changes and, subject to the outcome of those consultations and should we consider it necessary, amend the TEF eligibility requirements accordingly.

92. The devolved administrations will be responsible for giving consent for providers in their nations to take part. Where consent is given, the OfS will be responsible for deciding if a provider in a devolved administration is eligible to participate in the TEF, and to continue to hold a TEF rating once awarded. We will do so by:

³⁴ Further information about the QEF and its individual components can be found at www.qaa.ac.uk/scotland/quality-enhancement-framework and www.sfc.ac.uk/quality/quality-universities/quality-universities.aspx.

³⁵ See further details of the Quality Enhancement Review at www.qaa.ac.uk/reviewing-higher-education/types-of-review/quality-enhancement-review.

³⁶ Further details about the Gateway Quality Review (Wales) can be found at www.qaa.ac.uk/reviewing-higher-education/types-of-review/gateway-quality-review-wales. More information on how HEFCW uses the outcomes of the Gateway Quality Review and the Quality Enhancement Review as part of its Quality Assessment Framework can be found at www.hefcw.ac.uk/en/regulation/quality/.

³⁷ Further information about the Annual Provider Review process and its role within the Quality Assessment Model can be found at www.economy-ni.gov.uk/publications/northern-ireland-quality-assurance-higher-education.

³⁸ Details of the quality reviews for Wales and Scotland can be found at www.hefcw.ac.uk/en/blog/revising-our-external-quality-assurance-review-requirements/ and www.sfc.ac.uk/review/review.aspx, respectively.

- a. Engaging as applicable with SFC, HEFCW or DfE(NI) to confirm whether they consider that each provider that chooses to participate meets their quality and standards requirements, before making decisions on whether we consider a provider eligible to participate in the TEF.
- b. After TEF ratings have been awarded, asking HEFCW, SFC and DfE(NI) to inform us about any provider in a devolved administration with a TEF rating that subsequently fails to satisfy their quality and standards requirements. In such cases we are likely to suspend a provider's TEF rating until such time that the provider meets the relevant quality and standards requirements.

Providers with limited data and new providers

93. In the previous TEF, 'Provisional awards' were available to a provider that had met the quality requirements for TEF eligibility but was unable to apply for assessment on procedural grounds. This may, for example, have been because it did not have the minimum set of metrics then required to inform a full TEF assessment and receive a TEF rating of Bronze, Silver or Gold.
94. As a result of our proposals about the role of indicators and provider submissions in the assessment, we do not propose there should be any minimum set of data or minimum number of students required for a provider to participate and be assessed. We also do not propose to award any provisional ratings in future. A provider may have very small cohorts of students and OfS indicators may show a high degree of statistical uncertainty about its performance. But this should not prevent it from showing that it delivers excellence for its students through its submission, and receiving a TEF rating.
95. Such limitations in the data are more likely to affect a provider with smaller numbers of students, and it is therefore unlikely to meet the threshold for mandatory participation in the TEF based on condition B6. Such a provider could choose whether to participate.
96. It is also possible that a provider could have limited TEF data, while meeting the threshold for mandatory participation. This might be the case, for example, where a provider is newly registered and has not historically submitted student data returns. We propose that participation in the TEF should be optional for a provider that does not have at least one TEF indicator based on a denominator of at least 500 students (when combining the four most recent years of data). This proposal would have the effect of making participation in the TEF voluntary rather than mandatory for a provider that meets the threshold of 500 students as described in paragraph 73, but has limited data in its TEF indicators.
97. We recognise there may be limitations in the evidence for a provider delivering courses in scope for the TEF assessment, but without any graduating cohorts of students. Its data and submission could still demonstrate excellence in relation to the student experience and some student outcomes, which means it could receive a TEF rating. Until such a provider has graduating cohorts it would not be possible to demonstrate excellence across the full range of outcomes. It would therefore be unlikely that such a provider could achieve the highest TEF rating. This is, though, consistent with our overall proposed approach through which excellence can only be assessed and identified through evidence of retrospective performance.

Mergers and providers reapplying for registration

98. Occasionally, a provider may wish, or be required, to make a fresh application for registration, for example, because it wishes to change registration category, or where a merger or acquisition takes place. The provider seeking registration would be eligible to participate in the TEF once it is registered, subject to satisfying the eligibility requirements set out in this proposal.
99. Where a provider makes a fresh application for registration, we propose to take the following approach when considering whether any TEF rating held by a previously registered provider should be transferred to the provider seeking registration:
- a. Where the provider seeking registration is either the same entity, or is a new entity operating the same higher education business as the previous entity, we will transfer the TEF rating of the provider previously registered.
 - b. Where the provider seeking registration is a new entity that is not operating the same higher education business as the previous entity, we will treat that provider as a new provider for TEF purposes. This would mean that the previous provider's TEF rating is unlikely to be transferred to the new entity.
100. Where a provider merges with one or more other providers, we would normally transfer to the merged entity the rating that had been held (before the merger) by the provider that does not dissolve in the merger. There may, however, be instances where this is not appropriate and we would consider the TEF ratings held by each of the merging entities to decide which TEF rating, if any, should be transferred to the merged entity. We would take into account the proportion of the merged entity's higher education business that had been transferred to it by each merging entity, and their respective TEF ratings.
101. We have considered whether in such cases, rather than transferring a rating, we should reassess the new entity to determine its TEF rating. However, reassessing a newly merged entity would be disproportionate. It would involve significant burden on both the OfS and on the new entity without giving the newly merged entity enough of an opportunity to respond to the incentives that TEF is intended to create. In such cases we can achieve the aim of TEF better by waiting until the next full exercise for the new entity to be assessed.

Proposal 6: Courses in scope

All of a provider's undergraduate courses, and the students on those courses, should be within the scope of a TEF assessment.

Undergraduate courses

102. In proposing the range of courses and students that should be included within a provider's TEF assessment, we aim to promote excellence above baseline quality requirements for all undergraduate students.
103. We do not propose to include postgraduate courses within the scope of the next TEF exercise. We do not currently have enough evidence to know whether the character of postgraduate courses would be suitable for TEF assessment on the same basis as

undergraduate courses. It would not, therefore, be appropriate to introduce the assessment of postgraduate courses at this stage, but we do not rule it out as an option for subsequent TEF exercises. Our proposal on this point also places weight on the government's guidance to minimise the burden on providers and the OfS's general duty relating to the efficient, effective and economic use of OfS resources.

104. We recognise that higher education providers deliver a diverse range of undergraduate courses. However, we do not consider that, as a matter of principle, certain groups of undergraduate students should benefit from the impact of the TEF and others not, because of the type of course they study. We also aim to align the scope of TEF as far as possible with the scope of our regulation of quality and standards.
105. We propose that the following would be included as far as possible within the TEF indicators produced by OfS, should be addressed by a participating provider's submission and should in all cases be considered within the scope of a TEF assessment:
- a. Any higher education course at undergraduate level (whether that course is eligible to be funded by the OfS or not), and with any volume of learning, that leads to a qualification.
 - b. All of the undergraduate students who are registered with the provider, or are taught by the provider. This includes UK and international students being taught within the UK.
106. For the purposes of the TEF, we propose to define undergraduate courses as either 'Other undergraduate', 'First degree' or 'Undergraduate with postgraduate components' according to the definitions set out in the indicators consultation. Within these definitions, we propose to include only courses that are 'undergraduate in time'. This means we propose not to include courses at levels 5 and 6, where a level 5 or 6 qualification is a normal condition for course entry. We consider these courses to be 'postgraduate in time', as students will already have completed an undergraduate qualification, and will engage differently to those without previous higher education experience. These courses are reported for other purposes within the 'Other postgraduate' category, or as PGCEs as a separate category.³⁹

Taught and registered students

107. In the previous TEF exercise, the DfE decided that only students taught by a provider should be in scope⁴⁰ because it placed greater weight on the aim of informing student choice by attaching TEF ratings directly to the courses delivered by a particular provider. We consider the purpose of the TEF in the future is to incentivise and promote excellence for all undergraduate students. This aim would best be achieved if TEF assessments also include students registered by the provider but taught by another provider through a sub-contractual arrangement. This proposal would create incentives for the lead provider in a partnership arrangement to ensure that its current and prospective delivery partners deliver excellence for these students. We take the view that it is not appropriate for the lead provider to seek to

³⁹ This proposal does not affect the expected standards of, or naming for, awards at level 6 as set out in the sector-recognised standards in England (www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).

⁴⁰ See paragraphs 2.8-2.11 in the 'Teaching Excellence & Student Outcomes Framework Specification', October 2017, Department for Education, available at www.gov.uk/government/publications/teaching-excellence-and-student-outcomes-framework-specification.

generate income, or gain other benefits, through such partnership arrangements while not taking responsibility for the quality of those courses.

108. The implication of this proposal is that students taught through sub-contractual arrangements would be included in the TEF indicators and the assessments for both the registering and the teaching provider (if both participate in the TEF). We estimate that, for most providers, the addition of registered-only students would increase their TEF student population by less than one per cent. This extra accountability we see as proportionate to ensure both providers are incentivised to deliver excellence for these students. Our proposed approach is also consistent with our aim to develop the TEF as a coherent part of our wider quality system, and aligns with the scope of our proposed regulation of quality and standards.

International students

109. We propose to include international students being taught within the UK in the scope of TEF assessments. We would include them as far as possible within the TEF indicators, for example in continuation and completion indicators and indicators derived from NSS data. We also propose that providers and students, where applicable, refer to the experience and outcomes of this group of students in their submissions.

Additional courses that may be in scope

110. We propose that the following courses could over time be included in the scope of the TEF indicators and assessments. For the next exercise (proposed to complete in 2023) however, they would not be included in the TEF indicators. It would be optional for a provider to include them in its submission if it wishes. The panel would only consider evidence relating to these courses where it is included in a submission:
- a. Validated-only undergraduate courses, where a provider is responsible for granting the awards to students registered and taught by other providers, whether or not those providers are registered with the OfS.
 - b. Transnational education (TNE) courses at undergraduate level, delivered to students outside the UK whether through partnership arrangements or not.
 - c. Higher education modules or credit-bearing courses at undergraduate level that do not lead to the award of a qualification.
111. The reason for not including validated-only undergraduate courses in the TEF indicators at this stage is so that we can first implement our proposals to assess compliance with baseline requirements for such courses.⁴¹ Further work would be required to develop indicators for TNE courses and modular provision. Over time, however, we consider that extending the scope of TEF assessments to include these courses would be consistent with the overall aim of the TEF to promote excellence for all undergraduate students, and would align more fully with the scope of our baseline quality regulation. For the next TEF exercise, we propose that providers could include information about such courses in their submissions if they wish to,

⁴¹ Proposal 2 of our consultation on regulating student outcomes sets out our approach to courses delivered in partnership arrangements (available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/). This includes our proposal that we would not prioritise assessment of a lead provider's indicators related to the outcomes delivered through its partnership arrangements within the first year of implementation of the proposals set out in that consultation.

drawing on any data that may be available. Where evidence of excellence in these areas is included, the TEF panel would consider this relevant to the overall assessment of a provider's undergraduate provision.

Consultation questions

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 reasons for your view.

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 reasons for your view.

Section 3: Evidence

This section covers the following proposals:

Proposal 7: Provider submission

Proposal 8: Student submission

Proposal 9: Indicators

112. We propose that in determining providers' TEF ratings under the new framework, the TEF panel would consider three main sources of evidence: a provider written submission, an independent student submission, and TEF indicators generated by the OfS. This section sets out proposals for:
- a. The content and format of provider submissions.
 - b. The content and format of student submissions.
 - c. The indicators that would be generated by the OfS, and how they would be presented.
113. In developing these proposals, we have paid particular attention to the balance between the types of evidence the panel would consider and the weight that would be placed on them. As we set out under proposal 11, our view is that an improved balance between these sources of evidence would also improve the way assessments reflect the quality of the experience and outcomes for a provider's mix of students and courses. This reflects our policy intention. The independent review also proposed improving the balance between national and provider evidence after identifying concerns that metrics evidence had too great an impact in previous versions of TEF.
114. This section does not cover proposals for how the TEF panel would consider this evidence as part of its assessments, which are covered under proposal 11 and in Annex F.
115. As set out in proposals 7 and 8 our intention is to publish guidance for providers and students about how to participate and prepare their submissions. Annexes C and D propose information that we anticipate would be covered by the submission guidance, in addition to the proposals in this section. We welcome comments on the content of these annexes as well as the proposals set out in this section.
116. Detailed proposals about the construction of the indicators are set out in the indicators consultation which we are running in parallel with this consultation.⁴² We welcome comments on the proposals made in this section about the types of indicators that would be considered in the TEF, as well as responses to the indicators consultation about the details set out in that document.

⁴² Available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

Proposal 7: Provider submission

Participating providers should submit evidence of excellence in relation to the experience and outcomes of their students.

117. In order to participate a provider would need to submit evidence that contributes to the panel's assessments. This reflects our policy intentions because:
- a. Evidence from the proposed TEF indicators alone would not be sufficient to demonstrate excellence above the minimum requirements, nor could it demonstrate excellence in relation to educational gain.
 - b. Provider submissions would assist the panel in assessing how far a provider delivers excellence for its mix of students and courses. The provider would have an opportunity to submit evidence tailored to the specific character of its students and courses, and evidence of how it delivers excellence for all its student groups.
 - c. Provider submissions would enable robust assessments which combine evidence from the provider and nationally comparable indicators – both of which can be tested against each other.
 - d. Requiring and publishing provider submissions would encourage providers to reflect on and seek to improve the experience and outcomes of their students through evidence-based self-evaluation, which is likely to reinforce the overall incentive created by producing ratings.

Content and format

118. Proposal 6 sets out the range of courses that a provider's submission should address and would in all cases be considered within the scope of a TEF assessment. Proposal 6 also sets out the range of courses that should be optional for providers to include in their submissions. The panel would consider evidence relating to these courses only where a submission includes them.
119. We propose that the timeframe covered by provider submissions would align with the proposed four-year cycle for TEF ratings. Therefore, providers' submissions would:
- a. Cover the four most recent years at the point of submission, which in future would cover the period since the last TEF exercise. This ensures that where a provider with an existing TEF rating participates in the next exercise, the experience and outcomes of its undergraduate students in the period since it last participated would be subject to TEF assessment.
 - b. Provide further contextual information or evidence relating to the indicators, and hence the time periods they cover. We propose to derive the indicators from the four most recently available years of student data, again to align with the four-year cycle for TEF ratings. Due to the timing of data collections, however, the time periods covered by the indicators

would not align with the four most recent academic years. The time periods covered by the indicators are set out in proposal 9 of our related indicators consultation.⁴³

120. This proposal also gives providers enough time in between exercises to make changes that improve the student experience and outcomes, evaluate their impact, and include the evidence in their next submission.
121. The TEF panel would generally only consider information and evidence in the submission that is relevant to the TEF assessment features (see proposal 2 and Annex B), the students and courses in scope for the TEF (see proposal 6), and to the timeframe covered by the TEF (see paragraph 119).
122. Each provider would decide what relevant information and evidence it wishes to present in its submission, as appropriate to its context. Annex C includes proposals for the nature of guidance that we would provide about types of evidence that might be included, and guidelines about how such evidence could be presented to aid consistent interpretation. A provider would be encouraged to:
 - a. Demonstrate the impact and effectiveness of its approaches on the experiences and outcomes of its students. For example, a provider should avoid describing its strategies or approaches to learning and teaching without also explaining and evidencing their impact on student experiences and outcomes.
 - b. Draw on evidence it already uses to monitor and evaluate the quality of its courses. This is partly to minimise the administrative burden involved in making a TEF submission. This would also encourage a provider to embed the improvement of learning and teaching into its day-to-day activities, which would serve the policy aim underlying the TEF.
123. We propose that there would be a recommended broad structure for submissions, and that the OfS would supply a basic template providers may choose to use. We consider that a common structure could help the panel to consider the evidence in provider submissions in an efficient and consistent manner. Information about the recommended structure and template can be found at Annex C. This proposal is in line with the independent review recommendation that, although each provider should determine what evidence to include in its own submission, 'the submission process should have a standard structure for submissions that is used by all institutions'. However, the template would not be mandatory, recognising that a provider may wish to present its evidence in a way that is better suited to its own context.
124. To ensure that the TEF panel's assessments and ratings are robust and credible, it is important that the information and evidence in a provider's submission is reliable and accurate. This is particularly important given our proposal that more weight should be placed on the submissions than in previous TEF exercises. To support this aim, we propose that providers should include references in their submissions to underpinning sources of evidence. These references would help inform the panel about the nature of the evidence that the submission is based on and provide a means of verifying the information it contains.

⁴³ Available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes-data-indicators/.

Further details about the proposed references and verification process can be found at Annex C.

Page limits

125. We have had regard to our general duty relating to the principles of best regulatory practice, particularly proportionality and to our general duty relating to the efficient, effective and economic use of OfS resources. We consider that without a page limit for submissions, providers may produce unnecessary volumes of information. This would have the overall effect of creating excessive burden on providers and panel members, making the assessment process difficult for the OfS to deliver effectively (on time and within budget).
126. We therefore propose that there should be a page limit for provider submissions, set at a level that does not unduly constrain providers from submitting evidence they consider necessary. The page limit should be higher than in the previous TEF exercises (which was 15 pages) because we are placing greater weight on the provider submission. The submission would also contain more content (for example, evidence about educational gain, references to underlying sources of evidence, and evidence relating to the indicators split by subjects).
127. For these reasons, we propose a limit of 20 pages. We recognise that providers vary considerably in the scale and range of courses and subjects they deliver and that for some providers a shorter submission would be sufficient. If a provider considers that the page limit is unduly constraining, it would have the opportunity to submit additional information at the representations stage (see proposal 10 and Annex E).

Proposal 8: Student submission

Students should be encouraged to submit their views on the quality of their experience and outcomes.

128. We propose that a provider's students should contribute evidence to the assessment process through a single independent student submission. In previous TEF exercises, the views of students have been captured through student input into provider submissions, the consideration of NSS data in assessment, and through the role of student panel members and assessors. But the opportunity for student input to the next TEF, and the influence it could have in the assessment should be greater than before. The student submission would supplement the provider submission and the NSS data by providing important additional insights about students' views.
129. Many providers engage their students in the improvement of their learning and teaching, and we want that to be recognised and rewarded in the TEF. By encouraging an independent student TEF submission for each provider we would hope to see, within and beyond the TEF process, strengthened opportunities for students to inform further improvements to learning and teaching and student outcomes.
130. This proposal builds on the independent review recommendation that the OfS should embed the views of students in the assessments through the introduction of an independent and

structured student submission. It also builds on the use of a 'student declaration' during the TEF subject-level pilot 2018-19⁴⁴ and on our use of a student submission to contribute to the evaluation of the effectiveness of providers' access and participation plans.⁴⁵

131. By considering independent evidence from a provider's students, we intend that the TEF panel would gain additional understanding of:
- a. Students' perspectives in a way that is more direct than evidence captured in the provider's submission. We recognise that student perspectives may differ from their provider's. If this is the case, it would be an area for the TEF panel to consider, weighing up the available sources of evidence.
 - b. The impact of learning and teaching in a way that is more current than the indicators, which are based on retrospective data.
132. Because of this, we would encourage students – and recommend that participating providers encourage and support their students – to make an independent submission to add their views into the assessment. We propose that a single student submission should be coordinated and submitted on behalf of a provider's student population, by a TEF student contact who would be nominated by the provider.
133. We recognise that some students may choose to participate in the TEF process by contributing to the provider submission, or they may choose not to engage at all. We propose therefore that an independent student submission would be optional. Where one is not submitted, we would encourage the provider to reflect on this and its wider approach to student engagement in its submission. We would liaise with the nominated TEF student contact to confirm whether a provider's students had been given the opportunity to contribute to the provider's submission.
134. The OfS would provide support and guidance to TEF student contacts on how to prepare submissions. Annex D provides further detail about what we intend to include in the guidance. We would welcome views on both the proposals set out in this section and the proposed issues covered in the guidance, set out in Annex D. This includes views on how an independent student submission can be facilitated where student representation structures are less formal or less well-developed at a provider.

Content and format

135. The student submission would be an opportunity for students to set out their views on the quality of their experiences and outcomes, based on evidence and feedback gathered directly from students. Students would be encouraged to illustrate to the TEF panel what it is like to be a student at that provider, what they gain from being a student at that provider, and their views on the outcomes students achieve. Like providers, they would be encouraged to use evidence they consider most relevant to their own context. To limit the burden on

⁴⁴ Available at www.officeforstudents.org.uk/publications/tef-findings-from-the-second-subject-level-pilot-2018-19/.

⁴⁵ Further information about student submissions for the monitoring of 2019-20 access and participation plans is available at www.officeforstudents.org.uk/publications/student-submissions-for-the-monitoring-of-2019-20-access-and-participation-plans.

students preparing the submission, evidence could be drawn from existing student representation processes. While the student submission could refer to the TEF indicators or the provider's submission, students would be encouraged not to limit their submission to a commentary on these, and to include evidence gathered directly from students.

136. We propose that the student submission would cover the same scope as the provider submission in terms of:
 - a. The aspects and features of assessment (see proposal 2 and Annex B).
 - b. The range of courses and students in scope of the assessment (see proposal 6).
 - c. The timeframe covered (see paragraph 119), noting that the intention would be to evidence the perspectives and experience of current students.
137. The TEF panel would generally only consider information and evidence in the student submission that is relevant to these assessment features, courses and students, and timeframe.
138. As with provider submissions, we propose there would be a recommended structure for student submissions, and that the OfS would supply a basic template. We consider that a common structure could help the panel to consider the evidence in student submissions in an efficient and consistent manner. Further detail about the recommended structure and template is at Annex D.
139. We propose that the guidelines for student submissions should take into account the capacity and resources that may be available to student representatives. We want to encourage as many student submissions at as many providers as possible, and therefore anticipate providing guidance and support to TEF student contacts, up to and including the TEF submission window, to support their preparations. We would also provide guidance and support to help them understand the published TEF indicators.
140. When considering a student submission, the TEF panel would seek to understand the evidence on which it is based and the extent to which it represents a provider's whole undergraduate student population. We therefore propose that the student submission would set out how students' views and other evidence was gathered, whether through existing student representation processes or other means, and the range of students involved. The panel could consider this information to gauge how rigorous and representative the evidence in the student submission is and decide how much weight to place on it alongside the other evidence sources.
141. To reduce burden on students, we do not propose to verify student submissions using the same processes for provider submissions. However, in exceptional cases, the TEF panel may request verification from the TEF student contact if there appear to be inaccuracies in the submission and the panel considers that this could potentially have an impact on the rating awarded. Further detail about this is set out in Annex D.
142. We are proposing that, to promote accessibility, students would also be able to create all or part of their submission in a format other than a written one. Where possible and appropriate, we would encourage students taking this approach to accompany their submission with a

written transcript and to use the prompts in the recommended structure for the student submission. This would ensure that content is consistent across submissions, regardless of the format, which would assist the TEF panel in carrying out assessments efficiently and consistently.

Page limits

143. We propose there should be a page limit for student submissions, for the same reasons given in proposal 7. A shorter page limit than for providers would help limit the burden on students while still enabling them to submit compelling evidence of students' perspectives. We also consider it important to limit the overall burden on panel members and ensure that OfS resources are being used efficiently. For these reasons we propose a limit of 10 pages for the student submission.

Providers' access to student submissions

144. While we are proposing that the student submission would be developed independently from a provider, students could work with their provider, for example by sharing drafts before submission to the OfS. We propose asking the TEF student contact to confirm that their provider had not unduly influenced the content of the student submission.
145. If the student submission is not shared with the provider beforehand, the OfS would share it with the provider when communicating the panel's provisional decision (see proposal 10 and Annex E).

Proposal 9: Indicators

The OfS should produce numerical indicators based on the National Student Survey (NSS) responses; and student outcomes indicators defined consistently with the indicators we propose to regulate student outcomes through condition B3. For TEF purposes, the indicators should show a provider's performance in relation to its benchmark.

146. We consider that using robust, comparable indicators constructed from national datasets alongside evidence submitted by individual providers and their student representatives would give the panel a reliable and balanced evidence base from which to make judgements about each provider. In this section, we set out proposals for:
- a. The indicators the OfS would produce to be used in TEF assessments.
 - b. The level at which indicators would be reported.
 - c. How we would indicate a provider's performance against its benchmark, and communicate statistical uncertainty in the data.
147. This document provides a brief overview of the proposed indicators. Further details about how these indicators would be constructed and presented are set out in our related indicators consultation.⁴⁶

⁴⁶ Available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data.

148. Proposal 11 and Annex F set out proposals for how the panel would interpret the indicators and weigh them up alongside the other sources of evidence.

The indicators we propose to use

Student experience

149. We propose to use indicators constructed from NSS response data as evidence for assessing the student experience aspect of the TEF.
150. The NSS is a national survey with a high response rate (around 70 percent annually) that asks undergraduate students predominantly in their final year to state the extent to which they agree or disagree with a number of statements about their academic experience. In late 2020 we carried out the first phase of a review of the NSS⁴⁷, which found that the survey is widely used by providers to improve students' academic experience, is also used to inform student choice, and is an increasingly important regulatory tool when used as part of a wider set of indicators.⁴⁸ As an independent survey of student perceptions, we consider that the NSS is a valuable part of the evidence for understanding the students' academic experience. We therefore propose to use indicators constructed from NSS data to inform assessment of this aspect of the TEF framework.
151. The OfS is currently conducting the second phase of its NSS review, which may result in changes to the questions asked for the 2023 survey onwards. Our proposals below therefore relate to the question scales to be used in the next TEF exercise, for which the 2022 survey responses will be the latest year of data. We may need to revisit the proposed question scales for future TEF exercises depending on the outcomes of the NSS review.
152. Questions within the core NSS questionnaire are grouped into scales, with each scale addressing a different part of students' academic experience.⁴⁹ We propose to use five measures based on response data from the five question scales below. We consider these to align most closely with the TEF features we have proposed:
- a. The teaching on my course.
 - b. Assessment and feedback.
 - c. Academic support.
 - d. Learning resources.
 - e. Student voice.

⁴⁷ More information about the review of the NSS is available at www.officeforstudents.org.uk/advice-and-guidance/student-information-and-data/national-student-survey-nss/review-of-the-nss/.

⁴⁸ The findings of the first stage of the review of the NSS are available at www.officeforstudents.org.uk/publications/nss-review-phase-one-report/.

⁴⁹ The NSS questionnaire, which shows the questions in each scale, is available at www.officeforstudents.org.uk/advice-and-guidance/student-information-and-data/national-student-survey-nss/.

153. We do not consider it appropriate to use the responses to the separate question about overall satisfaction (question 27) in the TEF, as it does not meaningfully inform understanding of the areas of the student experience we are seeking to assess. We also propose to exclude question 26, which relates to the effectiveness of students' union representation, when constructing the student voice scale. This is outside the direct control of a provider.
154. The question scales we have proposed are those that received positive feedback from providers and panel members during the second TEF subject-level pilot.⁵⁰ We aim to secure a balance between the numerical indicators and other sources of evidence, and to minimise assessment burden, so we are not proposing to use any additional NSS scales beyond these. We are, though, inviting views on whether there are other scales that we should consider using. So, we have constructed indicators for all the NSS scales in the illustrative data provided alongside our related indicators consultation.
155. As the TEF is seeking to identify excellence, it is appropriate to focus on the proportion of positive responses to the survey. Each NSS indicator would therefore be an aggregate of the percentage of students who indicated agreement (answered definitely agree or mostly agree) with the statements within the relevant scale. Further detailed proposals about the definition and construction of these indicators are set out in proposal 8 of the related indicators consultation.
156. While students' views on their experience are important, we consider that indicators derived from the NSS should not be used as direct measures of the quality of the student experience. These indicators would not be sufficient on their own to demonstrate very high quality or outstanding features of the student experience. We therefore propose that the panel would need to consider these indicators alongside evidence in the submissions, with the indicators contributing no more than half the evidence of very high quality or outstanding features of the student experience (see proposal 11 and Annex F).

Student outcomes

157. We propose to use three measures as evidence for the student outcomes aspect in the TEF. These are the same measures we propose to use for the purpose of regulating student outcomes through condition B3:
- a. **Continuation** – the proportion of students continuing on their course or gaining a qualification after one year (two years for part-time students).
 - b. **Completion** – the proportion of students completing their course.
 - c. **Progression** – the proportion of students progressing to managerial or professional employment, or further study.
158. We set out proposals for using these three measures for the purpose of condition B3 in our 'Consultation on regulating quality and standards' (also referred to in this document as the phase one consultation). We also sought views in the phase one consultation on whether

⁵⁰ Available at www.officeforstudents.org.uk/publications/tef-findings-from-the-second-subject-level-pilot-2018-19/.

there were additional measures we should use, such as salary measures constructed from the Longitudinal Education Outcomes (LEO) dataset.

159. We are separately consulting in more detail on our future approach to regulating student outcomes through condition B3.⁵¹ These proposals, which build on the proposals in the phase one consultation, confirm that we propose to use continuation, completion and progression indicators, and explain our rationale for selecting them rather than others.
160. The phase one consultation also set out our intention to align the scope and definitions of the indicators for our assessments of condition B3 and the TEF, to the extent that this was appropriate and practical. This recognises the benefits of a coherent approach to the use of data across our regulation of quality. We consider that aligning the indicators means we can regulate more effectively. It also reduces regulatory burden for providers and others who need to understand and engage with the indicators we use.
161. Detailed proposals for the definition and construction of the outcomes indicators that would be used for assessments of condition B3 and for the TEF are set out in our related indicators consultation. This includes proposed definitions of what would count as 'positive' outcomes for each indicator. Some of our proposed definitions, when necessary and appropriate, offer benefit of the doubt when considering what should count as 'positive' outcomes.

The scope of the indicators

162. The indicators would include, as far as possible, all undergraduate students that are within the scope of TEF assessments as proposed in proposal 6.
163. We propose to use the latest four years of available data to construct each indicator as this aligns with our proposal for conducting the TEF on a four-year cycle.
164. Further details about the population of students covered by each indicator and which years from each source of data would be included are set out in the indicators consultation.

The level of reporting

165. Figure 3 below provides a summary of the reporting structure for the indicators we propose to use in the TEF.
166. We propose to present the indicators separately for each of three modes of study: full-time, part-time and apprenticeships. In each mode, we would include students at all undergraduate levels of study, and include students who are taught or registered by the provider. Proposal 6 sets out our reason for including taught or registered students.
167. The most appropriate way to consider performance in the TEF is to report each mode of study separately because of differences in the nature of provision and approaches to learning that might have an effect on the student experience and outcomes. It also gives us the ability to apply different benchmarking factors to different modes of study, which is

⁵¹ Available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/student-outcomes/.

important because this enables us to effectively apply our benchmarking principles in a way that reflects the different effects that benchmarking factors have for each mode of study.

168. Apprenticeships are sufficiently different to be considered separately and we propose that they should be considered as a separate 'mode' of study. We take the view that the design and delivery of apprenticeships includes distinctive characteristics and they are structurally different from other types of courses and from both full- and part-time modes of study.
169. For the purposes of informing TEF assessments, we propose that the TEF indicators for each mode of study would, at the highest level in the reporting structure, combine students at all undergraduate levels of study, combine all four years of data, and combine students that are taught or registered by the provider (or both).
170. At the next level in the reporting structure, we propose to break down the TEF indicators within each mode of study to create a series of 'split indicators'. These relate to various categories of a provider's students and courses, including: level of study, subject studied, student characteristics, year of entry or qualification (as appropriate to the student outcome in question), specific course types and provider partnership arrangements. The split indicators will be reported separately for each category of student or course as follows:
 - a. Level of undergraduate study: we would construct split indicators for three categories of undergraduate study (first degree, other undergraduate and undergraduate with postgraduate components) as well as breakdowns of the other undergraduate category to distinguish between qualifications at Level 4 and Level 5 or higher.
 - b. Subject studied: we would construct split indicators for subjects based on standard groupings defined as level 2 of the common aggregation hierarchy.⁵²
 - c. Student characteristics: including age, disability, ethnicity, sex and measures of underrepresentation in higher education.
 - d. Year of entry or qualification: we would construct split indicators of performance in each of the four years.
 - e. Specific course types: including courses with an integrated foundation year and, when available in future, whether the course is a higher technical qualification.
 - f. Provider partnership arrangements: we would indicate the relationship of the provider to the student (teaching, registering or both).
171. The inclusion and publication of split indicators in the TEF is part of our commitment to delivering equality of opportunity. It is intended incentivise providers to improve and deliver excellence for all their student groups, and across their range of courses and subjects. This would be achieved by:
 - a. Giving providers a detailed and comparable view of their performance for students with different characteristics, their range of courses and subjects, and from year to year. This

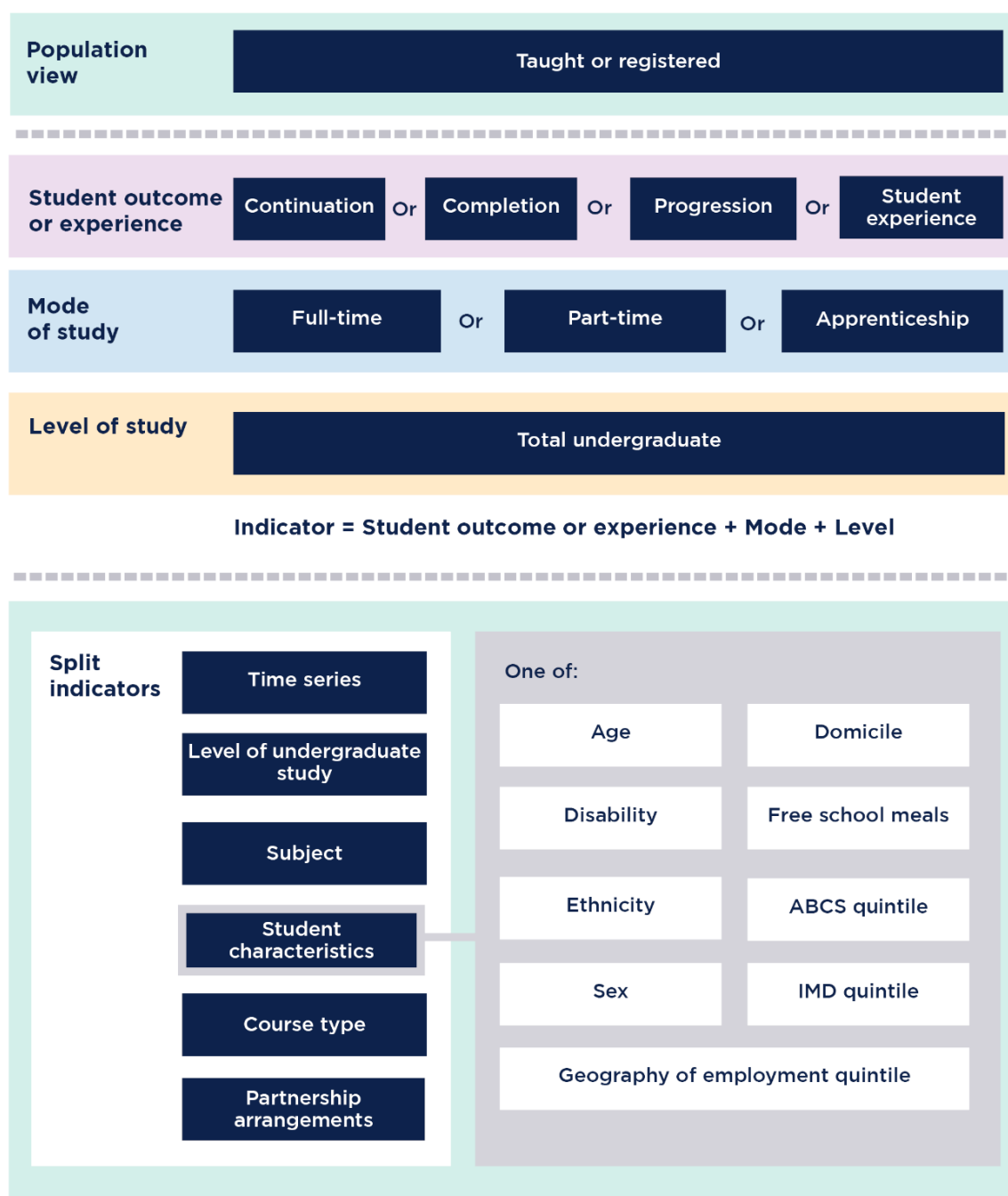
⁵² See www.hesa.ac.uk/support/documentation/hecos/cah-about.

helps providers to identify their relative strengths and areas which would most benefit from improvement.

- b. Enabling the TEF panel to consider a provider's performance for all its student groups, and across the range of courses and subjects, and how the provider itself has identified areas for improvement and targeted its interventions. The proposed approach to considering these issues is set out under proposal 11 and in Annex F.

172. Figure 3 below provides a summary of the indicators and split indicators we propose to use in the TEF. Further details, including their definitions and the groupings within them, are available in the related indicators consultation.

Figure 3: Reporting structure for indicators and split indicators used in TEF assessment



173. The reporting structure and split indicators that we propose to use for the TEF aligns with those in our related proposals on regulating student outcomes. However, for TEF purposes we would only include undergraduate students, and we propose to treat 'level of study' differently within the reporting structure. For TEF purposes we propose to report each mode of study separately, and to break these indicators down by a series of splits, including 'level of study' splits. Our consultation on regulating student outcomes proposes that the indicators for condition B3 would be reported separately for each mode and level of study, and then broken down into split indicators within these. We consider this difference to be appropriate because:
- a. For TEF purposes, the indicators are intended to inform a single judgement about the student experience or student outcomes of all a provider's undergraduate students. Reporting the TEF indicators separately for each mode and level of study would be unnecessary for the purposes of the TEF panel's assessments, while creating a large volume of additional data.⁵³ This would lead to an inefficient use of OfS resources as it would take more resource to review all participating providers within the planned assessment window. We consider that for the purpose of TEF assessments, sufficient account can be taken of differences in a provider's performance at different levels of study by including level of study as a benchmarking factor and as a split indicator.
 - b. For B3 purposes, we are proposing an approach that would allow us to regulate at a more granular level. This means that we would be able to target our regulatory interventions at pockets of provision where a provider is not meeting our minimum requirements. It would not be possible to do this if we used student outcome measures aggregated in the same way as we are proposing for the purposes of the TEF. To support this policy approach, we have set separate numerical thresholds for use in our assessments of condition B3 and these have been set for each combination of mode and level.

Approach to indicating performance

174. As set out under proposal 2, our proposed assessment framework is designed to incentivise excellence above our baseline quality requirements for each provider's mix of students and courses. The indicators would support this aim through showing the provider's position in relation to its benchmark, which takes account of the characteristics of its students and the type of courses it offers. We consider this remains the most effective way of interpreting the indicators when assessing varying degrees of excellence for the mix of students and courses in each provider.
175. We have reviewed our approach to presenting and interpreting a provider's performance against benchmarks, and have also considered the factors that should be taken into account within the benchmarks. In doing this, we have taken account of the recommendations made

⁵³ Illustrative TEF data released alongside this consultation includes indicators and split indicators reported for the combination of all undergraduate levels of study, as well as those reported for each level of study separately. This allows us to illustrate the volume of data TEF panels would need to consider if we took an alternative approach, of reporting the TEF indicators separately for each mode and level of study. Users should find that TEF indicators and split indicators reported for the separate undergraduate levels of study are a duplicate of those reported in the 'TorR' view of a provider's student populations in the condition B3 datasets.

about the statistical elements of the TEF scheme in the independent review report⁵⁴, which were informed by a comprehensive report by the Office for National Statistics (ONS). As a result, our revised approach seeks to improve communication of the statistical uncertainty that exists for the observed values in the data and increase the transparency of our statistical methods.

176. In developing proposals for the construction and presentation of the indicators we have sought advice from the Metrics Peer Review Group (MPRG). This group includes both statistical experts, whose role is to advise on and assure our statistical methods, and members who can comment on our proposals from a user perspective (former TEF panel members and users in providers). Further information about the group and the issues it has considered is available on the OfS website.⁵⁵

Benchmarking and benchmarking factors

177. Our benchmarking methodology aims to indicate how well a provider has performed compared to performance for similar types of students on similar types of courses in the higher education sector as a whole. We aim to take account of factors that, across the sector as a whole, are most correlated with the outcomes and experiences we are measuring once other factors have been controlled for, where we consider it would not be undesirable to control for those factors. These factors relate to characteristics of courses (such as subjects, and level of study) and students (such as their age or the qualifications they held on entry to higher education).
178. We calculate benchmarks for each provider based on the characteristics of its courses and students that we have selected as benchmarking factors. The benchmark is a weighted sector average which represents the outcomes that would have been achieved by the provider if it retained its mix of students and courses, but its outcomes across the benchmarking factors were replaced by the sector-overall rates for those student groups. A full explanation is provided in the related indicators consultation, which also includes a worked example of our benchmarking calculations at Annex B of that document. We acknowledge that benchmarking cannot control for all the factors that may affect a provider's performance and propose that providers should, through their submissions, have the opportunity to include further information to contextualise or supplement the indicators (see proposal 7 of this consultation).
179. The indicators consultation provides further detail about the benchmarking methodology, the set of benchmarking factors we propose for each indicator, and the principles and modelling used to arrive at these proposals. This includes further detail about our proposals and reasons for:
- a. How we would take account of student characteristics. We propose to use ABCS (Associations between characteristics of students) as a benchmarking factor for the outcome indicators. ABCS identify groups of students by how likely they are to achieve

⁵⁴ See: Chapter 4 of the Independent Review of the Teaching Excellence and Student Outcomes Framework (TEF) report, www.gov.uk/government/publications/independent-review-of-tef-report.

⁵⁵ See www.officeforstudents.org.uk/advice-and-guidance/teaching/future-of-the-tef/tef-metrics-peer-review-group/.

positive outcomes, based on a range of student characteristics.⁵⁶ For the student experience indicators we propose to use age on entry, disability status, ethnicity and sex.

- b. How we would take account of geographic differences in the graduate labour market, for the progression indicator.
- c. Taking account of the year of survey for the student experience indicators, and the year of qualification for the progression indicator.

180. Table 1 below provides a summary of the factors we propose to use in benchmarking for each indicator. More detailed definitions, including the groupings for each factor (for example, the subject groupings, or groupings of entry qualifications) are set out in proposal 10 of our indicators consultation.

Table 1: Summary of proposed benchmarking factors

Benchmarking factor	NSS-based indicators	Continuation	Completion	Progression
Level of study	✓	✓	✓	✓
Subject of study	✓	✓	✓	✓
Entry qualifications		✓	✓	✓
Expected course length		✓ [PT only]	✓ [FT and PT only]	
ABCS group		✓	✓	✓
Age on entry; Disability; Ethnicity; Sex	✓ [Sex for FT only]			
Geography of employment				✓
Year	✓ [Year of survey]			✓ [Year of qualification]

181. We propose that providers in England would be benchmarked against similar students at all English providers registered with the OfS. We take the view that benchmarking providers that

⁵⁶ Information about ABCS in relation to continuation is available at www.officeforstudents.org.uk/data-and-analysis/associations-between-characteristics-of-students/. As set out in proposal 10 of the indicators consultation (available at www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/), we propose to develop and apply this approach to completion and progression as well.

are subject to OfS regulation against those that are not, would not be appropriate in the context of our use of the indicators to inform assessments of condition B3, and that benchmarks for English providers used for the purpose of condition B3 and for the TEF should be consistent.

182. We propose that providers in the devolved administrations would be benchmarked against similar students across the UK, rather than being benchmarked only against similar students within the devolved administrations. Further details about how benchmarks would be constructed for providers in the devolved administrations are set out in proposal 10 of the indicators consultation. This includes proposals to construct ABCS for them, acknowledging that some of the characteristics used in the construction of ABCS are not available on a UK-wide basis.
183. For the split indicators we propose that each group within a split would be compared to similar students across the sector (for example, outcomes for mature students at a provider would be benchmarked against outcomes for mature students across the sector, whether or not 'age' is a benchmarking factor). This approach would indicate how far a provider delivers excellence for each of its student groups, compared to similar students across the sector. It is intended to complement, but not duplicate, our approach to the regulation of access and participation, which focuses on reducing the gaps in equality of opportunity between students from underrepresented groups and other students.

Data presentation and interpretation

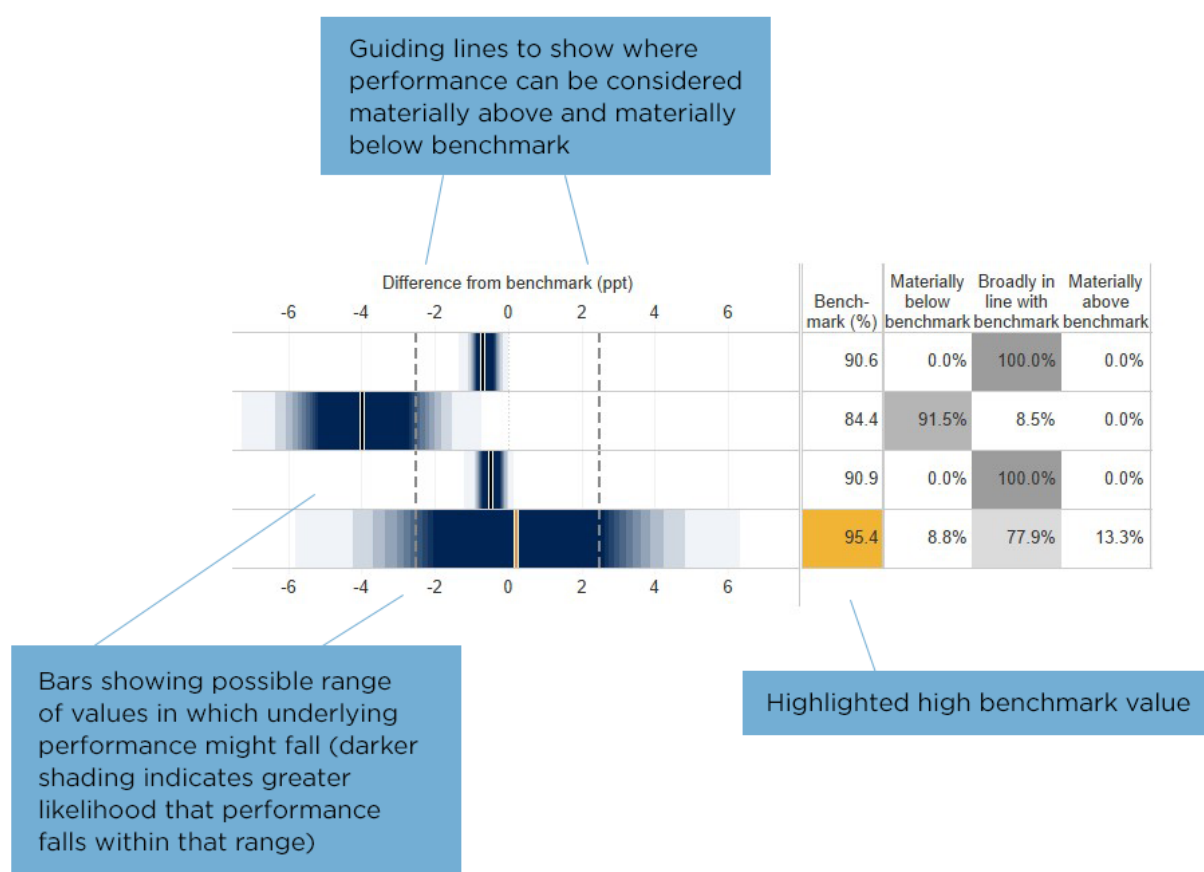
184. We intend to make two versions of the indicators available. The first of these is an interactive data dashboard that has been designed to help the panel and providers understand concepts of materiality and statistical uncertainty, which would be the presentation used in the assessment process. The second is an excel workbook that represents the same data in tabular form.
185. Our proposals for presenting the data involve showing the value of each indicator and its difference from the provider's benchmark. We propose to clearly communicate statistical uncertainty about the difference between a provider's indicator and its benchmark, using 'shaded bars'. The shaded bars represent the distribution of statistical uncertainty around this difference. We do not propose to 'flag' positive or negative performance against benchmark, as was done in the previous TEF exercises.
186. To support consistent interpretation of the shaded bars, guiding lines would show where performance could be considered materially above or materially below benchmark. We propose that performance that is at least 2.5 percentage points above (or below) benchmark should be considered as materially above (or below) benchmark. Our supporting analysis and reasons for identifying these values are set out in 'Materiality and high benchmark values for use in interpretation of the TEF indicators'.⁵⁷ Alongside the shaded bars, a table summarises the proportion of the distribution represented by the shaded bar that falls above or below these values. An illustrative example is provided in Figure 4, and the approach is

⁵⁷ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/.

demonstrated more fully in the example ‘TEF by provider’ data dashboards that we have published alongside the indicators consultation.⁵⁸

187. We have also considered whether some providers’ benchmarks may be so high that it would be difficult for the provider to materially exceed its benchmark. Our supporting analysis indicates this applies in particular to the continuation measure. We propose that where a provider’s benchmark for continuation is 95 per cent or higher, and the provider is not materially below its benchmark, its performance would be interpreted positively as set out in Annex F. Our supporting analysis and reason for this proposal is set out in ‘Materiality and high benchmark values for use in interpretation of the TEF indicators’. We would highlight any benchmark that exceed this high benchmark value to draw attention to them, as illustrated in Figure 4.

Figure 4: Key elements of the proposed indicators presentation



188. We have considered a range of alternative presentations and approaches to communicating the statistical uncertainty associated with the indicators. The approach described here has been developed with advice from members of the TEF metrics peer review group, and we take the view that it achieves an appropriate balance between effective communication of statistical uncertainty and utility for a range of potential users.

⁵⁸ Available at www.officeforstudents.org.uk/data-and-analysis/student-outcomes-and-experiences-data-dashboards/tef-by-provider/.

189. Annex F sets out proposals for how the panel would interpret the indicators, based on the size and position of the bar in relation to these guiding lines. Further detail on the indicator presentation and the statistical methods used to create the visualisations can be found in our related indicators consultation.
190. As set out in detail in proposal 11 of the indicators consultation, we would not report an indicator or split indicator in certain circumstances. These include:
- a. Where there are fewer than 23 students in the denominator.
 - b. Where an indicator or split indicator based on the NSS has a survey response rate below 50 per cent.
 - c. Where an indicator or split indicator based on the GO survey has a survey response rate below 30 per cent.
 - d. Where there is unknown information about one or more benchmarking factors for at least 50 per cent of relevant students, we would not report the benchmark or the difference between the indicator and the benchmark.
 - e. Where data has been suppressed for data protection reasons.

Data about the size and shape of provision

191. We propose to include data about the size and shape of provision alongside the indicators for each provider. Its purpose is to help the panel understand a provider's context when interpreting the available evidence, in terms of:
- a. Its size in terms of student numbers.
 - b. The type of courses it offers and its mix of subjects.
 - c. The characteristics of its students, including personal characteristics, socio-economic status and entry qualifications (based on the most recently recruited cohort of entrants).
192. For those courses which providers can include in their submissions but are not included in the indicators (see 'Additional courses that may be in scope', proposal 6), such as validated-only courses or modular courses, this data will give the panel an understanding of the volume of such courses a provider delivers.
193. A full description of the data items that we propose making available and their construction is available in the indicators consultation.

Consultation questions

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 reasons for your view.

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 reasons for your view.

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 reasons for your view.

Section 4: Assessment

This section covers the following proposals:

Proposal 10: Expert review

Proposal 11: Assessment of evidence

194. This section sets out how we propose TEF assessment and decision-making would operate. It covers:
- a. Proposals that the assessment should be a process of expert review, carried out and ratings determined by a panel of academics and students who are experts in learning and teaching.
 - b. The approach the panel would take to reach decisions, including the opportunity for a provider to make representations before the TEF panel finalises its decisions and the OfS publishes TEF outcomes.
 - c. How the panel would assess and weigh up the evidence it has available to form ratings. This includes principles and guidelines within which the panel would exercise its expert judgement.

Proposal 10: Expert review

Ratings should be decided by a TEF panel applying expert judgement.

195. It is our view that, above the baseline quality requirements, the assessment of how far a provider delivers excellence for its mix of students and courses should be carried out by people with expertise in learning and teaching. We consider that the best way to ensure the assessments are robust and credible is for those with expertise in the student experience and student outcomes to evaluate the evidence and make judgements about levels of excellence for providers with different mixes of courses and student groups. They should be empowered to exercise their judgement within a framework of principles and guidelines.
196. The independent review of the TEF highlighted the use of expert review as one of the strengths of previous TEF exercises.⁵⁹ This view was reached based on feedback from higher education providers and we therefore consider that an expert review process is most likely to secure the confidence of providers in the context of the TEF. This confidence will be important in ensuring that TEF outcomes are taken seriously, acted on, and result in the improvements sought through the scheme. This is important because the TEF relies on creating effective incentives.

⁵⁹ See Chapter 3 of the report on the Independent Review of the Teaching Excellence and Student Outcomes Framework (TEF), available at www.gov.uk/government/publications/independent-review-of-tef-report.

197. We propose to establish a new OfS committee, to be known as the TEF panel, to make decisions about TEF ratings. For the next TEF exercise, the panel will be chaired by Professor Sir Chris Husbands, vice-chancellor of Sheffield Hallam University, who chaired the previous TEF panel. We propose to appoint a number of academic and student panel members to conduct the assessments, through an open recruitment exercise. We would aim to recruit members with experience of diverse types of providers and from diverse backgrounds. We propose that one academic panel member and one student panel member would be appointed as deputy chairs, to assist the chair throughout the assessment process.
198. We propose the TEF panel would conduct its assessments and make decisions through the following approach.
199. Panel members would receive training and would carry out a calibration exercise to support consistent application of the assessment guidance and criteria.
200. Each provider would be considered in detail by a small number of panel members who would review the evidence in relation to that provider and form a recommendation about the ratings.
201. These recommendations would be considered by a larger group, and provisional decisions made about the ratings for each provider. During the decision-making process panel members would give further consideration as necessary to any of the evidence (all of which would be available), and could make decisions that are different to those recommended. There would be mechanisms to test for consistency across the range of providers being assessed, and for escalating decisions for resolution. The chair and deputy chairs would support this process, for example, by bringing all members together to review progress, resolve queries or provide guidance.
202. The OfS would inform each provider of the panel's provisional decisions about its aspect and overall ratings, and the reasons for these would be set out in a written panel statement. We would supply the provider with all the evidence on which the provisional decision is based, including the student submission, where appropriate. The provider would then have an opportunity to make representations if it considers that the panel's judgement does not appropriately reflect the available evidence, or if there are any factual inaccuracies in the panel statement that would be published.
203. The OfS would allow the provider 28 days to make any representations. Where a provider chooses not to make any representations, the panel would confirm its provisional decision without any further consideration. Where a provider does make representations, panel members would consider the evidence and arguments submitted. They would decide whether this has an effect on the provisional decision, and whether the outcome remains appropriate. The provider would be informed of the panel's final decision. We are proposing to follow this process in order to ensure robust decision-making.
204. We have considered an alternative approach of appointing a smaller TEF panel that would collectively take all decisions, supported by a larger pool of assessors that would make recommendations to the panel. That was the approach taken in the previous TEF. Such an approach could also reach robust decisions, but it would be less efficient, would take longer to complete, and could involve an unmanageable workload for panel members. This is because it would involve an additional stage for assessors to make recommendations, and a

large volume of evidence and decisions would need to be considered collectively by a single panel. Our proposed approach will allow us to keep the workload of the panel members manageable, and ensure rigorous and consistent decisions involving members with a broad range of expertise.

205. Further detail about the proposed establishment of the TEF panel is at Annex E. Annex E also sets out further details about proposed approach to decision-making that we would include in the guidance to the panel. We would publish this panel guidance before the deadline for provider and student submissions. We welcome comments on both the proposals set out in this section, and on the further details proposed in Annex E.

Proposal 11: Assessment of evidence

The panel should interpret and weigh up the evidence within a set of principles and guidelines, including that:

- the indicators should contribute no more than half the evidence of excellence in each aspect
- the two aspects should be equally weighted when deciding the overall rating.

206. We propose that in carrying out their assessments, panel members should interpret and weigh up the evidence by applying their expert judgement, guided by a set of principles and guidelines. We do not propose that they should deploy an initial hypothesis (a formulaic approach used in the previous TEF based solely on the indicators) or other formulaic judgement solely based on the indicators.
207. The guidance to the panel would include principles and guidelines about how to interpret and weigh up evidence and form judgements about ratings. Further details and information that we propose to include in this guidance are set out in Annex F. We propose this guidance should be based on the following broad principles:
- a. The assessment should consider how far a provider delivers excellence for its mix of students and courses.** The panel should consider the context of the provider, the characteristics of its students and courses, and judge the extent to which the student experience and outcomes are excellent in this context.
 - b. Positive evidence of excellence above the baseline requirements should be sought.** Assessments should start with the assumption that courses are, in general, of high quality given that providers would need to satisfy high quality baseline requirements to be eligible to participate in the TEF and to retain a TEF rating (see proposal 5). The panel should seek positive evidence that the student experience and student outcomes are very high quality or outstanding, in order to award a TEF rating.
 - c. Assessments should be based on a balanced consideration of the sources of evidence.** Evidence in the submissions and the indicators should be tested against each other, and weighted appropriately when informing overall judgements.

d. The ratings criteria should be applied holistically to all the available evidence.

Assessments should consider the extent to which there is evidence of excellence across each aspect as a whole and not treat the features as a tick-box exercise. Judgements should be made on a 'best fit' basis against the ratings criteria as a whole.

e. Assessments and outcomes should be transparent and coherent. Assessments should be conducted in accordance with the guidance that will be published, and the panel should explain its reasons for ratings decisions. There should be a coherent relationship between the aspect ratings and the overall provider rating.

208. In developing our proposals, we have considered whether, rather than a principles-based approach, a rules-based approach would be appropriate. A rules-based approach could, for example, set out that each piece of evidence or each feature of excellence needed to be considered and graded individually against further specific criteria. We consider that this would have an undesirable effect of leading panels to take a 'tick-box' approach to assessment, and would not reflect our aim of incentivising excellence for diverse types of courses and student groups. It could also potentially discourage providers from approaching their submissions in a strategic or holistic way, that connects the evidence across different features, and this would be undesirable.
209. Instead, by applying its expertise to make judgements in a holistic, principles-led way, the panel would be better positioned to recognise excellence for each provider's mix of students and courses.
210. We propose that panel members should be guided to apply the principles outlined in paragraph 207 and to exercise their expert judgement through the following approach to assessment:
- a. Initially, they should interpret the available evidence to identify very high quality and outstanding quality features within each aspect (see Annex B). They should consider the evidence available in the submissions and the indicators, and test these against each other. Proposed guidance on how the panel should do this, which include how indicators would be interpreted in relation to a provider's benchmarks, is outlined in Annex F.
 - b. Panel members should then consider a rating for each aspect by weighing up all the evidence against the criteria for each aspect (see Annex B). Overall, the indicators would contribute no more than half of the evidence of very high quality or outstanding features, within each aspect. This is because we consider that the indicators based on NSS are important but are not direct measures of the quality of the student experience; and the student outcome indicators only measure some of the outcomes being assessed (for further details see Annex F).
 - c. Finally, panel members should consider the overall rating for a provider by considering the two aspect ratings and, if necessary, weighing up all evidence across both aspects. We propose that in doing so, each aspect should be weighted equally. For the purposes of TEF assessments the student experience and student outcomes are equally important. We propose guidelines should set out how the overall rating should relate to the two aspect ratings, including limiting the overall rating to no higher than the highest aspect rating, and no more than one higher than the lowest aspect rating (see Annex F).

211. This approach is designed to work in tandem with other proposals in this consultation, in particular:

- a. The assessment framework, especially the features of excellence, which are intended to be non-prescriptive and non-exhaustive to ensure that the TEF can reflect and reward excellence for diverse types of courses and students.
- b. The nature of the evidence (submissions and indicators) that reflects the specific context of each provider.

Limitations on the overall rating

212. We have had regard to the government's statutory guidance⁶⁰ that student outcomes should act as a 'limiting factor', meaning that it should not be possible for a provider to achieve a high TEF rating if it has poor student outcomes. We have also considered the recommendations of the independent review that failure by a provider to demonstrate that it is addressing poor performing subjects should act as a limiting factor when arriving at ratings decisions.

213. It is appropriate to ensure that the assessment process leads to robust and credible outcomes, and that the panel considers evidence on its merits. We do not propose to operate limiting factors in the ways that the independent review or government suggested. However, we do propose parameters to ensure that TEF outcomes reflect the strength of the evidence, and that they are coherent with our approach to regulation through the B conditions. The effect of our proposals would put the following limitations on the overall rating a provider could receive:

- a. A provider would not be awarded an overall TEF rating if there is an absence of evidence as described in proposal 4.
- b. The indicators would contribute no more than half of the evidence of very high quality or outstanding features, within each aspect. Provider submissions would therefore need to include substantive additional evidence of excellence across a range of features to achieve a rating of Bronze or higher (see Annex F).
- c. The overall rating would be limited to no higher than the highest aspect rating, and no more than one higher than the lowest aspect rating (see Annex F). The effect of this would be that if, for example, a provider is awarded a Bronze rating for student outcomes, it could not be awarded higher than Silver overall, even if the student experience is rated Gold.
- d. Where the OfS makes a final decision that there is, or has been, a breach of one or more of the B conditions, we are likely to suspend the provider's eligibility to participate in the next TEF exercise and/or suspend the provider's existing TEF rating (see proposal 5).

⁶⁰ See in particular page 8, www.gov.uk/government/publications/government-response-to-the-independent-review-of-tef.

Consultation questions

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 reasons for your view.

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 reasons for your view.

Section 5: Outcomes

This section covers the following proposals:

Proposal 12: Published information

Proposal 13: Communication of ratings by providers

214. This section covers how we propose to publish TEF outcomes and related information, and proposals about how ratings could be communicated by providers.

Proposal 12: Published information

TEF outcomes and the evidence used in assessment should be published in an accessible and timely way.

215. In our recent consultation on publication of information about higher education providers,⁶¹ we set out proposals for information that we would normally expect to publish, and information that we would not normally expect to publish, for higher education providers in England. We also proposed factors that we would consider in reaching decisions about the publication of information. In relation to the TEF, that consultation proposed we would expect to publish on the OfS Register⁶² whether a provider is eligible to take part in the TEF, and the provider's current rating.⁶³ That consultation is now closed and its outcomes will be announced by the OfS in due course. For the purpose of this consultation on the TEF, we are not inviting comments on those proposals. We are proposing additional information that we would publish, and are inviting comments on these additional elements.

216. We propose to publish on the OfS Register the following information for English providers registered with the OfS:

a. Where a provider has participated in the TEF:

- i. The overall rating awarded, the aspect ratings awarded, and the date the awards were made; or
- ii. That the provider 'requires improvement' to be awarded a TEF rating (where no rating was awarded by the TEF panel); or
- iii. That the provider's TEF rating has been suspended by the OfS, due to a breach of minimum requirements (see proposal 5).

⁶¹ See www.officeforstudents.org.uk/publications/consultation-on-publication-of-information-about-higher-education-providers/.

⁶² The Register lists all the higher education providers officially recognised by the OfS. See www.officeforstudents.org.uk/advice-and-guidance/the-register/.

⁶³ See in particular paragraph 12.k. of www.officeforstudents.org.uk/publications/consultation-on-publication-of-information-about-higher-education-providers/.

- b. Whether a provider has breached minimum requirements for quality and standards (as set out in our consultation on publication of information about higher education providers).
- c. Whether a provider is eligible to take part in the TEF (as set out in our consultation on publication of information about higher education providers).

217. Figure 2 below illustrates how we propose to present our overall view of the quality of the provider.

Figure 2: Proposed categories

TEF panel decisions	Gold	The student experience and outcomes are typically outstanding.
	Silver	The student experience and outcomes are typically very high quality, and there may be some outstanding features.
	Bronze	The student experience and outcomes are typically high quality, and there are some very high quality features.
	Requires improvement	The provider was assessed in TEF and no rating was awarded. Improvement is required for a TEF rating.
Regulatory decisions about compliance	Breach of minimum requirements	The provider has not met minimum requirements and the OfS may have imposed requirements for improvement in specific areas and/or suspended the provider's TEF rating.

218. We propose we would also:

- a. Publish TEF outcomes through other channels to make them widely accessible to prospective students and others. We propose that we would publish the information in paragraphs 216 a. on the DiscoverUni website for all providers in England and in the devolved administrations, that participate in the TEF. We would also work with UCAS on how this information can be communicated to students via its services.
- b. Normally publish a wider set of related and ancillary information about a provider that participates in the TEF, for transparency. The information published on the OfS Register, DiscoverUni website and by UCAS would link to further information for each provider, which we would publish on the OfS website:
 - i. The written panel statement setting out the panel's reasoning for the outcomes.
 - ii. The provider's submission.
 - iii. The student submission (where available). There may, however, be circumstances where the OfS considers it appropriate to not publish the student submission wholly or in part, where we take the view that other factors outweigh the public interest in publishing it.
 - iv. The TEF indicators considered by the panel.

219. We have considered the factors set out in Annex C of our recent consultation on publication of information about higher education providers, and in particular consider that it is in the public interest that the OfS publishes in an accessible and timely way, a broader set of information about the outcomes of the TEF exercise, including the evidence considered and the reasons for the ratings awarded to each provider.
220. The overall package of information we propose to publish for each provider is intended to ensure that the outcomes of the TEF exercise are transparent, through:
- a. Providing clear reasoning for the outcomes that can be understood by the general public in the written panel statement.
 - b. Making available all the evidence that the panel considered in reaching its decisions.
221. The intended effect of these proposals, and the proposals set out in the consultation on the publication of information, is to ensure TEF ratings influence providers' reputations and student choice, helping meet our policy intention of incentivising excellence. The related and ancillary information published could also enable providers to identify the features of excellence found across the sector and provide valuable information for organisations that research and promote quality in learning and teaching.
222. In considering these proposals we have considered in particular our general duties relating to competition that is in the interests of students and employers, and to consider principles of best regulatory practice.

Transferred ratings

223. Where we decide that a TEF rating may be transferred from one provider to another (see proposal 5) we would update published information alongside the TEF ratings to explain the basis for the original rating, the basis on which it had been transferred, and relevant information about TEF ratings that had been held by relevant previous entities.

Publication decisions

224. Publication of any information relating to TEF awards not set out above would follow the approach we decide to implement following consideration of responses to our recent consultation on publication of information about higher education providers.

Timing of publication

225. As explained in proposal 10 and Annex E of this consultation, there would be an opportunity for a provider to make representations about the provisional decision on its TEF outcome before a final decision is made. This may mean that not all final decisions will be made by the panel at the same time. We have therefore considered when we should publish outcomes. We consider that it would be in the interests of students and the public more generally for outcomes to be published as soon as practicable.
226. We recognise that it is possible that some representations may take time to resolve. We do not consider the policy intention of the TEF exercise is best served by delaying publication of outcomes until they are all available. We therefore propose that:

- a. For providers that do not make representations, when the window for representations closes, ratings would be confirmed by the TEF panel and the OfS would publish these outcomes as soon as practicable.
 - b. Where a provider does make representations, the representations would be considered before a final decision is made by the TEF panel. This means that the outcome for that provider would be published at a later date, once a final decision has been made.
227. We have identified two options to communicate why outcomes for some providers would not be published at the same time as others, in these circumstances. We could either:
- a. Communicate that a provider's award is 'pending' so it is clear that the provider has participated in the TEF, and an outcome would be published in due course.
 - b. Not communicate that a provider has participated in the TEF until its outcome has been decided and is published.
228. We welcome views on these options and the impact they would have on providers and students.

Proposal 13: Communication of ratings by providers

A provider should be able to display and promote its own TEF rating in accordance with a set of guidelines.

229. We do not propose to require that a provider publicises its own TEF award, as all ratings and the reasoning for them would be publicly available as set out under proposal 12.
230. Where a provider chooses to publish its TEF rating on its website or in other materials, we propose that it should adhere to OfS guidance about the communication of TEF ratings.⁶⁴ The guidance would be designed to ensure a consistent TEF brand, and that TEF ratings are communicated accurately to the public. We propose the guidance should include:
- a. The logos and standard ratings descriptions that must be used for each rating, with accompanying branding guidelines.
 - b. A consistent approach to communicating any information about the date of award and its duration, alongside the ratings.
 - c. A requirement that aspect ratings or content from the panel statement should not be published separately from the provider-level rating. If a provider wishes to publish any aspect ratings or content from the panel statement, it must include the provider-level rating, but it would be acceptable to publish a provider level-rating without the aspect ratings. This would avoid the potential to mislead the public by publishing in isolation

⁶⁴ See www.officeforstudents.org.uk/advice-and-guidance/teaching/tef-branding-2021/ for examples of previous TEF branding guidelines issued by the OfS.

content from the panel statement, or an aspect rating that may be higher than the overall rating.

- d. Guidance to ensure accurate communication, for example, in relation to the scope of the rating (such as not including it in marketing materials for postgraduate courses).

Consultation questions

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 reasons for your view.

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 reasons for your view.

Section 6: Implementation

This section covers the following proposals:

Proposal 14: Name of the scheme

Proposal 15: Timing of the next exercise

Proposal 14: Name of the scheme

The scheme should be named the Teaching Excellence Framework.

231. We have considered options for the name of the scheme, including changing it to the suggestion put forward by the independent review (Educational Excellence Framework or EdEF), retaining the current name (Teaching Excellence and Student Outcomes Framework), which the government set out as its preferred option in its response to the independent review, or reverting to the original name of Teaching Excellence Framework (TEF).
232. We consider that the issue described by the independent review about the mismatch between the name and the focus of assessment would be addressed by the wider changes we are proposing to make to the assessment framework. This includes the inclusion of educational gain within the assessment framework, and the rebalancing of provider-submitted evidence and indicators.
233. We consider that the full current name of the scheme (Teaching Excellence and Student Outcomes Framework) is lengthy, does not match the acronym and it is therefore challenging to ensure communication is consistent. For example, we note that the original name 'Teaching Excellence Framework' is often still used by third parties, and this difference may cause confusion.
234. Our preferred option is to revert to the original name of Teaching Excellence Framework (TEF), although we are open to other suggestions through this consultation. This is because we consider the 'TEF' acronym is now well-known, including internationally. We consider it would best serve the purpose of the TEF to clearly and effectively communicate the name Teaching Excellence Framework alongside this acronym, in order to extend awareness of the scheme. It is also helpful to maintain branding that complements the Research Excellence Framework (REF), because this signals parity between teaching and research.⁶⁵
235. As part of the research on rating names that we plan to commission with prospective students (see paragraph 52) we will test the extent to which different names for the scheme are understood by prospective students, and are consistent with our policy aims. We will consider the findings alongside responses to the consultation proposals.

⁶⁵ See Chapter 7 of Independent Review of the Teaching Excellence and Student Outcomes Framework (TEF), www.gov.uk/government/publications/independent-review-of-tef-report.

Proposal 15: Timing of the next exercise

The next exercise should be carried out during 2022-23 and outcomes published in spring 2023. Future exercises should be conducted every four years.

236. Our proposed timeline for the implementation of the next TEF exercise involves opening the submission window in September 2022 and announcing outcomes in spring 2023.⁶⁶ The proposed timetable is outlined below in Table 2.

Table 2: Implementation timeline

Date	Event
August 2022	OfS appoints TEF panel
Early September 2022	The provider and student submission window opens: <ul style="list-style-type: none">• OfS publishes guidance on submissions and assessment• OfS publishes TEF indicators
Mid November 2022	Submission window closes
Late November 2022 to March 2023	TEF panel carries out the assessments
April to May 2023	Providers notified of the panel's provisional decisions about their ratings Opportunity for providers to make representations
May 2023	Outcomes published for providers that do not make representations

237. In considering the timetable, we have been mindful of our general duty relating to quality, choice and opportunity. The TEF is a key mechanism for this, and we are mindful of the delay that has already occurred since the last TEF exercise. We have also had regard to the government's preference to see assessments completed and published by September 2022. We therefore propose to implement the next TEF exercise as quickly as practicable.

238. This involves:

- a. After this consultation closes, the OfS needs sufficient time to consider responses and make decisions about the design of the scheme and associated guidance, and about the

⁶⁶ Current TEF awards – which had been due to expire in summer 2021 – have been already extended until the outcomes of the next TEF exercise are published. See www.officeforstudents.org.uk/publications/letter-to-providers-tef-update/.

construction of the indicators; and then to produce and publish its decisions, the guidance and the TEF indicators to launch the submission window in early September 2022.

- b. Providers and students need a reasonable length of time to prepare their submissions, from September to November 2022.
- c. The TEF panel needs enough time to fully consider the evidence and come to robust decisions about ratings, and for provisional decisions to be communicated to providers in April to May 2023.
- d. Publishing outcomes as soon as practicable once decisions are finalised.

239. We have balanced the timing of the delivery of the TEF exercise against the need to reduce unnecessary burden on providers, in particular during the coronavirus pandemic. We have already taken a number of actions to reduce burden on providers, and consider that it is in the interests of students to ensure our quality system – that is, our baseline quality regulation and the promotion of excellence through the TEF – is in place as soon as possible.

240. We recognise the ongoing impact of the coronavirus pandemic on higher education providers and students, but we do not think it is desirable for the TEF to be delayed further. It would not be in line with our policy intention to incentivise excellence, and would do a disservice to students already studying, or intending to do so. We take the view that, by September 2022, providers would have a reasonable understanding of the impact the pandemic has had on their courses and students, and would be in a position to provide evidence in their submissions of any actions they have taken. Students will also be able to reflect on their experience through their submissions. By that point, the data used to produce TEF indicators will begin to cover the years affected by the pandemic and providers and students will be able to reflect on this performance in their submissions.

Consultation questions

Question 13

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 reasons for your view.

Question 14

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 reasons for your view.

Ongoing development

241. The proposals in this consultation represent the next phase in the development of the TEF, and we anticipate that the TEF will continue to develop over time. We propose that future TEF exercises should take place on a periodic basis rather than annually, allowing the OfS to evaluate and where necessary improve the scheme after each exercise, in the interests of students and providers. In doing so we will seek to maintain a balance by ensuring the initial design and then ongoing development is:
- a. Flexible enough to apply to a diversity of courses and providers over time and to accommodate unforeseen changes to the higher education sector.
 - b. Stable enough for providers to plan and manage their resources effectively, in order to minimise burden.
 - c. Responsive enough to ensure that the exercise remains fit for purpose, and continues to meet our stated policy intention.
242. We intend to evaluate the next TEF exercise to understand how well it has delivered its intended purpose and consider whether improvements and efficiencies can be made to the TEF scheme for participating providers, students and the OfS. We would expect to consult on any substantive changes for future TEF exercises.

This section is for information, there are no associated questions.

Annex A: Consultation questions

Questions relating to all proposals

Clarity of the proposals

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

Regulatory burden

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

Questions relating to specific proposals

When answering the part of the question about the extent to which you agree to a proposal, we ask you to choose from the following:

- Strongly agree
- Tend to agree
- Tend to disagree
- Strongly disagree
- Don't know or prefer not to say

In responding to the questions in this consultation, we would encourage you to consider the potential for any unintended consequences of the proposals on particular types of provider or students, or on individuals on the basis of their protected characteristics.

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.

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.

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.

Question 4

To what extent do you agree with our proposal for 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Annex B: Features of excellence and ratings criteria

This annex relates to Proposals 2 and 3

1. This annex sets out:
 - a. The proposed features that would be considered ‘very high quality’ and ‘outstanding quality’, within each aspect (Table 3).
 - b. The criteria that the panel would apply when determining the ratings, taking into account the extent to which there is evidence of ‘very high quality’ and ‘outstanding quality’ features across the range of student groups and courses and subjects at a provider (Table 4).

Features of excellence

2. As set out in proposal 2, we propose to define ‘very high quality’ and ‘outstanding quality’ as follows:
 - a. **‘Outstanding quality’** signifies a feature of the student experience or outcomes that is among the very highest quality found in the sector for the mix of students and courses taught by a provider.
 - b. **‘Very high quality’** signifies a feature of the student experience or outcomes that is materially above the relevant minimum baseline quality requirements for the mix of students and courses taught by a provider.
3. In line with the regulatory objective set out in our regulatory framework that all students from all backgrounds should receive a high quality academic experience,⁶⁷ our minimum baseline quality requirements establish a high quality minimum for all providers. Therefore, quality identified through the TEF that is materially above the relevant baseline quality requirements should be considered as ‘very high quality’ or ‘outstanding quality’.
4. In line with our aim that the TEF and baseline quality and standards regulation should form a coherent overall quality system, we have sought to ensure coherence between the proposed TEF features and the proposed definitions of our general ongoing conditions relating to quality. While the TEF features build on the relevant proposed B conditions, we have deliberately avoided linking each TEF feature directly to a particular B condition. This is because we consider that the TEF assessment criteria should be able to recognise features of excellence beyond the scope of quality features described in the B conditions and to enable differentiation

⁶⁷ See in particular paragraph 3 of the OfS’s regulatory framework available from www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/

between different levels of excellence. The proposed TEF features also draw on the previous provider-level TEF exercises and the subject-level TEF pilots.^{68 69}

5. We also propose these features would be deployed in a way that promotes equality of opportunity and reinforces the OfS's work on access and participation. The panel would consider how far a provider delivers very high quality or outstanding quality features for all its students, including students from underrepresented groups. The intention is that the panel would, with reference to the ratings criteria, weight more positively evidence that demonstrates that very high quality or outstanding features apply to all groups of students at a provider. The split indicators (see proposal 9) would provide evidence about this for some of the features, and our intention is that providers would in their submissions supplement this with evidence relating to these and other features. Provider submissions would be expected to set out how they deliver excellence for all their student groups, for example through evidence-based interventions to make improvements for particular student groups.
6. The features place emphasis on positive impact and outcomes, rather than on processes, policies, and practices through which a provider seeks to achieve those impacts and outcomes.
7. As we are proposing a single assessment framework that would apply to providers of all types, we have sought to define features in a broad, principles-based way that would be applicable to diverse providers and students, and would avoid constraints on innovation. We have sought to balance this flexibility with clarity about how the panel would differentiate between levels of excellence. In doing so we have been mindful of our general duty to consider principles of best regulatory practice which includes ensuring that regulatory activity is carried out in a way which is consistent. The alternative would be to define different sets of features for providers with different characteristics, which we consider inappropriate. We have also been mindful of our general duty relating to institutional autonomy⁷⁰ and have designed our proposals to recognise diverse forms of excellence, as applicable to the students a provider recruits and the courses it decides to offer.
8. We do not consider there should be any pre-determined weighting of the features within each aspect, and recognise that a provider might give more or less emphasis to different features as applicable to its mission and its mix of students and courses. As detailed further under proposal 11 and in Annex F, panel members would be guided to assess providers in this context.
9. It is also not our intention that the features should be treated as exhaustive. We would not want to stifle innovation or constrain how a provider might demonstrate excellence. Where submissions include information beyond the features, we would guide panel members to

⁶⁸ See in particular table 3 in www.officeforstudents.org.uk/publications/teaching-excellence-and-student-outcomes-framework-subject-level-pilot-guide/.

⁶⁹ See table 2 in www.gov.uk/government/publications/teaching-excellence-and-student-outcomes-framework-specification.

⁷⁰ Throughout this document, where we refer to this general duty we are referring to our general duty to have regard to the need to protect the institutional autonomy of English higher education providers, under s.2(1)(a) of HERA.

consider such information to the extent it is relevant to the quality of the student educational experience or student outcomes. We would also welcome feedback through this consultation about whether there are any other important elements of the student educational experience or outcomes that are not captured in the features proposed in Table 3.

10. Although we do not propose to supply detailed examples of the types of evidence that could demonstrate very high or outstanding quality features, we would provide a set of general principles and guidelines, as indicated under proposal 7 and in Annex C.

Table 3: Features of excellence

Student experience		
	Academic experience and assessment	Resources, support and student engagement
Outstanding quality features	<p>SE1. The provider has embedded outstanding teaching, feedback and assessment practices that are highly effective and tailored to supporting its students' learning, progression, and attainment.</p> <p>SE2. Course content and delivery inspire the provider's students to actively engage in and commit to their learning, and stretch students to develop knowledge and skills to their fullest potential.</p> <p>SE3. The provider uses research in relevant disciplines, innovation, scholarship, professional practice and/or employer engagement to contribute to an outstanding academic experience for its students.</p>	<p>SE4. There is outstanding support for staff professional development and excellent academic practice is embedded across the provider.</p> <p>SE5. The provider ensures a supportive learning environment, and its students have access to a wide and readily available range of outstanding quality academic support tailored to their needs.</p> <p>SE6. Physical and virtual learning resources are tailored and used effectively to support outstanding teaching and learning.</p> <p>SE7. The provider embeds engagement with its students, leading to continuous improvement to the experiences and outcomes of its students.</p>
Very high quality features	<p>SE1. The provider has embedded very high quality teaching, feedback and assessment practices that are effective in supporting its students' learning, progression, and attainment.</p> <p>SE2. Course content and delivery effectively encourage the provider's students to engage in their learning, and stretch students to develop their knowledge and skills.</p> <p>SE3. The provider uses research in relevant disciplines, innovation, scholarship, professional practice and/or employer engagement to contribute to a very high quality academic experience for its students.</p>	<p>SE4. There is very high quality support for staff professional development and excellent academic practice is promoted.</p> <p>SE5. The provider fosters a supportive learning environment, and its students have access to a readily available range of very high quality academic support.</p> <p>SE6. Physical and virtual learning resources are used effectively to support very high quality teaching and learning.</p> <p>SE7. The provider effectively engages with its students, leading to improvements to the experiences and outcomes of its students.</p>

Student experience		
	Academic experience and assessment	Resources, support and student engagement
Summary of relevant baseline requirements (proposed in previous consultation on the B conditions)	<p>Condition B1: The provider must ensure that the students registered on each higher education course receive a high quality academic experience, which means their course:</p> <ul style="list-style-type: none"> • is up-to-date • provides educational challenge • is coherent • is effectively delivered • requires students to develop relevant skills. <p>Condition B4: The provider must ensure that:</p> <ul style="list-style-type: none"> • students are assessed effectively • each assessment is valid and reliable • academic regulations are designed to ensure that relevant awards are credible • awards granted to students are credible at the point of being granted and when compared to those granted previously. 	<p>Condition B2: The provider must ensure that each cohort of students registered on each higher education course receives:</p> <ul style="list-style-type: none"> • resources and support • effective engagement <p>to ensure a high quality academic experience for those students and those students succeeding in and beyond higher education.</p>

Student outcomes		
	Positive outcomes	Educational gain
Outstanding quality features	<p>SO1. The provider deploys and tailors approaches that are highly effective in ensuring its students succeed in and progress beyond their studies.</p> <p>SO2. There are outstanding rates of continuation and completion for the provider's students and courses.</p> <p>SO3. There are outstanding rates of successful progression for the provider's students and courses.</p>	<p>SO4. The provider clearly articulates the range educational gains it intends its students to achieve, and why these are highly relevant to its students and their future ambitions.</p> <p>SO5. The provider's approaches to supporting its students to achieve these gains are evidence-based, highly effective and tailored to its students and their different starting points.</p> <p>SO6. The provider evaluates the gains made by its students, and demonstrates its students are succeeding in achieving the intended gains.</p>
Very high quality features	<p>SO1. The provider effectively supports its students to succeed in and progress beyond their studies.</p> <p>SO2. There are very high rates of continuation and completion for the provider's students and courses.</p> <p>SO3. There are very high rates of successful progression for the provider's students and courses.</p>	<p>SO4. The provider articulates the educational gains it intends its students to achieve, and why these are relevant to its students.</p> <p>SO5. The provider effectively supports its students to achieve these gains.</p> <p>SO6. The provider evaluates the gains made by its students.</p>
Summary of relevant baseline requirements (proposed in separate consultation on student outcomes)	<p>Condition B3: The provider must deliver positive outcomes for students on its higher education courses.</p>	

Explanatory notes on the features

11. The following notes provide additional information about particular features:

- **Student experience (SE1 to SE7).** These features build directly on relevant elements of our proposed baseline quality conditions B1, B2 and B4. They are defined in ways that represent a higher quality experience for a provider's students than would normally be required to satisfy the associated elements of the B conditions.
- **SE1, SE2, SE5, SE6, SE7:** The evidence to identify these features would be a combination of the proposed NSS-based indicators and evidence in the submissions. As set out Annex F, an NSS-based indicator that is broadly in line with the provider's benchmark would initially be interpreted as indicating a 'very high quality' feature. An NSS-based indicator that is materially above the provider's benchmark would initially be interpreted as indicating an 'outstanding quality' feature. Overall, the indicators would contribute no more than half the evidence of very high quality or outstanding features for the student experience aspect.
- **SE3:** This feature is intended to give the provider the opportunity through its submission to demonstrate how far the student academic experience is enriched through one or more of the following, as appropriate to the context of the provider and the types of courses it delivers: students' exposure to research in relevant disciplines; innovation in the curriculum or methods of teaching and learning; scholarly activity; involvement of practitioners from relevant professions; or engagement with employers in the design and delivery of courses.
- **Student outcomes (SO1 to SO6):** The evidence to identify these features would be a combination of the proposed student outcomes indicators (for SO2 and SO3) and evidence in the submissions. Overall, the indicators would contribute no more than half the evidence of very high quality or outstanding features for the student outcomes aspect.
- **SO2 and SO3:** These features build on the requirements contained in proposed condition B3, and are defined in ways that focus on how far a provider delivers excellent outcomes for its mix of students and courses. As described under proposal 11 and in Annex F, these features would be assessed initially by considering a provider's performance against its benchmarks for continuation and completion (SO2) and progression (SO3). An indicator that is broadly in line with the provider's benchmark would initially be interpreted as indicating a 'very high quality' feature. An indicator that is materially above the provider's benchmark would initially be interpreted as indicating an 'outstanding quality' feature. The progression indicator shows the proportion of students progressing to managerial or professional employment, or further study. We recognise that a provider could in its submission demonstrate other types of positive outcomes for its students, and have therefore expressed **SO3** more broadly than the outcomes captured by the progression indicator.
- **Educational gain (SO4 to SO6):** These features are additional to our baseline quality requirements (that is, they do not build directly on existing B conditions as explained under proposal 2), and so are considered to be 'materially above' the B conditions collectively. We acknowledge that providers may be at different stages regarding the evidence they may have available for the next TEF exercise about the educational gains achieved for their students. We therefore propose for the next TEF exercise these features should relate to a provider's articulation of the gains it intends its students to achieve; its approach to

supporting these educational gains; and evidence of the gains achieved. We would expect that for subsequent TEF exercises the educational gain features would focus more on impact and outcomes, that is, the gains achieved in practice by a provider's students.

If you have feedback on this section of the annex, please respond to Question 2.

Ratings criteria

12. The panel would apply the ratings criteria when determining the ratings, taking into account the extent to which there is evidence of very high quality and outstanding quality features across the student groups and range of courses and subjects taught by a provider.
13. Under proposal 11 and in Annex F we propose how the panel would interpret and weigh up the evidence and apply the ratings criteria, guided by a set of principles and guidelines. As we propose that the panel should make a holistic judgement based on all evidence relating to each aspect, we consider the panel should apply a 'best-fit' judgement against the criteria to determine the aspect ratings.
14. Under proposal 11 and in Annex F we set out how the overall rating should relate to the two aspect ratings. However, the principle of best-fit judgement would also apply where a provider has different ratings for each aspect. We propose the panel would judge which of the ratings criteria best fits all the evidence across both aspects. For example, a provider may have a Bronze student experience aspect, and a Silver student outcomes aspect. The panel would therefore apply a best-fit judgement as to whether the overall provider rating should be Bronze or Silver.

Table 4: Criteria for each rating category

	Aspect ratings	Overall provider rating
Gold	<p>A Gold rating signifies that the aspect is typically outstanding.</p> <p>This would be awarded where the panel judges that the available evidence 'best fits' the following description:</p> <ul style="list-style-type: none"> Most features of the aspect are outstanding quality for all groups of students. <p>OR</p> <ul style="list-style-type: none"> All features of the aspect are outstanding quality for most groups of students. 	<p>A Gold rating signifies that the student experience and student outcomes are typically outstanding.</p> <p>This would be awarded where:</p> <ul style="list-style-type: none"> The panel awards a Gold rating to both aspects. <p>OR</p> <ul style="list-style-type: none"> The panel awards a Gold rating to one aspect and a Silver rating to the other aspect, and it judges that across all the available evidence the student experience and student outcomes are typically of outstanding quality. The

	Aspect ratings	Overall provider rating
		Silver-rated aspect therefore needs to include outstanding features.
Silver	<p>A Silver rating signifies that the aspect is typically very high quality.</p> <p>This would be awarded where the panel judges that the available evidence 'best fits' the following description:</p> <ul style="list-style-type: none"> Most features of the aspect are very high quality for all groups of students. <p>OR</p> <ul style="list-style-type: none"> All features of the aspect are very high quality for most groups of students. 	<p>A Silver rating signifies that the student experience and student outcomes are typically very high quality.</p> <p>This would be awarded where:</p> <ul style="list-style-type: none"> The panel awards a Silver rating to both aspects. <p>OR</p> <ul style="list-style-type: none"> The panel awards a Silver rating to one aspect and either a Bronze or Gold rating to the other aspect. It judges that across all the available evidence the student experience and student outcomes are typically of very high quality. <p>OR</p> <ul style="list-style-type: none"> The panel awards a Gold rating to one aspect and a Bronze rating to the other aspect, and it judges that across all the available evidence the student experience and student outcomes are typically a combination of very high and outstanding quality.
Bronze	<p>A Bronze rating signifies that the aspect is typically high quality, and there are some very high quality features.</p> <p>This would be awarded where the panel judges that the available evidence 'best fits' the following description:</p> <ul style="list-style-type: none"> Some features of the aspect are very high quality for most groups of students. <p>OR</p>	<p>A Bronze rating signifies that the student experience and student outcomes are typically high quality, and there are some very high quality features.</p> <p>This would be awarded where:</p> <ul style="list-style-type: none"> The panel awards a Bronze rating to both aspects. <p>OR</p> <ul style="list-style-type: none"> The panel awards a Bronze rating to one aspect and a Silver or Gold rating to the other aspect, and it judges that across all the available evidence there is insufficient evidence that the

	Aspect ratings	Overall provider rating
	<ul style="list-style-type: none"> Most features of the aspect are very high quality for some groups of students. 	<p>student experience and student outcomes are typically of very high quality or typically a combination of very high and outstanding quality.</p> <p>OR</p> <ul style="list-style-type: none"> The panel awards a bronze rating or higher to one aspect but does not award a rating to the other. It judges that overall there are some very high quality or outstanding features of the student experience and student outcomes. There are no features clearly below the level of very high quality, or that may be of concern that it judges to be sufficiently serious or widespread to prevent the award of an overall rating of Bronze.

Table 5: Criteria for not awarding a rating

	For an aspect	For the provider overall
Requires improvement	<p>No rating would be awarded to an aspect where the panel judges that the available evidence 'best fits' the following description:</p> <ul style="list-style-type: none"> There are no or minimal very high - quality features. <p>OR</p> <ul style="list-style-type: none"> There are features clearly below the level of very high quality, or that may be of concern, and these are sufficiently serious or widespread to prevent the award of an aspect rating of Bronze or above. 	<p>No rating would be awarded where:</p> <ul style="list-style-type: none"> The panel does not award a rating to both aspects. <p>OR</p> <ul style="list-style-type: none"> The panel awards a bronze rating or higher to one aspect but does not award a rating to the other aspect because there are features clearly below the level of very high quality, or that may be of concern, and it judges these are sufficiently serious or widespread to prevent the award of an overall rating of Bronze or above.

If you have feedback on this section of the annex, please respond to Question 3.

Annex C: Proposed guidance on provider participation and submissions

This annex relates to Proposal 7

1. This annex sets out further information – in addition to the issues covered under proposal 7 – that would form the basis for guidance for providers on participation in the TEF, including guidance on provider submissions. We have not prepared full draft guidance at this point as it is our intention to develop it in accordance with any decisions that follow from this consultation.
2. We welcome comments on the content of this annex as well as the proposals set out in the main consultation.
3. This annex covers proposals for:
 - a. Provider contacts.
 - b. Submission content and coverage.
 - c. Referencing of underlying evidence and verification.
4. It also summarises, at a high level, operational details that we expect the guidance to cover.

Provider contacts

5. We propose that the accountable officer for each provider should nominate a TEF Contact, who would act as the main point of contact with the OfS for operational matters relating to the provider's participation in the TEF. The OfS would provide the TEF Contact with any operational updates and may invite them to any briefing sessions that relate to the TEF. We would also encourage any queries about the TEF by staff at the provider to be routed through the TEF Contact. A provider would be expected to ensure the OfS holds up-to-date details for its TEF Contact.
6. The accountable officer would be responsible for signing-off a provider's submission and would be informed of the provider's TEF outcomes.

Submission content and coverage

7. We propose that in broad terms submissions would cover:
 - a. Information about the context for the provider, its mission and strategic aims, and any further information about the characteristics of its undergraduate students and courses to supplement the OfS's data about the size and shape of provision. This is intended to enable the TEF panel to consider how well the provider delivers for its mix of students and courses.
 - b. Evidence determined by the provider as relevant to its mix of students and courses, that addresses the features related to the student experience and student outcomes. This may include additional context or evidence related to the indicators. As set out in proposal 6, it

may also include evidence about additional courses that may be in scope, but are not yet covered within the TEF indicators.

c. A list of references to sources of evidence from which the submission has drawn.

8. As set out in proposal 7, we propose to provide a basic template for provider submissions, but its use would be optional. The template would have the following headings:

a. Provider context.

b. Student experience.

c. Student outcomes.

d. References.

9. Annex F sets out how the panel would be guided to interpret evidence in the provider submission.

Proposed evidence types

10. We recognise that providers will have available, and make use of, a wide range of evidence which could be drawn upon to support their submission. We also recognise that this evidence is likely to vary between providers. We do not want to unnecessarily limit the type of evidence that a provider could use in its submission: we consider that the provider will be best placed to know what evidence is most appropriate to use given its particular context, and we wish to ensure the assessment process can accommodate a diversity of provider types. We do, however, consider it important that the evidence used is appropriate to demonstrating the impact of the policies, practices or initiatives on the student experience or outcomes, and that student perspectives are included where relevant.

11. We do not intend to prescribe particular types of evidence that a provider should include in its submission, or produce an exhaustive list of types of evidence that could be included. Instead, we would expect to set out in the guidance non-exhaustive examples of the types of quantitative and qualitative evidence that a provider could include, leaving the choice of sources to the discretion of each provider. We propose that the potential range of evidence a provider might wish to draw on could include:

a. Internal evidence including evidence generated during annual monitoring or periodic reviews, monitoring or evaluation of educational strategies or interventions, analysis of internal data, and student or staff feedback and surveys.

b. External body reports, for example from external examiners and Professional, Statutory and Regulatory Bodies (PSRBs).

c. Relevant nationally available data, including the provider's analysis of its TEF data, published LEO data, Graduate Outcomes data not included in the TEF progression indicator, or additional NSS scales. When using such data that is not included in the TEF indicators, we would expect the provider to explain the relevance of the data for its mix of students and courses.

Proposed guidance on presenting evidence in the submission

12. We propose to provide general guidance on how a provider should present evidence in its submission. When drawing on evidence, we propose that the submission should briefly state the methods by which that evidence was gathered, and that this could include information about:
 - a. What qualitative and/or quantitative methods and data sources were used.
 - b. The sample size, response rates, and representativeness of the sample.
 - c. The approach to analysis used, the categories of students to which the findings refer, and applicability of findings to other categories of students.
 - d. Timeframes for the policy or initiative and its impact.
 - e. Recognition of limitations of the methodology and findings.
13. We propose that, where quotes are used, they should normally illustrate points that are supported by a wider evidence base, and that they would not normally be considered as strong evidence on their own, as the panel may not be able to judge the extent to which the quote applies to a range of courses or students.

Referencing of evidence and verification

14. For the reasons set out in proposal 7, we propose that a provider's submission should include references to the main sources of evidence that have been drawn upon. The OfS would use these references to verify information within the submission via the following proposed process.
15. We propose that initially the OfS would carry out verification checks on a random but representative sample of provider submissions. For each selected submission, we would check a random set of references and verify whether the associated statements made in the submission accurately reflect the source material referenced. During this verification exercise, we would contact a provider to ask it to provide any referenced materials we have selected for verification that are not in the public domain. We consider that this approach to sampling would be a proportionate way of assuring the accuracy of information in submissions, and an efficient use of the OfS's resources.
16. If, following this initial verification check, there appear to be substantive inaccuracies in the statements made in a submission, the OfS would check the remaining references in that submission. Where there appear to be substantive inaccuracies or unverified content in a provider's submission the OfS would inform the panel. The panel would then consider how to take this into account in determining a provider's TEF rating.
17. If we identify widespread concerns during the initial checking of references in the random sample of submissions, we would consider extending the sample to other providers.
18. In addition, during its assessments, the panel would be able to ask the OfS to verify the accuracy of information in a provider's submission. We would expect the panel to request verification only where that could have a material impact on a rating awarded. This might occur, for example, where information apparently contradicts another source of evidence, such

as the student submission or the indicators. The panel could ask the OfS to request any relevant referenced material from a provider, if not publicly available. The panel could also request verification of information in the submission not supported by a reference, and the provider would be asked to supply relevant material. Where there appear to be inaccuracies or unverified content in a provider's submission following such checks, the panel would consider how to take this into account in determining a provider's TEF ratings.

General coverage of the guidance

19. In addition to the issues covered under proposal 7 and in this annex, we anticipate the guidance will also set out:
 - a. How to structure and format the submission and the availability of a template.
 - b. Instructions and timelines for signing off and submitting provider submissions.
 - c. Arrangements for making representations about provisional decisions and how OfS will confirm outcomes.
 - d. The process for the OfS publishing outcomes.
 - e. Guidance on providers' use of and communication of TEF ratings (see proposal 13).
20. Information relating to accessing and understanding the presentation of TEF indicators would also be published by the OfS.

If you have feedback on this annex, please respond to question 7.

Annex D: Proposed guidance on student submissions

This annex relates to Proposal 8

1. This annex sets out further information – in addition to the issues covered under proposal 8 – that would form the basis for guidance on student submissions. We have not prepared full draft guidance at this point as it is our intention to develop it in accordance with the decisions that follow from this consultation.
2. We welcome comments on the content of this annex as well as the proposals set out in the main consultation.
3. This annex covers proposals for:
 - a. TEF student contacts.
 - b. Submission content and coverage.
 - c. Verification process.
4. This annex also summarises, at a high level, operational details that the guidance would be expected to cover.

TEF student contacts

5. We propose that the provider should nominate a TEF student contact, who would act as a point of contact with the OfS for operational matters relating to the student submission and is likely to be the person able to coordinate the student submission on behalf of the provider's students. A second student could also be identified to act as a backup contact. We would invite TEF student contacts to attend training and support sessions arranged by the OfS.
6. While we propose to publish student submissions (see proposal 12), the name of a TEF student contact would not, in general, be included in that publication.
7. The OfS recognises that student representation structures vary across the higher education sector. We would normally expect the nominated TEF student contact to be an elected student representative. They could be, for example, an education-related sabbatical officer, or other student with a relevant role or experience in representing the provider's students on education or quality matters. We consider this would enable a TEF student contact to deploy their understanding of student representative structures at the provider, and their experience of gathering feedback from students, to coordinate a submission that represents the views of a diverse range of students. As the student submission should be independent, it is not appropriate for a member of the provider's staff to undertake the role.
8. When nominating the TEF student contact the provider would be asked to state why they consider the nominee to be suitable for the role. If this does not demonstrate that the person has a relevant role or experience in representing the provider's students, we may ask the provider to nominate a different individual. If a provider intending to participate in the TEF fails to nominate a TEF student contact, we will request an explanation for this and consider what

further action should be taken to ensure the provider's students have an opportunity to make an independent submission. We would welcome views on how an independent student submission could be facilitated where student representation structures are less formal or less well-developed.

9. We acknowledge that some students at some providers may not wish to make a submission, and in these cases would still expect a TEF student contact to be nominated, so that they (rather than the provider) can confirm they have made this decision. We would also ask them to confirm whether the provider's students had been given the opportunity to contribute to the provider's submission.
10. In nominating the TEF student contact, consideration should also be given to the proposed timing of the student submission window, including the potential need to prepare for, and then produce, the submission across two academic years. A new TEF student contact may need to be nominated following a change-over of elected student representatives, and the OfS would encourage the provider to put in place plans to ensure continuity in submission preparation. A provider would be expected to ensure the OfS holds up-to-date details for its TEF student contact.

Submission content and coverage

11. We propose that in broad terms student submissions should cover:
 - a. How students' views and other evidence presented in the submission were gathered, whether through existing student representation processes, or any additional evidence gathering activity, or both. This should indicate the range of students the evidence applies to and how far the evidence is representative of the whole undergraduate student population.
 - b. Evidence and feedback addressing the features related to the student experience and student outcomes, as determined by students as relevant to their own context. We would encourage the submission to be based primarily on evidence and feedback gathered directly from students, although it could also reference other evidence, such as the TEF indicators or evidence referred to in the provider submission. This is because evidence gathered directly from students could supplement both the provider submission and the NSS data by providing important additional insights into students' views.
12. As with the provider submission, we propose providing a basic template that students could use to complete their submission. We propose that the template would include the following headings:
 - a. Approach to evidence gathering.
 - b. Student experience.
 - c. Student outcomes.
13. Annex F sets out how the panel would be guided to interpret evidence in the student submission.

Proposed types of evidence

14. As with provider submissions, we do not intend to prescribe particular types of evidence that students should include in their submission, because we consider that students will be best placed to know which evidence is most appropriate to use given their particular context. Instead, we would expect to set out in the guidance non-exhaustive examples of types of evidence that students might wish to include. This could include summaries of evidence gathered through existing student representation arrangements, or analysis of student feedback gathered via surveys, focus groups or workshops. Where relevant, the submission should refer to the size of the samples and the categories of students involved in feedback-gathering activities.
15. As with provider submissions, we propose that where quotes are used in the student submission, they should normally illustrate points that are supported by a wider evidence base. They would not normally be considered as strong evidence on their own, as the panel may not be able to judge the extent to which the quote applies to a range of students or courses.
16. We would also set out expectations that a provider's TEF Contact would work with the TEF student contact to provide access to any other relevant information required to complete the student submission.
17. As set out under proposal 8, we do not propose that student submissions should include references and be subject to verification in the same way as provider submissions. Instead, we propose that the panel would gauge the strength of evidence in student submissions by considering the submitted information about how the evidence was gathered and the extent to which it is representative.
18. We propose that only in exceptional cases, the TEF panel may ask the OfS to seek verification from the TEF student contact if there appear to be inaccuracies in the submission. The panel would be likely to do so only where verifying the information could potentially have an impact on a rating awarded. This might occur, for example, where information appears to contradict the different sources of evidence being considered, i.e. the provider submission or the indicators. If verification is required, we would ask the TEF student contact to explain what evidence the relevant piece of information is based on. The panel would then consider this when weighing up the evidence. These arrangements are intended to minimise the burden on TEF student contacts while ensuring the panel can weigh up the sources of evidence appropriately when forming its judgements.

General coverage of the guidance

19. In addition to the issues covered under proposal 8 and in this annex we anticipate the guidance will also set out:
 - a. Background information, including the role of the OfS and the purpose of the TEF.
 - b. A recommended template, and guidance on how to structure and format the submission, and how to make a submission in a non-written format.

- c. Advice on how to gather and present evidence and student views, and other resources available to support the TEF student contact.
 - d. Instructions and timelines for making submissions.
 - e. The process for the OfS publishing student submissions.
20. Information relating to accessing and understanding the TEF indicators would also be published by the OfS.

If you have feedback on this annex, please respond to question 8.

Annex E: TEF Panel establishment and decision-making process

This annex relates to Proposal 10

Establishment of the TEF panel

1. As set out in proposal 10, we propose to establish a new committee to make decisions about TEF ratings. This committee would be named the TEF Panel. We propose to appoint academic and student panel members to conduct the assessments, through an open recruitment exercise. We would aim to recruit members with experience of diverse types of providers and from diverse backgrounds.
2. We see student representatives as experts in the student experience and consider it both important and appropriate that the body making decisions about students' experience and outcomes for the purposes of the TEF includes student members.
3. In previous TEF exercises, the panel included members with specialist expertise in widening participation and employer representatives. We propose to embed knowledge and experience in access and participation throughout the panel in future and will construct our recruitment criteria to deliver this aim. We consider this to be preferable to recruiting a limited number of experts in this area and to be the best way of ensuring that equality of opportunity is considered throughout the assessment process.
4. We have considered including a role specifically for employer representatives, as their involvement in assessments and decisions may be desirable. Our experience of previous provider-level TEF exercises is that they have found it difficult, due to constraints on their availability, to provide the necessary level of input to carry out assessments of individual providers as well as participating in panel meetings. We are therefore not currently proposing to include a specific role for employer representatives on the panel but would be open to views about whether there is a role they could play that would allow the TEF to benefit from employer perspectives.⁷¹
5. In addition to the current chair of the TEF panel (Professor Sir Chris Husbands, whose term will continue until the end of the next exercise), we propose that two of the appointed panel members would also act as deputy panel chairs, one of whom would be a student. The chair, supported by the deputy chairs, would guide the panel to make consistent and rigorous decisions in line with the ratings criteria and assessment guidance. The deputy chairs would also deputise for the chair in the event of a conflict of interest.
6. We would design our approach to recruitment to ensure there is sufficiently broad expertise within the panel to understand a wide range of educational contexts. In order to achieve this, we would consider the size, characteristics and location of the providers at which individuals are based when making appointments. Our view is that we should also seek to appoint a panel

⁷¹ For clarity, the absence of a specific role for employer representatives would not prevent such a person with the relevant experience and expertise to be appointed to an academic or student role on the panel.

which reflects the diversity of the students whose experience and outcomes it is considering, so we would aim to appoint members with diverse personal characteristics.

7. The panel would be responsible for deciding the ratings to award to each participating provider. It would not take other decisions relating to the TEF; these would be taken by the OfS in accordance with our scheme of delegation.⁷² This includes, but is not limited to, decisions about:

- the consequences of regulatory decisions on a provider's TEF rating
- the duration of a provider's TEF rating
- a provider's eligibility to participate in the TEF
- a provider's compliance with condition of registration B6
- the impact of a merger, demerger or acquisition on relevant TEF ratings
- a provider's use and communication of its TEF ratings.

Assessment and decision-making process

8. This section sets out further information – in addition to the issues covered under proposal 10 – that would be included in guidance to TEF panel members on the process for decision-making. We have not prepared full draft guidance at this point as it is our intention to develop it in accordance with the decisions that follow from this consultation. We welcome comments on the content of this annex as well as the proposals set out in the main consultation.

Preparation

9. Following the appointment of panel members, we would collect details of their conflicts of interest and the information we need to remunerate them. We would then prepare them for the assessment through:
- a. Training: Panel members would receive training that would enable them to understand and apply the published specification and guidance on how to interpret and weigh up the evidence, and form ratings.
 - b. Calibration: We would carry out a calibration exercise where all panel members consider a small number of providers and reflect on how to consistently apply the guidance and specification.

Allocation and initial assessment

10. We would divide the body of panel members into a number of groups, each including student and academic members, with a range of expertise. A range of providers with different characteristics would be allocated to each group for assessment. We would avoid allocating a

⁷² To read the OfS scheme of delegation, visit www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/.

provider to a group in which an individual has a declared conflict of interest, to minimise the risk of bias in the assessment.

11. Each provider would be considered in detail by a small number of panel members who would review the evidence in relation to that provider and form a recommendation about the ratings.

Provisional decisions

12. Groups of panel members would then consider the recommendations and make provisional decisions about the ratings for each provider. The rationales for those ratings would be recorded in a written panel statement. Their assessments and decision-making would be conducted in accordance with published guidance. Panel members would give further consideration as necessary to any of the evidence (all of which would be available), and could make decisions that are different to those recommended.
13. There would be mechanisms to test for consistency across the range of providers being assessed. The chair and deputy chairs would support this process, for example, by bringing all members together to review progress, resolve queries or provide guidance. There would also be mechanisms for escalating decisions for resolution, which could involve members from different groups overseen by the chair.
14. The OfS would draft provisional decision letters, including the provisional written panel statement containing the rationale for the panel's judgements and any other feedback to the provider. Typically, the written panel statement would include:
 - a. The rationale for each aspect rating. This might include a summary of those features that the panel found to be very high quality and those it found to be outstanding quality, and the extent to which it found these to apply across the provider's student groups and types of courses; where relevant, the panel's interpretation of the indicators and evidence in the submissions; and any features the panel found to be clearly below the level of very high quality or of concern, if applicable.
 - b. The rationale for the overall rating. This might state how the proposed guidance on the relationship between aspect and overall ratings was applied and if applicable, how the totality of the evidence was weighed up to decide the overall rating.
15. The provisional decision letter would be sent to the provider. The provider would then be able to make representations if it considers the panel judgements do not appropriately reflect the evidence the panel had available to it.
16. As set out under proposal 8, we would encourage a provider and its TEF student contact to share their submissions before the submission deadline, but we propose to send a copy of the student submission to the provider at this stage to ensure it has access to all the evidence considered by the panel.
17. The OfS would allow the provider 28 days to make any representations. During this period the provider could submit additional information and evidence to explain why it considers the panel's judgements do not appropriately reflect the available evidence. The provider could also request amendments to the draft written panel statement if it considers the statement to contain any factual inaccuracies.

Final decisions

18. Panel members would reconvene after the 28-day period. Any provider that does not make representations would have its outcomes confirmed in a final decision, after which the OfS would publish these outcomes.
19. Panel members would consider any representations made by a provider. They would consider whether the evidence and arguments submitted affect its assessment, and whether the provisional decision remains appropriate or should be amended. The panel members would also consider any changes requested to the written panel statement and the reasons the provider considers these appropriate. Panel members would then make their final decisions, the provider would be informed of those decisions and outcomes would be published.
20. The reason for the proposed approach is that we wish to ensure evidence is thoroughly examined for all providers in a systematic way, that judgements are rigorous and consistent, and assessment bias is avoided.

Conflicts of interest

21. To ensure impartiality in the assessments, panel members with a conflict of interest in relation to a particular provider would not be involved in assessment or decision-making for that provider.
22. A conflict of interest is a situation in which personal interests may compromise, or have the appearance of or potential for, compromising professional judgement and integrity. We intend to take a rigorous and transparent approach to identifying and managing conflicts of interest within the assessment process to protect the integrity of the TEF exercise. This will include publishing both the conflict of interest policy that we will apply and a list of conflicts of interest declared by individual panel members.
23. The conflict of interest policy would set out:
 - the circumstances in which we consider a conflict of interest is likely to exist
 - a requirement for panel members to declare potential conflicts of interest, as set out in the policy, and to keep these updated throughout their term of appointment
 - the action that we intend to take to protect the interests of providers being assessed, and of panel members, where conflicts of interest exist.
24. In our view, a conflict of interest is likely to exist if a panel member has (within five years prior to the assessment, unless a different timeframe is specified):
 - been employed by a provider
 - studied at a provider either at undergraduate or postgraduate level
 - an immediate relative (parent, sibling, child or partner) who has been employed or has studied at a provider
 - been a member of a provider's governing body

- held an honorary position at a provider
- been directly involved in some form of partnership delivery with a provider, for example where their provider is an awarding body or a delivery partner and they have had a role in that partnership
- acted as a consultant, giving paid or unpaid advice to a provider
- undertaken internal or external validation or examination for a provider (including at postgraduate level)
- a financial interest in a provider
- been shortlisted for a post at a provider within the last two years.

25. Where there is a declared conflict in relation to a provider, our policy would be that the individual would not be allocated that provider to assess, would not take part in discussions relating to the provider, and would not have any role in making a decision about the rating for that provider.

If you have feedback on this annex, please respond to question 10.

Annex F: Proposed guidance to the TEF panel on assessing evidence

This annex relates to proposal 11

1. This annex sets out further information – in addition to the issues covered under proposal 8 – that would be included in guidance to the TEF panel members on how to interpret and weigh up the evidence and form rating judgements. We have not prepared full draft guidance at this point as it is our intention to develop it in accordance with the decisions that follow from this consultation.
2. We welcome comments on the content of this annex as well as the proposals set out in the main consultation.
3. We propose to guide panel members to:
 - a. Initially, interpret the available evidence to **identify very high quality and outstanding quality features** within each aspect.
 - b. Then, consider a **rating for each aspect** by weighing up all the evidence relating to each aspect and applying the criteria for aspect ratings.
 - c. Finally, consider the **overall rating** for the provider, applying the criteria for the overall ratings.
4. We do not propose to specify the precise order in which evidence should be considered. We would anticipate that panel members would first familiarise themselves with the package of evidence for a provider and its context, and then refer iteratively to different pieces of evidence as they work through their assessment. It would be likely that they would consider the indicators relating to all a provider's students (in each mode of study) and the submissions at an early stage, before considering in detail the split indicators. In all cases they would make judgements having weighed up all the evidence.
5. Throughout the assessment, panel members would take account of a provider's context. This would be reflected in each source of evidence, including that:
 - a. The submissions could include narrative information about the provider's mission and context.
 - b. The TEF indicators would include data about the size and shape of provision. This could be supplemented by further data in the submissions.
 - c. The TEF indicators would show the provider's performance in relation to its benchmarks, which take account of a range of student and course characteristics.
 - d. Evidence in the provider's and students' submissions would be relevant to the mix of students and courses at the provider.

Identifying very high quality and outstanding quality features

6. Having familiarised themselves with the provider's context, panel members would consider the available evidence to identify 'very high quality' or 'outstanding quality' features (see Annex B) and consider how far they apply across all the provider's student groups and the range of its courses and subjects. They would consider the evidence in both the submissions and the indicators, testing these sources of evidence against each other and weighing them up to identify 'very high quality' or 'outstanding quality' features.

Interpretation of evidence in submissions

7. In considering the **provider and student submissions** panel members would draw on their expertise to interpret and weigh up whether the evidence suggests that a feature or features may be:
 - a. **Outstanding quality**, where there is sufficient evidence that the quality of the student experience or outcomes are among the very best in the sector, for the mix of students and courses concerned.
 - b. **Very high quality**, where there is sufficient evidence that the quality of the student experience or outcomes are materially above any relevant baseline quality requirements, for the mix of students and courses concerned.
8. In considering how compelling the evidence in a **provider submission** is, and how much weight to place on it, we propose the panel would consider the extent to which:
 - a. The evidence is directly relevant to a provider's mix of students and courses. Evidence would be more compelling, and greater weight placed on it, where the submission demonstrates the provider has a clear understanding of its students, tailors its approaches to its mix of students and courses, and demonstrates impact for its students.
 - b. Policies and practices are evidence-based, and their impacts are demonstrated. Evidence would be more compelling, and greater weight placed on it, where a provider's policies and practices are informed by robust evidence, data or evaluation, and there is robust evidence of the impact of these policies and practices in terms of delivering an excellent student experience or student outcomes.
 - c. The evidence overall covers all a provider's student groups and courses within the scope of the TEF assessment. Evidence relating to particular groups of students or courses could be important, for example to demonstrate improvement of specific subjects or the impact of interventions targeted at particular groups of students. However, greater weight would be placed on the totality of evidence relating to a feature, where it covers all the provider's groups of students and courses that are in scope of the TEF.
 - d. The evidence is relevant to the features of excellence related to that aspect. Greater weight would be placed on evidence that is directly relevant to these features, although to ensure the assessment can recognise diverse forms of higher education the proposed features are not intended to be exhaustive. The panel would also consider other evidence presented that is relevant to the quality of the student educational experience and student outcomes.

9. In considering how compelling the evidence in a **student submission** is, and how much weight to place on it, we propose the panel would consider the extent to which:
 - a. The evidence reflects the views of students within the scope of the TEF assessment. Evidence would be more compelling, and greater weight placed on it, where it clearly articulates the views of students, and is broadly representative of all student groups and courses within the scope of the TEF assessment.
 - b. The evidence is relevant to the features of excellence related to that aspect. Greater weight would be placed on evidence that is directly relevant to these features, although to ensure the assessment can recognise diverse forms of higher education the proposed features are not intended to be exhaustive. The panel would also consider other evidence presented that is relevant to the quality of the student educational experience and student outcomes.

Interpretation of indicators

10. When reviewing the **indicators**, panel members would be guided to interpret performance as indicative rather than determinative. We propose the panel would interpret a provider's indicators as initial evidence, to be tested against evidence in the submissions, of:
 - a. **Outstanding quality**, where the indicator is materially above the provider's benchmark. We consider this would indicate that a provider's performance may be among the highest quality in the higher education sector, for its mix of students and courses.
 - b. **Very high quality**, where the indicator is broadly in line with the provider's benchmark. This is because we consider that the English higher education sector is generally high-performing, and many providers deliver an educational experience and support their students to achieve outcomes that are among the best in the world. This is in line with our views set out in our consultation on regulating student outcomes. A provider's performance that is broadly in line with its benchmark would generally indicate that its performance, for its mix of students and courses, was in line with that achieved by other providers in the sector. We propose that we should consider this to be recognised as very high quality.
 - c. **Not very high quality**, where the indicator is materially below the provider's benchmark. We consider that this would not indicate very high quality for its mix of students and courses. However, this would not be taken as definitive evidence that the feature to which the indicator is relevant is not very high quality. The panel members would consider any relevant evidence or further context relating to the indicator within the submission before making a judgement.
11. To support consistent interpretation of the indicators, we propose to define 'materially above' and 'materially below' benchmark in a consistent way. We have considered what values would appropriately signify a material difference from a provider's benchmark and propose that:
 - performance that is at least 2.5 percentage points above benchmark should be considered as materially above benchmark
 - performance that is at least 2.5 percentage points below benchmark should be considered as materially below benchmark

- performance that is within 2.5 percentage points of the benchmark in either direction should be considered as broadly in line with the benchmark.
12. In addition, we recognise that in some cases, a provider's benchmark may be so high that it would be difficult for the provider to materially exceed its benchmark. We propose that where a provider's benchmark for continuation is 95 per cent or higher, and the provider is not materially below its benchmark, the panel would interpret this initially as evidence of **outstanding quality**.
 13. Our supporting analysis and reasons for identifying these values are set out in 'Materiality and high benchmark values for use in interpretation of the TEF indicators'.⁷³
 14. When interpreting the indicators, the panel would consider the level of statistical uncertainty in the position of the provider's indicator against its corresponding benchmark. We propose to use 'shaded bars' to represent the distribution of statistical uncertainty around the difference between the provider's indicator value and its benchmark. Guiding lines included on the display of the shaded bars would indicate where performance could be considered as materially above or below benchmark. Proposals for how this would be presented are described under proposal 9, and are demonstrated in the example 'TEF by provider' data dashboards that we have published alongside our consultation on indicators.⁷⁴
 15. We propose to guide the panel to take account of statistical uncertainty by considering the position of the 'shaded bar' in relation to the 'guiding lines', recognising that the bar may cross one or both of these lines. We propose the panel should interpret the strength of the statistical evidence by using four indicative categories, aligned with those in proposal 6 in our consultation on regulating student outcomes. These categories are deliberately not discrete, as they describe the strength of statistical evidence, which is on a continuous scale, and are designed to avoid arbitrary divisions. The four categories are described with reference to statistical confidence⁷⁵ as follows:
 - a. Around 99 per cent statistical confidence would provide compelling statistical evidence.
 - b. Around 95 per cent or higher statistical confidence would provide very strong statistical evidence.
 - c. Around 90 per cent or higher statistical confidence would provide strong statistical evidence.
 - d. Around 80 per cent or higher statistical confidence would provide probable statistical evidence.
 16. These categories would be used when considering how far a shaded bar is materially above, broadly in line with, or materially below the benchmark. For example:

⁷³ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/.

⁷⁴ Available at www.officeforstudents.org.uk/data-and-analysis/student-outcomes-and-experiences-data-dashboards/tef-by-provider/.

⁷⁵ In this context, statistical confidence should be interpreted from the supplementary table shown alongside the shaded bars. The table reports three figures, each one showing the proportion of the distribution of statistical uncertainty, represented by the shaded bar, that is materially above, broadly in line with, or materially below benchmark.

- a. If 90 per cent of the distribution represented by shaded bar is above the guiding line for 'materially above benchmark' this would provide strong statistical evidence that the provider's performance is materially above its benchmark. It would be interpreted as strong initial evidence of an outstanding feature.
 - b. If 95 per cent of the distribution represented shaded bar is between the two guiding lines, this would provide very strong statistical evidence that the provider's performance is broadly in line with its benchmark. It would be interpreted as very strong initial evidence of a very high quality feature.
17. While we consider the NSS indicators important we do not consider they provide direct measures of the proposed features of the student experience. The NSS indicators would therefore be interpreted as providing part of the evidence needed to identify very high quality or outstanding quality features of the student experience. They would need to be supplemented with further evidence of excellence in the submissions.
18. We consider the outcome indicators provide more direct measures of positive student outcomes. We have proposed some very high quality and outstanding features within the student outcomes aspect (see Annex B) that could be identified without necessarily requiring further evidence in the submission. For example, continuation and completion rates that are materially above a provider's benchmarks could be sufficient evidence for the feature 'There are outstanding rates of continuation and completion for the provider's students and courses'. However, where these indicators are below a provider's benchmark, this would not be determinative that the associated feature is 'not very high quality'. The panel members would consider any relevant evidence or further context relating to this indicator within the submission before making a judgement. This partly recognises that the factors we propose to include in calculating benchmarks do not include all possible factors that could have affected a provider's historical performance.
19. The panel members would primarily consider the indicators that cover all the provider's undergraduate students and courses, within each mode of study. This is because the TEF rating is intended to represent the overall quality of all the provider's courses and students in scope for the TEF assessment. The indicators for each mode of study represent overall performance across all types of courses, subjects and student groups, weighted according to the number of students in each category.
20. Secondly, the panel members would consider the 'split' indicators within each mode of study. As proposed in the indicators consultation, the split indicators would be presented by student characteristics, subject, teaching arrangements, type and level of course, and year (see proposal 2 of the indicators consultation for details on the reporting structure, and proposal 9 for details relating to the types of split indicators). By considering the split indicators we intend for the incentives created by the TEF to apply across the range of student groups, course types and subjects at each provider. We propose that panel members would consider the split indicators in order to:
 - a. Consider how far very high quality and outstanding quality features might apply across all a provider's student groups and range of courses and subjects.

- b. Test the evidence in a provider's submission about its strengths and areas for improvement, including the provider's own analysis and use of the split indicators, alongside any other evidence it determines for itself.
21. The OfS's regulation of access and participation focuses on reducing gaps between student groups. As we propose that the TEF should reinforce but not duplicate our regulation of access and participation, we propose that when considering student characteristic splits the TEF panel members would not focus on gaps between student groups within a provider. Instead, TEF panel members would use the student characteristic splits to consider how far the provider delivers excellence for all its groups of students, relative to its benchmarks for each of those student groups. The panel members would also consider these splits to test evidence in the provider's and student's submission about equality of the student experience and outcomes.
22. We propose that panel members would consider the year splits in combination with evidence in the provider and student submissions, to test evidence about the impact of the pandemic in particular years, or evidence of improvements to the student experience or student outcomes, within the assessment period.
23. We propose that TEF ratings would reflect the quality of the student experience and student outcomes over the four-year period covered by the assessment as a whole, without weighting the years differentially. We have considered whether it would be appropriate to give greater weight to more recent years over earlier years within the four-year period, however we do not propose to do so. This is because we intend that the TEF should create incentives for improvement and excellence that apply continuously (before, during and after assessment exercises) rather than acting more strongly in some years and less strongly in others.
24. Where an indicator is not reportable (see proposal 9), or where there is a high degree of statistical uncertainty in the indicator, panel members would need to place proportionately greater weight on evidence in the submissions to identify a feature as very high quality or outstanding. The onus would be on a provider to ensure there is sufficient evidence of excellence in its submission.

Aspect ratings

25. At this stage panel members will have identified very high quality and outstanding quality features in each aspect and considered how far they apply across the range of students and courses at the provider. Then, panel members would weigh up all the evidence relating to each aspect as a whole, and apply the criteria to make a judgement about the rating for each aspect. The proposed criteria for aspect ratings are in Annex B. We propose that in doing so:
- a. Overall, the indicators would contribute no more than half of the evidence of very high quality or outstanding features, for the aspect. This is because we consider that the indicators based on NSS are important but are not direct measures of the features covered by the student experience aspect; and the student outcome indicators provide measures for only some of the features of the student outcomes aspect.
 - b. Panel members would consider the extent to which the very high quality and outstanding quality features are evident across all groups of students, subjects and course types at the provider.

- c. Panel members would consider the extent to which there are very high quality and outstanding quality features across the aspect as a whole, rather than treating the features as a checklist. Beyond the indicators, a provider could choose to place more or less emphasis on particular features depending on their relevance to its context. For this reason, we propose that the panel members would not assign any predetermined weight to, or equally weight, each feature. In order to consider awarding the highest rating the panel would not, for example, require there to be equally strong evidence across all features, so long as it judges there is evidence of typically outstanding quality across the aspect as a whole.

26. Having considered these issues and weighed up all the evidence relevant to each aspect, panel members would be guided to make a 'best fit' judgement against the criteria for the aspect ratings. The proposed criteria for the aspect ratings (as set out in Annex B) do not seek to describe how every possible combination of very high quality and outstanding quality features would be associated with a particular rating category. It is intended that the panel would use the ratings criteria to decide which of the rating categories is a 'best fit', meaning that the criteria for that rating category are, on the whole, more applicable to all the evidence than the criteria for any other rating category.

Absence of excellence

27. The panel would not award a rating to an aspect where it judges there is an absence of very high quality or outstanding features across that aspect. This would be the case where there are no or minimal very high quality or outstanding features found in that aspect.
28. The panel might also find features of the student experience or outcomes that it considers to be clearly below the level of 'very high quality', or that may be of concern. This may be alongside other features at a provider that it considers to be very high quality or outstanding. In such cases the panel would consider if those features that are clearly below the level of 'very high quality', or that may be of concern, are sufficiently serious or widespread to prevent it from concluding that overall, there is sufficient evidence of excellence to award a rating of Bronze or above.
29. The following non-exhaustive list provides examples that could be considered as clearly below the level of 'very high quality' or that may be of concern:
- a. If a provider's continuation or completion rates are materially below its benchmarks, and the information in the provider's submission does not adequately explain why this is the case or set out an effective approach the provider has in place to support its students to succeed in their studies.
 - b. If there are split indicators that are materially below benchmark for some groups of students and materially above benchmark for others, and the submission does not adequately explain why this is the case or set out an appropriate approach the provider has in place to deliver very high quality courses for all its groups of students.
 - c. If there are split indicators that are materially below benchmark for some subjects and materially above benchmark for others, and the information in the submission does not adequately explain why this is the case or set out an effective approach the provider has in place to deliver very high quality courses in those subjects that are below benchmark.

- d. If the provider's submission does not adequately explain how it engages with its students to ensure a very high quality experience; and the student submission provides reasonable evidence that the provider does not meaningfully do so.
- e. If the submission does not adequately articulate what educational gains the provider intends for its students, or how it supports its students to achieve them.

Overall ratings

- 30. We propose that the rating for each aspect would be considered before determining the overall rating for the provider, and that the process for determining the overall rating would rely on a combination of rules and expert judgement.
- 31. Where each aspect is awarded the same rating, we propose that the overall rating would also be the same (or if neither aspect is awarded a rating, there would be no overall rating). This is because where the same rating is awarded to both aspects, it follows that overall, the student experience and student outcomes would be at the same level.
- 32. Where each aspect is awarded a different rating, we propose the following two rules should apply:
 - a. The overall rating should not be higher than the highest aspect rating.
 - b. The overall rating should be no more than one rating higher than the lowest aspect rating.
- 33. We propose these rules to ensure that the overall rating is coherent with the aspect ratings, and to support consistent decision-making. We have also had regard to the government's guidance that student outcomes should act as 'limiting factors', meaning that a provider should not be able to achieve a high TEF rating if it has poor student outcomes. We consider that the proposed rules would ensure appropriate limits to the overall rating, based on both the quality of the student experience and student outcomes.
- 34. Within these rules the panel would exercise its expert judgement. For example, if a provider had aspects rated Gold and Silver, the rules would not determine whether the overall rating would be Gold or Silver. It would be for the panel to make an overall 'best fit' decision. We propose the panel would do this by:
 - a. Equally weighting the two aspects.
 - b. Considering all the evidence across all features, and across all of the provider's student groups, subjects and courses, to make a 'best fit' judgement against the ratings criteria (see Annex B).
- 35. The effect of these proposals is set out in Figure 5. It shows that one effect of these proposals is that a provider that is awarded a rating for one aspect but not the other could still be considered for a Bronze overall rating.

Figure 5: Relationship between aspect and overall ratings

Student experience aspect rating	Student outcomes aspect rating			
	No rating	Bronze	Silver	Gold
	Overall rating			
	No rating	No rating or Bronze		
	Bronze	Bronze	Bronze or Silver	
Silver	No rating or Bronze	Bronze or Silver	Silver	Silver or Gold
Gold			Silver or Gold	Gold

If you have feedback on this annex, please respond to question 10.

Annex G: Consideration of alternative proposals

1. Alternative options within the broad parameters of the proposed framework, and that relate to particular proposals, are discussed in the main body of this document. We have also considered the following alternatives.

Make no changes to the original TEF approach

2. We have considered operating the next TEF exercise without revising the existing TEF specification⁷⁶ that was published by the Department for Education. We have discounted this approach as the independent review of the TEF identified several issues with the original specification and with the approach to data that would mean continuing to operate this framework would lack credibility with providers and the wider public. As a result, it is unlikely that the TEF would achieve its purpose of incentivising excellence above the quality baseline.
3. The government response to the independent review noted that it wanted the OfS ‘...to develop a revised and invigorated provider-level TEF, that contributes to driving improvements in all higher education courses and supports excellent outcomes for all our students, as part of the OfS’s wider reforms for raising quality across the sector.’ The OfS board has also advised that the purpose of the TEF in future should be to incentivise excellence above the quality baseline, which differs from the purpose set out by the Department for Education in its original TEF specification. Therefore, rather than continue with the existing framework, we have developed proposals for a new one, which is in line with this advice, serves the new purpose, and will be credible.

Run an exercise based only on data

4. We have considered making the TEF an entirely data-driven scheme, by not allowing a written submission from providers (or students, as in our current proposals) and awarding ratings based only on performance in the TEF indicators. However, we discounted this approach because we intend the TEF to look at a broader set of features across the student experience and student outcomes than the proposed indicators can capture.
5. We recognise that delivering an excellent student experience and student outcomes may be evidenced in ways that are not captured by the set of indicators we have proposed, and we are not aware of other indicators that could fully evidence our proposed list of features. For example, the proposed features include ‘educational gains’ which are not captured by any nationally comparable data. It is important that providers can demonstrate the educational gains they expect their students to make. Hence, we judge that providers should submit their own quantitative and qualitative evidence in the form of a provider submission. We also take the view that it is important to hear the experiences of current students in the form of a student submission.

⁷⁶ See www.gov.uk/government/publications/teaching-excellence-and-student-outcomes-framework-specification.

Run an exercise based on inspections

6. We have considered the option of moving the TEF away from a desk-based exercise and using inspections as a means of assessing quality above the baseline within each provider. We have discounted this option for several reasons: universal inspections for all providers would significantly increase the cost and burden of the exercise, and in line with the OfS's general duties, and guidance from the Secretary of State, it would be undesirable to increase burden on providers or the OfS in this way. It would also not be an efficient use of OfS resources, where there is an alternative approach capable of delivering our objectives.

Run an exercise that doesn't consider excellence for a provider's mix of students and courses

7. We have considered using only a provider's absolute performance on an indicator as evidence contributing to a rating, alongside evidence in a written submission. This would mean that 'outstanding quality' ratings would be most likely given to providers that delivered a high level of positive outcomes regardless of their mix of students and courses.
8. We recognise that there is value in looking at the absolute performance, as we expect that each provider should aim to provide the highest quality student experience and deliver the best possible outcomes, regardless of students' characteristics.
9. We discounted this approach because it would not be in line with the purpose of the TEF to incentivise a provider to improve and to deliver excellence above our minimum baseline quality requirements, for its mix of students and courses.

Do not run a TEF exercise

10. We have considered not operating a scheme under section 25 of HERA. However, we consider that we need to operate some form of scheme to incentivise excellence above our baseline quality and standards requirements, so that the widest possible range of students benefit from our overall regulation of quality. We consider the TEF, as set out in the proposals in this consultation document, to be an appropriate and proportionate scheme for such a purpose.

Annex H: Matters to which we have had regard in reaching our proposals

1. In formulating these proposals, the OfS has had regard to:
 - a. Our general duties as set out in section 2 of HERA (reproduced in Annex I).
 - b. The Public Sector Equality Duty.
 - c. Statutory guidance issued by the secretary of state.
 - d. The Regulators' Code.
2. We are mindful that four overarching principles were proposed across the independent review and the government's response (the review proposed transparency, relevance, and robustness, with proportionality proposed by the government). We have not used these principles directly as we consider they are consistent with our general duties, to which we must have regard in all our decisions.

The OfS's general duties

3. We have carefully considered our general duties in relation to our policy intention and in relation to the various aspects of our proposals. Overall, we consider that the proposals in this consultation are relevant to all of our general duties.
4. Our overall policy intention, that the TEF should incentivise excellence in teaching, learning and student outcomes, is underpinned by our general duty relating to quality, choice and opportunity. The intended effect of the TEF is to improve the quality of higher education overall, by improving the student experience and student outcomes.
5. In relation to our policy intention that the TEF should incentivise a provider to improve and to deliver excellence above our minimum baseline quality requirements, **for its mix of students and courses**, our thinking is underpinned by our general duty relating to quality, choice and opportunity in relation to diversity of provision in terms of providers and courses. Our consideration of this can be seen throughout our proposals, in particular that:
 - a. Our proposed 'features of excellence' are expressed in a broad, principles-based way that would be applicable to diverse providers and students, and would avoid constraints on innovation.
 - b. Our proposals for the use of benchmarked data. We consider that for the purpose of the TEF, accounting for the characteristics of a provider's students and the type of courses it offers remains the most effective way of assessing excellence above our minimum requirements.
 - c. Our proposals for provider and student submissions, which enable providers and students to submit evidence that is relevant to a provider's context.
 - d. Our plans to recruit a panel with experience of diverse types of providers and from diverse backgrounds.

- e. Our proposal that the panel would, with reference to the ratings criteria, weight more positively evidence that demonstrates that very high quality or outstanding features apply to all groups of students at a provider.
 - f. Our proposals to split indicators by types of courses, to enable a provider to evaluate how it performs across its courses, and for the panel to consider this in its judgements.
6. In relation to our general duty relating to institutional autonomy, we recognise that beyond our minimum baseline requirements for quality and standards, a provider may pursue excellence as it sees fit, and that means it is not required to respond to the incentives that the TEF creates if it does not wish to do so. However, our proposals are designed to ensure that the incentives the TEF creates apply across a diverse range of higher education providers and courses, and that diversity can be recognised and rewarded within the TEF scheme. This means that a provider can continue to exercise its autonomy in respect of the students it recruits and the courses it offers and can be confident that those choices would not, in themselves, prevent it from achieving a TEF rating for excellence. Because we have placed weight on our general duty relating to institutional autonomy, we have therefore deliberately developed an assessment framework that seeks to recognise autonomy by being flexible about what excellence may look like across the sector.
7. Our policy intention also sets out that we want TEF ratings to create incentives by putting a spotlight on the quality of a provider's courses, influencing its reputation and informing student choice. Our intention here is informed by our general duties relating to quality, choice and opportunity and competition where this is in the interests of students and employers. Our intention is that as well as benefitting students by incentivising providers to deliver excellence, the TEF should influence student choice, alongside other information available to students. Ratings that differentiate levels of excellence, as well as more detailed information about how a provider delivers for its mix of students and courses, will support students to make informed choices and incentivise providers to make improvements to retain or improve their market positions and attractiveness to potential students.
8. We have carefully considered our general duty relating to value for money.⁷⁷ We judge that incentivising excellence through the TEF will lead to better value for students, and that there will be wider benefits. For example, by highlighting effective approaches that lead to improved student experiences and outcomes, the TEF will support wider improvements in quality across the sector. This will increase providers' capacity to deliver courses that represent value for money for students and taxpayers.
9. We have also had regard to our general duty relating to equality of opportunity.⁷⁸ The proposals would incentivise excellence for all groups of students at a provider. Our proposals to split indicators by student characteristics enable a provider to evaluate how it performs for different groups of students, and enable the panel to consider this in its judgements. The panel

⁷⁷ Throughout this document, where we refer to this general duty we are referring to our general duty to have regard to the need to promote value for money in the provision of higher education by English higher education providers, under s.2(1)(d) of HERA.

⁷⁸ Throughout this document, where we refer to this general duty we are referring to our general duty to have regard to the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers, under s.2(1)(e) of HERA.

would weight more positively evidence that demonstrates excellence for all groups of a provider's students.

10. Throughout our proposals we have considered the principles of best regulatory practice and consider that:
 - a. Our approach is transparent for providers because we have set out proposals about what they would be expected to do to participate in the TEF and how their evidence would be judged.
 - b. Our proposals for TEF outcomes provide clear and useful information about the judgements made and the ratings awarded, in a way that is accessible for multiple stakeholders, creating both transparency and accountability.
 - c. Our proposals for the features of excellence, and the processes for decision-making ensure consistency throughout the exercise, while also ensuring we take into account each provider's particular context.
11. We have had regard to the principle that our activity should be proportionate and have considered the burden on providers, as well as our general duty relating to the efficient, effective and economic use of OfS resources. We have considered this in the context of our separate proposals that are concerned with regulating baseline quality and standards, where we adopt a risk-based approach. We consider the proposed approach to the TEF set out in this consultation to be an appropriate and proportionate way to achieve our policy intention. In particular:
 - a. We consider that our proposals for a four-year cycle and provider-level ratings would mean continuous incentives are created for providers. More frequent assessment, which would be more burdensome, is not required.
 - b. We do not consider that a TEF exercise that results in individual subject-level ratings (which would require a larger scale, more burdensome exercise) is required in order to deliver our policy intention of incentivising excellence. We consider that considering data about all groups of a provider's students and across the range of its courses and subjects when making a provider-level assessment will provide a sufficiently strong incentive.
 - c. For smaller providers – those with fewer than 500 students – we have balanced proportionality against our general duty that relates to promoting quality, choice and opportunity. We consider it appropriate that the TEF is voluntary for smaller providers. At the same time, our proposals are deliberately designed to accommodate the assessment of smaller providers where they choose to take part (for example, by placing greater emphasis than before on the evidence in provider submissions compared with the indicators).

The Public Sector Equality Duty

12. We have had regard to Schedule 1, paragraph 21 of HERA, which extends the Equality Act 2010, and therefore the Public Sector Equality Duty, to the OfS. This requires the OfS to have due regard to eliminating unlawful discrimination, foster good relations between different groups and take steps to advance equality of opportunity. Related to this, we have had regard

to our published equality and diversity objectives and action plan,⁷⁹ in particular the following objectives:

- a. Objective 4, which states that the OfS will work to address the risk of some students not receiving a high quality higher education experience. It lists as a priority ‘implementing the initial and ongoing conditions of registration for quality to drive a high quality academic experience for all students, giving explicit attention to the outcomes for students from underrepresented groups.’
 - b. Objective 1, which states that the OfS will develop, implement and consult on our equality, diversity and inclusion objectives, evidence base, impact assessments and action plan to ensure successful implementation of our Public Sector Equality Duty.
 - c. Objective 3, which states that the OfS will challenge the sector to significantly reduce gaps in access, success and progression for students from all backgrounds and identities, and across all disciplines.
 - d. Objective 5, which states that the OfS will work to reduce the risk that some students are prevented from maximising their outcomes through their higher education experience and therefore do not maximise their potential in terms of employment or further study.
13. We have also had regard to the Equality Impact Assessment conducted in relation to the OfS’s regulatory framework,⁸⁰ which assessed the impact of condition B6 as positive, stating that the TEF is expected ‘to provide a benefit to current and potential students regardless of their individual equality protected characteristics or social background’ and that through offering reputational rewards the TEF is expected ‘to drive improvements in teaching quality and student outcomes across the sector for all students’.
14. Through this consultation we are seeking views on any unintended consequences of our proposals, for example on particular types of provider or student. We are also seeking views about the potential impact of our proposals on individuals on the basis of their protected characteristics. Responses to this consultation will inform our assessment of the impact of our proposals on different groups.
15. We will continue to have due regard for our obligations under the Equality Act 2010, as we consider responses to this consultation and as we subsequently make final decisions on our future approach to the TEF.

Guidance issued by the Secretary of State

16. In developing our proposals we have had regard to the February 2021 guidance issued by the Secretary of State under section 2(3) of HERA⁸¹ which asked the OfS to interpret the

⁷⁹ Our equality and diversity statement and objectives, and our equality and diversity action plan, are available at www.officeforstudents.org.uk/about/equality-and-diversity/.

⁸⁰ See www.officeforstudents.org.uk/publications/equality-impact-assessment-regulatory-framework-for-higher-education/.

⁸¹ See the OfS’s ‘Guidance from government’ page at www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/.

government's response⁸² to the independent review of the TEF as statutory guidance. Set out below are the ways in which our proposals take account of this guidance

Purpose

17. In its response to the review, the government set out its vision for a revised TEF that 'contributes to driving improvements in all higher education provision and supports excellent outcomes for all our students, as part of the OfS's wider reforms for raising quality across the sector'. Our proposals position the TEF within our overall approach to regulating quality and standards and strengthen the incentives for improvement across the sector in the interests of all students.
18. The government's response to the review also referred to the TEF's role in informing student choice. Our proposed ratings are designed to give a clear signal about a provider's excellence, which would supplement the range of more detailed information that students consider when deciding what and where to study. We consider that the TEF's influence on student choice will create incentives for improvement for all providers.

Minimising burden

19. The government asked the OfS to ensure that the revised TEF minimises burden on providers, including through developing a provider-level scheme rather than proceeding with the development of subject-level ratings. The government also asked that the exercise take place every 4 or 5 years rather than annually.
20. We are seeking to minimise burden on providers by proposing to conduct provider-level assessments on a periodic basis, every four years. Other ways in which our proposals would minimise burden include:
 - a. Encouraging providers, where possible, to draw on evidence they already use to monitor and evaluate quality when preparing their submissions.
 - b. Submission page limits.
 - c. Constructing indicators for use in assessment of condition B3 and for the TEF from existing data sources.
 - d. Aligning as far as possible the construction of indicators used in assessments of condition B3 and for the TEF.

Assessment framework

21. The government's response considered that 'student academic experience' would be a more appropriate aspect than 'student satisfaction'. We propose to assess two aspects: the student experience and student outcomes.
22. The government's response agreed with the independent review that there should be four TEF ratings, suggesting that the top three should be signifiers of excellence of varying degrees and

⁸² See the government response to Dame Shirley Pearce's Independent Review of the Teaching Excellence and Student Outcomes Framework (TEF), www.gov.uk/government/publications/government-response-to-the-independent-review-of-tef.

a new bottom category should capture any provider failing to show sufficient evidence of excellence. We propose three rating categories signifying degrees of excellence, and that no rating should be awarded where there is an absence of excellence.

Evidence

23. In line with the independent review's recommendation, the government's response suggested that TEF ratings should be derived from robust data and structured submissions from both providers and students. We propose three main sources of evidence as a basis for forming TEF ratings: submissions from providers and from students, and indicators produced by the OfS.
24. Our proposals for the indicators take account of the recommendations of the review of the statistical methods used in the TEF that was conducted by the Office for National Statistics (ONS). In particular, we have sought to improve communication of the statistical uncertainty that exists around the observed values in the data and transparency of our statistical methods. Further detail is provided in proposal 11 of our related indicators consultation.
25. Another issue for consideration raised by the government was whether and how educational gains can be reliably measured. We propose to include educational gains within the assessment and, given the current absence of a national measure, that a provider should include in its submission evidence about the educational gains of its students.
26. The government considered that the outcomes of the NSS review will be important in determining the role that NSS plays in the TEF assessment in future. Our proposals take account of the phase one report⁸³ of the NSS review which found that the NSS has value as 'an independent survey of student perception of their academic experience'. Once the second phase of the NSS review has concluded we will consider its findings and any implications for the subsequent TEF exercise.

Assessment

27. As a means of ensuring the credibility of TEF ratings, the government response considered that student outcomes should act as 'limiting factors', meaning that a provider should not be able to achieve a high TEF rating if it has poor student outcomes. We are proposing a number of design features that would place limitations on the overall rating a provider could receive, as set out in proposal 11.

The name of the scheme

28. The government response stated that it would like the scheme to continue to be known as the Teaching Excellence and Student Outcomes Framework (TEF). While we propose retaining the TEF acronym, for the reasons set out in proposal 14, our proposal is to shorten the full name of the scheme to the 'Teaching Excellence Framework'.

Implementation

29. The government response stated that the new TEF should be in place and assessments completed and published by September 2022. We propose to implement the next exercise as

⁸³ See the NSS review: Phase one report, www.officeforstudents.org.uk/publications/nss-review-phase-one-report/.

quickly as is practicable, which would involve opening the submission window in autumn 2022 and publishing outcomes in spring 2023.

Equality of opportunity

30. We have also had regard to the December 2021 guidance issued by the Secretary of State under section 2(3) of HERA⁸⁴ and in particular have had regard the guidance that '[p]roviders should not be incentivised, nor rewarded, for recruiting disadvantaged students onto courses where too many students drop out or that do not offer good graduate outcomes'.

The Regulators' Code

31. We have had regard to the Regulators' Code.⁸⁵ Section 1 is particularly relevant, which discusses the need for regulators to 'carry out their activities in a way that supports those they regulate to comply and grow'.
32. Paragraph 1.1 requires regulators to have due regard for avoiding the imposition of 'unnecessary regulatory burdens through their regulatory activities'. Throughout our proposals, we have explained why we are proposing this particular approach to the TEF and why it is the lowest burden solution we consider will achieve our aims.
33. Section 5 is also relevant, which discusses the need for regulators to make available 'clear information, guidance and advice to help those they regulate meet their responsibilities to comply'.
34. Paragraph 5.3 requires regulators to have 'mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs'. As part of this consultation, we are seeking views on what would be included in guidance for providers and students on how to participate in the next TEF exercise.

The Code of Practice for Statistics

35. We have taken account of the Code of Practice for Statistics in preparing our proposals for the statistical evidence to be used in TEF assessments. We have sought to comply with the Code in the following ways:
- a. Trustworthiness – We have set out in these proposals (and in our separate consultation on data indicators) our approach to producing statistics that describe student outcomes and experience. In doing so, we have had regard to the need to explain what judgements we have made about the data and methods we have used, and their strengths and limitations. Wherever possible, we have also made available the underpinning evidence and calculations to ensure transparency and support understanding of the proposals.
 - b. Quality – In our consultations we have been transparent about the methods and data sources our proposals rely on, and why we consider these to be the most appropriate. We

⁸⁴ See footnote 81.

⁸⁵ See www.gov.uk/government/publications/regulators-code.

have also sought advice from statistical experts external to the OfS in developing our proposals through the TEF Metrics Peer Review Group.

- c. Value – Our intention is that the data about student outcomes and experience used for the TEF should be published as official statistics to ensure accountability and accessibility of the information. We have reviewed and improved our approach to the statistical elements of the TEF, as well as seeking to ensure coherence with our approach to the regulation of quality and access and participation, and this is reflected in our proposals for the new framework. We have committed to appropriately communicate the statistical uncertainty associated with our interpretation of the underlying performance of a provider in ways that can be easily understood by users, and we have developed guidance to explain the statistics and how to interpret them. Their presentation has been informed by engagement with potential users and we are seeking further feedback from users through the data indicators consultation.

Annex I: Section 2 of the Higher Education and Research Act 2017

2. General duties

1. In performing its functions, the OfS must have regard to –
 - a. the need to protect the institutional autonomy of English higher education providers,
 - b. the need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers,
 - c. the need to encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers,
 - d. the need to promote value for money in the provision of higher education by English higher education providers,
 - e. the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers,
 - f. the need to use the OfS's resources in an efficient, effective and economic way, and
 - g. so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be –
 - i. transparent, accountable, proportionate and consistent, and
 - ii. targeted only at cases in which action is needed.
2. The reference in subsection (1)(b) to choice in the provision of higher education by English higher education providers includes choice amongst a diverse range of—
 - a. types of provider,
 - b. higher education courses, and
 - c. means by which they are provided (for example, full-time or part-time study, distance learning or accelerated courses).
3. In performing its functions, including its duties under subsection (1), the OfS must have regard to guidance given to it by the Secretary of State.
4. In giving such guidance, the Secretary of State must have regard to the need to protect the institutional autonomy of English higher education providers.
5. The guidance may, in particular, be framed by reference to particular courses of study but, whether or not the guidance is framed in that way, it must not relate to—

- a. particular parts of courses of study,
 - b. the content of such courses,
 - c. the manner in which they are taught, supervised or assessed,
 - d. the criteria for the selection, appointment or dismissal of academic staff, or how they are applied, or
 - e. the criteria for the admission of students, or how they are applied.
6. Guidance framed by reference to a particular course of study must not guide the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.
7. Guidance given by the Secretary of State to the OfS which relates to English higher education providers must apply to such providers generally or to a description of such providers.
8. In this Part, 'the institutional autonomy of English higher education providers' means –
- a. the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way,
 - b. the freedom of English higher education providers –
 - i. to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
 - ii. to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
 - iii. to determine the criteria for the admission of students and apply those criteria in particular cases, and
 - c. the freedom within the law of academic staff at English higher education providers –
 - i. to question and test received wisdom, and
 - ii. to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.



© The Office for Students copyright 2022

This publication is available under the Open Government Licence 3.0 except where it indicates that the copyright for images or text is owned elsewhere.

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/